

STATE OF NEW YORK

8808--B

IN ASSEMBLY

January 17, 2024

A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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); intentionally omitted (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); intentionally omitted (Part H); intentionally omitted (Part I); to amend part FF of chapter 55 of the laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to the effectiveness thereof (Part J); intentionally omitted (Part K); to amend the executive law, the criminal procedure law, the retirement and social security law and the tax law, in relation to creating the Waterfront Commission Act; and to repeal chapter 882 of the laws of 1953 relating to waterfront employment and air freight industry regulation (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,

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

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in relation to siting of build ready-sites (Part M); in relation to authorizing the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation from an assessment on gas and electric corporations, requiring the New York state energy research and development authority to develop recommendations regarding the establishment of microgrids, directing the New York state energy research and development authority to prepare a report regarding the replacement of decommissioned or dormant electric generating sites with renewable energy development and energy storage opportunities, and directing the New York state energy research and development authority to conduct a highway and depot charging needs evaluation (Part N); to amend the public service law, the eminent domain procedure law, the energy law, the environmental conservation law and the public authorities law, in relation to transferring the functions of the office of renewable energy siting to the department of public service and relating to the permitting of electric utility transmission facilities; to amend part JJJ of chapter 58 of the laws of 2020 amending the public service law, the executive law, the public authorities law, the environmental conservation law and the state finance law relating to accelerating the growth of renewable energy facilities to meet critical state energy policy goals, in relation to annual reports on findings to enable the state to meet the CLCPA targets in an orderly and cost-effective manner; to amend the labor law and the public service law, in relation to labor contracts for renewable energy systems and other covered projects; to repeal certain provisions of the executive law relating to the major renewable energy development program; to repeal certain provisions of the public service law relating to siting of major steam electric generating facilities; and providing for the repeal of certain provisions upon the expiration thereof (Part O); intentionally omitted (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); intentionally omitted (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); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part V); intentionally omitted (Part W); to amend the economic development law, in relation to increasing the cap on grants to entrepreneurship assistance centers (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);

to amend the New York state urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part Z); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act relating to the powers of the New York state urban development corporation to make loans, in relation to extending loan powers (Part 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); intentionally omitted (Part DD); to amend the insurance law, in relation to cost sharing for covered prescription insulin drugs (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); to amend 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 extending the provisions thereof (Part KK); intentionally omitted (Part LL); intentionally omitted (Part MM); to amend the insurance law, in relation to rates for livery insurance (Part NN); to direct the metropolitan transportation authority to establish and implement a fare-free bus pilot program in the city of New York (Part OO); to amend the economic development law and the labor law, in relation to economic and workforce development reporting (Part PP); and to amend the public service law, in relation to establishing an energy affordability program to reduce the residential household energy burden of eligible low-income residential customers (Part QQ)

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

1 Section 1. This act enacts into law major components of legislation
2 necessary to implement the state transportation, economic development
3 and environmental conservation budget for the 2024-2025 state fiscal
4 year. Each component is wholly contained within a Part identified as
5 Parts A through QQ. The effective date for each particular provision
6 contained within such Part is set forth in the last section of such
7 Part. Any provision in any section contained within a Part, including
8 the effective date of the Part, which makes a reference to a section "of
9 this act", when used in connection with that particular component, shall
10 be deemed to mean and refer to the corresponding section of the Part in
11 which it is found. Section three of this act sets forth the general
12 effective date of this act.

13 PART A

14 Section 1. Section 3 of part PP of chapter 54 of the laws of 2016
15 amending the public authorities law and the general municipal law relat-
16 ing to the New York transit authority and the metropolitan transporta-
17 tion authority, as amended by section 1 of part C of chapter 58 of the
18 laws of 2023, is amended to read as follows:

19 § 3. This act shall take effect immediately; provided that the amend-
20 ments to subdivision 1 of section 119-r of the general municipal law

1 made by section two of this act shall expire and be deemed repealed
 2 April 1, [~~2024~~] 2025, and provided further that such repeal shall not
 3 affect the validity or duration of any contract entered into before that
 4 date pursuant to paragraph f of such subdivision.
 5 § 2. This act shall take effect immediately.

6 PART B

7 Intentionally Omitted

8 PART C

9 Intentionally Omitted

10 PART D

11 Intentionally Omitted

12 PART E

13 Section 1. Section 1 of part I of chapter 413 of the laws of 1999,
 14 relating to providing for mass transportation payments, as amended by
 15 section 1 of part E of chapter 58 of the laws of 2022, is amended to
 16 read as follows:

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

22 In establishing service and usage formulas for distribution of mass
 23 transportation operating assistance, the commissioner of transportation
 24 may combine and/or take into consideration those formulas used to
 25 distribute mass transportation operating assistance payments authorized
 26 by separate appropriations in order to facilitate program administration
 27 and to ensure an orderly distribution of such funds.

28 To improve the predictability in the level of funding for those
 29 systems receiving operating assistance payments under service and usage
 30 formulas, the commissioner of transportation is authorized with the
 31 approval of the director of the budget, to provide service payments
 32 based on service and usage statistics of the preceding year.

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

39	Percentage
40	of Matching
41	Local Jurisdiction Payment
42	-----
43	In the Metropolitan Commuter

1	Transportation District:		
2	New York City	6.40	
3	Dutchess	1.30	
4	Nassau	39.60	
5	Orange	0.50	
6	Putnam	1.30	
7	Rockland	0.10	
8	Suffolk	25.70	
9	Westchester	25.10	
10	In the Capital District Trans-		
11	portation District:		
12	Albany	[55.27]	<u>54.05</u>
13	Rensselaer	[22.96]	<u>22.45</u>
14	Saratoga	[4.04]	<u>3.95</u>
15	Schenectady	[16.26]	<u>15.90</u>
16	Montgomery	[1.47]	<u>1.44</u>
17	<u>Warren</u>	<u>2.21</u>	
18	In the Central New York Re-		
19	gional Transportation Dis-		
20	trict:		
21	Cayuga	5.11	
22	Onondaga	75.83	
23	Oswego	2.85	
24	Oneida	16.21	
25	In the Rochester-Genesee Re-		
26	gional Transportation Dis-		
27	trict:		
28	Genesee	1.36	
29	Livingston90	
30	Monroe	90.14	
31	Wayne98	
32	Wyoming51	
33	Seneca64	
34	Orleans77	
35	Ontario	4.69	
36	In the Niagara Frontier Trans-		
37	portation District: Erie		89.20
38	Niagara	10.80	

39 Notwithstanding any other inconsistent provisions of section 18-b of
40 the transportation law or any other law, any moneys provided to a public
41 benefit corporation constituting a transportation authority or to other
42 public transportation systems in payment of state operating assistance
43 or such lesser amount as the authority or public transportation system
44 shall make application for, shall be paid by the commissioner of trans-
45 portation to such authority or public transportation system in lieu, and
46 in full satisfaction, of any amounts which the authority would otherwise
47 be entitled to receive under section 18-b of the transportation law.

48 Notwithstanding the reporting date provision of section 17-a of the
49 transportation law, the reports of each regional transportation authori-
50 ty and other major public transportation systems receiving mass trans-
51 portation operating assistance shall be submitted on or before July 15
52 of each year in the format prescribed by the commissioner of transporta-
53 tion. Copies of such reports shall also be filed with the chairpersons
54 of the senate finance committee and the assembly ways and means commit-
55 tee and the director of the budget. The commissioner of transportation

1 may withhold future state operating assistance payments to public trans-
2 portation systems or private operators that do not provide such reports.

3 Payments may be made in quarterly installments as provided in subdivi-
4 sion 2 of section 18-b of the transportation law or in such other manner
5 and at such other times as the commissioner of transportation, with the
6 approval of the director of the budget, may provide; and where payment
7 is not made in the manner provided by such subdivision 2, the matching
8 payments required of any city, county, Indian tribe or intercity bus
9 company shall be made within 30 days of the payment of state operating
10 assistance pursuant to this section or on such other basis as may be
11 agreed upon by the commissioner of transportation, the director of the
12 budget, and the chief executive officer of such city, county, Indian
13 tribe or intercity bus company.

14 The commissioner of transportation shall be required to annually eval-
15 uate the operating and financial performance of each major public trans-
16 portation system. Where the commissioner's evaluation process has iden-
17 tified a problem related to system performance, the commissioner may
18 request the system to develop plans to address the performance deficien-
19 cies. The commissioner of transportation may withhold future state oper-
20 ating assistance payments to public transportation systems or private
21 operators that do not provide such operating, financial, or other infor-
22 mation as may be required by the commissioner to conduct the evaluation
23 process.

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

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

47 Notwithstanding the provisions of subdivision 4 of section 18-b of the
48 transportation law, the commissioner of transportation is authorized to
49 continue to use prior quarter statistics to determine current quarter
50 payment amounts, as initiated in the April to June quarter of 1981. In
51 the event that actual revenue passengers and actual total number of
52 vehicle, nautical or car miles are not available for the preceding quar-
53 ter, estimated statistics may be used as the basis of payment upon
54 approval by the commissioner of transportation. In such event, the
55 succeeding payment shall be adjusted to reflect the difference between
56 the actual and estimated total number of revenue passengers and vehicle,

1 nautical or car miles used as the basis of the estimated payment. The
2 chief executive officer may apply for less aid than the system is eligi-
3 ble to receive. Each quarterly payment shall be attributable to operat-
4 ing expenses incurred during the quarter in which it is received, unless
5 otherwise specified by such commissioner. In the event that a public
6 transportation system ceases to participate in the program, operating
7 assistance due for the final quarter that service is provided shall be
8 based upon the actual total number of revenue passengers and the actual
9 total number of vehicle, nautical or car miles carried during that quar-
10 ter.

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

13 In the event that an audit of a public transportation system or
14 private operator receiving funds discloses the existence of an overpay-
15 ment of state operating assistance, regardless of whether such an over-
16 payment results from an audit of revenue passengers and the actual
17 number of revenue vehicle miles statistics, or an audit of private oper-
18 ators in cases where more than a reasonable return based on equity or
19 operating revenues and expenses has resulted, the commissioner of trans-
20 portation, in addition to recovering the amount of state operating
21 assistance overpaid, shall also recover interest, as defined by the
22 department of taxation and finance, on the amount of the overpayment.

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

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

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

39 PART F

40 Section 1. Section 5 of chapter 751 of the laws of 2005, amending the
41 insurance law and the vehicle and traffic law relating to establishing
42 the accident prevention course internet technology pilot program, as
43 amended by section 1 of part 0 of chapter 58 of the laws of 2022, is
44 amended to read as follows:

45 § 5. This act shall take effect on the one hundred eightieth day after
46 it shall have become a law and shall expire and be deemed repealed April
47 1, ~~2024~~ 2026; provided that any rules and regulations necessary to
48 implement the provisions of this act on its effective date are author-
49 ized and directed to be completed on or before such date.

50 § 2. This act shall take effect immediately.

51 PART G

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

5 § 13. This act shall take effect immediately; provided however that
6 sections one through seven of this act, the amendments to subdivision 2
7 of section 205 of the tax law made by section eight of this act, and
8 section nine of this act shall expire and be deemed repealed on April 1,
9 [~~2024~~] 2026; provided further, however, that the provisions of section
10 eleven of this act shall take effect April 1, 2004 and shall expire and
11 be deemed repealed on April 1, [~~2024~~] 2026.

12 § 2. Section 2 of part B of chapter 84 of the laws of 2002, amending
13 the state finance law relating to the costs of the department of motor
14 vehicles, as amended by section 2 of part P of chapter 58 of the laws of
15 2022, is amended to read as follows:

16 § 2. This act shall take effect April 1, 2002; provided, however, if
17 this act shall become a law after such date it shall take effect imme-
18 diately and shall be deemed to have been in full force and effect on and
19 after April 1, 2002; provided further, however, that this act shall
20 expire and be deemed repealed on April 1, [~~2024~~] 2026.

21 § 3. This act shall take effect immediately.

22 PART H

23 Intentionally Omitted

24 PART I

25 Intentionally Omitted

26 PART J

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

31 § 3. This act shall take effect April 1, 2017; provided, however, that
32 section one of this act shall expire and be deemed repealed April 1,
33 [~~2024~~] 2026.

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

36 PART K

37 Intentionally Omitted

38 PART L

39 Section 1. Chapter 882 of the laws of 1953 relating to waterfront
40 employment and air freight industry regulation is REPEALED.

41 § 2. The executive law is amended by adding a new article 19-I to read
42 as follows:

ARTICLE 19-I
WATERFRONT COMMISSION ACT

Section 534. Short title.

534-a. Legislative findings and declarations.

534-b. Definitions.

534-c. New York waterfront commission established.

534-d. General powers of the commission.

534-e. Designation as agent of the state.

534-f. Pier superintendents and hiring agents.

534-g. Stevedores.

534-h. Prohibition of public loading.

534-i. Longshore workers' register.

534-j. List of qualified longshore workers for employment as checkers.

534-k. Regularization of longshore workers' employment.

534-l. Suspension or acceptance of applications for inclusion in the longshore workers' register; exceptions.

534-m. Port watchers.

534-n. Hearings, determinations and review.

534-o. Employment information centers.

534-p. Implementation of telecommunications hiring system for longshore workers and checkers; registration of telecommunications system controller.

534-q. Construction of act.

534-r. Certain solicitations prohibited; prohibition against the holding of union position by officers, agents or employees who have been convicted of certain crimes and offenses.

534-s. General violations; prosecutions; penalties.

534-t. Denial of applications.

534-u. Revocation of licenses and registrations.

534-v. Refusal to answer question, immunity; prosecution.

534-w. Annual preparation of a budget request and assessments.

534-x. Payment of assessment.

534-y. Transfer of officers, employees.

§ 534. Short title. This article shall be known and may be cited as the "waterfront commission act".

§ 534-a. Legislative findings and declarations. 1. The state of New York hereby finds and declares that:

(a) In 1953, the conditions under which waterfront labor was employed within the port of New York district were depressing and degrading to such labor, resulting from the lack of any systematic method of hiring, the lack of adequate information as to the availability of employment, corrupt hiring practices and the fact that persons conducting such hiring were frequently criminals and persons notoriously lacking in moral character and integrity and neither responsive or responsible to the employers nor to the uncoerced will of the majority of the members of the labor organizations of the employees; that as a result waterfront laborers suffered from irregularity of employment, fear and insecurity, inadequate earnings, an unduly high accident rate, subjection to borrowing at usurious rates of interest, exploitation and extortion as the price of securing employment and a loss of respect for the law; that not only did there result a destruction of the dignity of an important segment of American labor, but a direct encouragement of crime which imposed a levy of greatly increased costs on food, fuel and other necessities handled in and through the port of New York district.

1 **(b) Many of these evils resulted not only from the causes above**
2 **described but from the practices of public loaders at piers and other**
3 **waterfront terminals. Such public loaders served no valid economic**
4 **purpose and operated as parasites exacting a high and unwarranted toll**
5 **on the flow of commerce in and through the port of New York district,**
6 **and used force and engaged in discriminatory and coercive practices**
7 **including extortion against persons not desiring to employ them. The**
8 **states of New York and New Jersey found that the function of loading and**
9 **unloading trucks and other land vehicles at piers and other waterfront**
10 **terminals should be performed, as in every other major American port,**
11 **without the evils and abuses of the public loader system, and by the**
12 **carriers of freight by water, stevedores and operators of such piers and**
13 **other waterfront terminals or the operators of such trucks or other land**
14 **vehicles.**

15 **(c) Many of the above described evils also resulted from the lack of**
16 **regulation of the occupation of stevedores, who engaged in corrupt prac-**
17 **tices to induce their hire by carriers of freight by water and to induce**
18 **officers and representatives of labor organizations to betray their**
19 **trust to the members of such labor organizations.**

20 **(d) The method of employment of longshore workers and port watchers,**
21 **commonly known as the "shape-up", resulted in vicious and notorious**
22 **abuses, of which such employees were the principal victims. There was**
23 **compelling evidence that the shape-up permitted and encouraged extortion**
24 **from employees as the price of securing or retaining employment and**
25 **subjected such employees to threats of violence, unwilling joinder in**
26 **unauthorized labor disturbances and criminal activities on the water-**
27 **front. The shape-up resulted in a loss of fundamental rights and liber-**
28 **ties of labor, impaired the economic stability of the port of New York**
29 **district and weakened law enforcement therein. The states of New York**
30 **and New Jersey found that these practices and conditions must be elimi-**
31 **nated to prevent grave injury to the welfare of waterfront laborers and**
32 **of the people at large and that the elimination of the shape-up and the**
33 **establishment of a system of employment information centers were neces-**
34 **sary to a solution for these public problems.**

35 **(e) The two states found that the occupations of longshore workers,**
36 **stevedores, pier superintendents, hiring agents and port watchers were**
37 **affected with a public interest requiring their regulation and that such**
38 **regulation was deemed an exercise of the police power of the two states**
39 **for the protection of the public safety, welfare, prosperity, health,**
40 **peace and living conditions of the people of the two states. The Water-**
41 **front Commission of New York Harbor ("bi-state commission") was formed**
42 **through a congressionally approved compact to investigate, deter, combat**
43 **and remedy criminal activity and influence in the port and to ensure**
44 **fair hiring and employment practices so that the port and region could**
45 **grow and prosper.**

46 **(f) The bi-state commission worked to break the cycle of corruption at**
47 **the port, and effectuated transformative changes on the waterfront. Its**
48 **efforts led to the conviction of organized-crime members and associates**
49 **for murder, extortion, drug trafficking, theft, racketeering, illegal**
50 **gambling, and loansharking, among other crimes. In recent years, its**
51 **investigations led to prosecutions of union officials and members of the**
52 **traditional organized crime families which have been found to control or**
53 **exert significant influence over the union of dockworkers and commercial**
54 **activity on the waterfront. The bi-state commission's investigations**
55 **also led to the exclusion or removal from the port workforce of individ-**
56 **uals who were convicted of serious crimes or were associated with organ-**

1 ized crime. It worked to overcome discrimination and other unfair hiring
2 practices and continued to extirpate corruption and racketeering in the
3 port of New York district until New Jersey's withdrawal from the
4 bi-state compact pursuant to chapter 324 of the laws of 2017 of the
5 state of New Jersey.

6 (g) Although law enforcement's efforts against traditional organized
7 crime influence have been successful, such influence remains a signif-
8 icant threat in the New York metropolitan area, particularly in the
9 port. Continued oversight is essential to ensure fair and nondiscrimina-
10 tory hiring practices, to eliminate labor racketeering and the victimi-
11 zation of legitimate union members and port businesses, and to prevent
12 organized crime figures from directly operating at the critical points
13 of interstate and international shipping.

14 § 534-b. Definitions. The following terms shall have the following
15 meanings:

16 1. "Act" shall mean this article and rules or regulations lawfully
17 promulgated thereunder and shall include any amendments or supplements
18 to this article to implement the purposes thereof.

19 2. "Bi-state commission" shall mean the Waterfront Commission of New
20 York Harbor established by the state of New York pursuant to P.L. 1953,
21 c.882 (NY Unconsol. Ch.307, s.1) and by the state of New Jersey pursuant
22 to its agreement thereto under P.L.1953, c.202 (C.32:23-1 et seq.).

23 3. "Carrier of freight by water" shall mean any person who may be
24 engaged or who may hold oneself out as willing to be engaged, whether as
25 a common carrier, as a contract carrier or otherwise (except for
26 carriage of liquid cargoes in bulk in tank vessels designed for use
27 exclusively in such service or carriage by barge of bulk cargoes
28 consisting of only a single commodity loaded or carried without wrappers
29 or containers and delivered by the carrier without transportation mark
30 or count) in the carriage of freight by water between any point in the
31 port of New York district and a point outside said district.

32 4. "Container" shall mean any receptacle, box, carton or crate which
33 is specifically designed and constructed so that it may be repeatedly
34 used for the carriage of freight by a carrier of freight by water.

35 5. "Checker" shall mean a longshore worker who is employed to engage
36 in direct and immediate checking of waterborne freight or of the custo-
37 dial accounting therefor or in the recording or tabulation of the hours
38 worked at piers or other waterfront terminals by natural persons
39 employed by carriers of freight by water or stevedores.

40 6. "Commission" shall mean the New York waterfront commission estab-
41 lished by section five hundred thirty-four-c of this article.

42 7. "Career offender" shall mean a person whose behavior is pursued in
43 an occupational manner or context for the purpose of economic gain
44 utilizing such methods as are deemed criminal violations against the
45 public policy of the state of New York.

46 8. "Career offender cartel" shall mean a number of career offenders
47 acting in concert, and may include what is commonly referred to as an
48 organized crime group.

49 9. "Court of the United States" shall mean all courts enumerated in
50 section four hundred fifty-one of title twenty-eight of the United
51 States Code and the courts-martial of the armed forces of the United
52 States.

53 10. "Freight" shall mean freight which has been, or will be, carried
54 by or consigned for carriage by a carrier of freight by water.

11. "Hiring agent" shall mean any natural person, who on behalf of a carrier of freight by water or a stevedore or any other person shall select any longshore worker for employment.

12. "Longshore worker" shall mean: (a) a natural person, other than a hiring agent, who is employed for work at a pier or other waterfront terminal, either by a carrier of freight by water or by a stevedore to:

(1) physically move waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals; or

(2) engage in direct and immediate checking of any such freight or of the custodial accounting therefor or in the recording or tabulation of the hours worked at piers or other waterfront terminals by natural persons employed by carriers of freight by water or stevedores; or

(3) supervise directly and immediately others who are employed as in subparagraph one of this paragraph; or

(4) physically perform labor or services incidental to the movement of waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals, including, but not limited to, cargo repair workers, coopers, general maintenance workers, mechanical and miscellaneous workers, horse and cattle fitters, grain ceilers and marine carpenters; or

(b) a natural person, other than a hiring agent, who is employed for work at a pier or other waterfront terminal by any person to:

(1) physically move waterborne freight to or from a barge, lighter or railroad car for transfer to or from a vessel of a carrier of freight by water which is, shall be, or shall have been berthed at the same pier or other waterfront terminal; or

(2) perform labor or services involving, or incidental to, the movement of freight at a waterfront terminal as defined in subdivision fifteen of this section.

13. "Longshore workers' register" shall mean the register of eligible longshore workers compiled and maintained by the commission pursuant to section five hundred thirty-four-i of this article.

14. "Marine terminal" shall mean an area which includes piers, which is used primarily for the moving, warehousing, distributing or packing of waterborne freight or freight to or from such piers, and which, inclusive of such piers, is under common ownership or control.

15. "Other waterfront terminal" shall include:

(a) any warehouse, depot or other terminal (other than a pier) which is located within one thousand yards of any pier in the port of New York district in this state and which is used for waterborne freight in whole or substantial part; or

(b) any warehouse, depot or other terminal (other than a pier), whether enclosed or open, which is located in a marine terminal in the port of New York district in this state and any part of which is used by any person to perform labor or services involving, or incidental to, the movement of waterborne freight or freight.

16. "Person" shall mean not only a natural person but also any partnership, joint venture, association, corporation or any other legal entity but shall not include the United States, any state or territory thereof or any department, division, board, commission or authority of one or more of the foregoing.

17. "Pier" shall include any wharf, pier, dock or quay.

18. "Pier superintendent" shall mean any natural person other than a longshore worker who is employed for work at a pier or other waterfront terminal by a carrier of freight by water or a stevedore and whose work

1 at such pier or other waterfront terminal includes the supervision,
2 directly or indirectly, of the work of longshore workers.

3 19. "Port of New York district" shall mean the district created by
4 article II of the compact dated April thirtieth, nineteen hundred twen-
5 ty-one, between the states of New York and New Jersey, authorized by
6 chapter one hundred fifty-four of the laws of New York of nineteen
7 hundred twenty-one and chapter one hundred fifty-one of the laws of New
8 Jersey of nineteen hundred twenty-one.

9 20. "Port watchers" shall include any watcher, gate person, rounds
10 person, detective, guard, guardian or protector of property employed by
11 the operator of any pier or other waterfront terminal or by a carrier of
12 freight by water to perform services in such capacity on any pier or
13 other waterfront terminal.

14 21. The term "select any longshore worker for employment" in the defi-
15 nition of a hiring agent in this section shall include selection of a
16 person for the commencement or continuation of employment as a longshore
17 worker, or the denial or termination of employment as a longshore work-
18 er.

19 22. "Stevedore" shall mean:

20 (a) a contractor (not including an employee) engaged for compensation
21 pursuant to a contract or arrangement with a carrier of freight by
22 water, in moving waterborne freight carried or consigned for carriage by
23 such carrier on vessels of such carrier berthed at piers, on piers at
24 which such vessels are berthed or at other waterfront terminals; or

25 (b) a contractor engaged for compensation pursuant to a contract or
26 arrangement with the United States, any state or territory thereof, or
27 any department, division, board, commission or authority of one or more
28 of the foregoing, in moving freight carried or consigned for carriage
29 between any point in the port of New York district and a point outside
30 said district on vessels of such a public agency berthed at piers, on
31 piers at which such vessels are berthed or at other waterfront termi-
32 nals; or

33 (c) a contractor (not including an employee) engaged for compensation
34 pursuant to a contract or arrangement with any person to perform labor
35 or services incidental to the movement of waterborne freight on vessels
36 berthed at piers, on piers or at other waterfront terminals, including,
37 but not limited to, cargo storage, cargo repairing, coopering, general
38 maintenance, mechanical and miscellaneous work, horse and cattle
39 fitting, grain ceiling, and marine carpentry; or

40 (d) a contractor (not including an employee) engaged for compensation
41 pursuant to a contract or arrangement with any other person to perform
42 labor or services involving, or incidental to, the movement of freight
43 into or out of containers (which have been or which will be carried by a
44 carrier of freight by water) on vessels berthed at piers, on piers or at
45 other waterfront terminals.

46 23. "Terrorist group" shall mean a group associated, affiliated or
47 funded in whole or in part by a terrorist organization designated by the
48 secretary of state in accordance with section two hundred nineteen of
49 the immigration and nationality act, as amended from time to time, or
50 any other organization which assists, funds or engages in acts of
51 terrorism as defined in the laws of the United States, or of the state
52 of New York, including, but not limited to, subdivision one of section
53 490.05 of the penal law.

54 24. "Waterborne freight" shall mean freight carried by or consigned
55 for carriage by carriers of freight by water, and shall also include
56 freight described in subdivision fifteen and paragraphs (b) and (d) of

1 subdivision twenty-two of this section, and ships' stores, baggage and
2 mail carried by or consigned for carriage by carriers of freight by
3 water.

4 25. "Witness" shall mean any person whose testimony is desired in any
5 investigation, interview or other proceeding conducted by the commission
6 pursuant to the provisions of section five hundred thirty-four of this
7 article.

8 § 534-c. New York waterfront commission established. 1. There is here-
9 by created the New York waterfront commission, which shall be in the
10 executive department of this state and may request, receive, and utilize
11 facilities, resources and data of any department, division, board,
12 bureau, commission, agency or public authority of the state or any poli-
13 tical subdivision thereof as it may reasonably request to carry out
14 properly its powers and duties.

15 2. The commission shall consist of five commissioners that are
16 appointed as follows: three appointed by the governor, one appointed by
17 the speaker of the assembly, and one appointed by the temporary presi-
18 dent of the senate. The commissioners shall choose from their own number
19 a chair. The commissioners shall select a chief executive officer whose
20 appointment shall be subject to confirmation by the senate. Such chief
21 executive officer shall receive compensation to be fixed by the governor
22 of this state. Each commissioner shall not receive a salary or other
23 compensation. Each commissioner shall receive such commissioner's
24 reasonable expenses in the performance of the duties prescribed here-
25 under.

26 3. One of the governor's appointees shall serve an initial term of one
27 year; one of the governor's appointees shall serve an initial term of
28 two years; and one of the governor's appointees shall serve an initial
29 term of three years. The appointees of the temporary president of the
30 senate and the speaker of the assembly shall serve initial terms of two
31 years. Thereafter, all terms shall be for three years; provided, howev-
32 er, that a commissioner serving on the bi-state commission at the time
33 of its dissolution on the seventeenth of July two thousand twenty-three
34 who was appointed by the governor of New York to such position, may
35 serve as one of the governor's three appointees. Vacancies in office
36 shall be filled for the balance of the unexpired term in the same manner
37 as original appointments.

38 4. All commissioners appointed under this section shall have relevant
39 experience in one or more of the following areas: employment, labor
40 relations, public administration, public safety, public protection or in
41 some other area of activity central to the mission of the commission.

42 § 534-d. General powers of the commission. In addition to the powers
43 and duties elsewhere prescribed herein, the commission shall have the
44 following duties and powers:

45 1. To sue and be sued.

46 2. To have a seal and alter the same at pleasure.

47 3. To acquire, hold and dispose of real and personal property by gift,
48 purchase, lease, license or other similar manner, for its corporate
49 purposes.

50 4. To determine the location, size and suitability of accommodations
51 necessary and desirable for the establishment and maintenance of the
52 employment information centers provided in section five hundred thirty-
53 four-o of this article and for administrative offices for the commis-
54 sion.

55 5. To administer and enforce the provisions of this act.

1 6. To promulgate and enforce such rules and regulations as the commis-
2 sion may deem necessary to effectuate the purposes of this act or to
3 prevent the circumvention or evasion thereof. As used in this act,
4 "regulations" include those rules and regulations of the bi-state
5 commission which shall continue in effect as the rules and regulations
6 of the commission until amended, supplemented, or rescinded by the
7 commission pursuant to the state administrative procedure act. Previ-
8 ously promulgated regulations inconsistent with the provisions of this
9 act shall be deemed void.

10 7. To appoint such officers, agents and employees as it may deem
11 necessary, prescribe their powers, duties and qualifications and fix
12 their compensation and retain and employ counsel and private consultants
13 on a contract basis or otherwise.

14 8. By its commissioners and its properly designated officers, agents
15 and employees, to administer oaths and issue subpoenas to compel the
16 attendance of witnesses and the giving of testimony and the production
17 of other evidence.

18 9. To have for its commissioners and its properly designated officers,
19 agents and employees, full and free access, ingress and egress to and
20 from all vessels, piers and other waterfront terminals or other places
21 in the port of New York district in this state, for the purposes of
22 making inspection or enforcing the provisions of this act; and no person
23 shall obstruct or in any way interfere with any such commissioner, offi-
24 cer, employee or agent in the making of such inspection, or in the
25 enforcement of the provisions of this act or in the performance of any
26 other power or duty under this act.

27 10. To recover possession of any suspended or revoked license issued
28 under this act.

29 11. To make investigations, collect and compile information concerning
30 waterfront practices generally within the port of New York district in
31 this state and upon all matters relating to the accomplishment of the
32 objectives of this act.

33 12. To advise and consult with representatives of labor and industry
34 and with public officials and agencies concerned with the effectuation
35 of the purposes of this act, upon all matters which the commission may
36 desire, including but not limited to the form and substance of rules and
37 regulations, the administration of this act, maintenance of the long-
38 shore workers' register, and issuance and revocation of licenses.

39 13. To make an annual report to the governor, the legislature and the
40 comptroller containing the following: recommendations for the improve-
41 ment of the conditions of waterfront labor within the port of New York
42 district in this state, recommendations for the alleviation of the evils
43 described in section five hundred thirty-four-a of this article, recom-
44 mendations for the effectuation of the purposes of this act, a detailed
45 summary setting forth the commission's operations and fiscal trans-
46 actions during the preceding calendar year with a statement of its
47 financial condition as of the end of such preceding calendar year, and a
48 detailed list of any contract entered into by the commission with,
49 including but not limited to, counsel or private consultants. Such
50 report shall be due to the governor, the legislature and the comptroller
51 on January thirty-first of the year immediately proceeding the end of
52 the calendar year subject to such report. The commission shall post such
53 report on its website upon the submission to the governor, the legisla-
54 ture and the comptroller.

55 14. To cooperate with and receive from any department, division,
56 bureau, board, commission, or agency of this state, or of any county or

1 municipality thereof, such assistance and data as will enable it proper-
2 ly to carry out its powers and duties hereunder; and to request any such
3 department, division, bureau, board, commission, or agency, with the
4 consent thereof, to execute such of its functions and powers, as the
5 public interest may require.

6 15. To designate officers, employees and agents who may exercise the
7 powers and duties of the commission except the power to make rules and
8 regulations. Notwithstanding any other provision of law, the officers,
9 employees and agents of the commission established by this act may be
10 appointed or employed without regard to their state of residence.

11 16. To issue temporary permits and permit temporary registrations
12 under such terms and conditions as the commission may prescribe which
13 shall be valid for a period to be fixed by the commission not in excess
14 of six months.

15 17. To require any applicant for a license or registration or any
16 prospective licensee to furnish such facts and evidence as the commis-
17 sion may deem appropriate to enable it to ascertain whether the license
18 or registration should be granted.

19 18. In any case in which the commission has the power to revoke or
20 suspend any stevedore license the commission shall also have the power
21 to impose as an alternative to such revocation or suspension, a penalty,
22 which the licensee may elect to pay to the commission in lieu of the
23 revocation or suspension. The maximum penalty shall be five thousand
24 dollars for each separate offense. The commission may, for good cause
25 shown, abate all or part of such penalty.

26 19. To designate any officer, agent or employee of the commission to
27 be an investigator who shall be vested with all the powers of a peace or
28 police officer of the state of New York.

29 20. To confer immunity, in the manner prescribed by subdivision one of
30 section five hundred thirty-four-v of this article.

31 21. To require any applicant for registration as a longshore worker,
32 any applicant for registration as a checker or any applicant for regis-
33 tration as a telecommunications system controller and any person who is
34 sponsored for a license as a pier superintendent or hiring agent, any
35 person who is an individual owner of an applicant stevedore or any
36 persons who are individual partners of an applicant stevedore, or any
37 officers, directors or stockholders owning five percent or more of any
38 of the stock of an applicant corporate stevedore or any applicant for a
39 license as a port watcher or any other category of applicant for regis-
40 tration or licensing within the commission's jurisdiction to be finger-
41 printed by the commission at the cost and expense of the applicant.

42 22. To exchange fingerprint data with and receive state criminal
43 history record information from the division of criminal justice
44 services and federal criminal history record information from the feder-
45 al bureau of investigation for use in making the determinations required
46 by this act.

47 23. Notwithstanding any other provision of law to the contrary, to
48 require any applicant for employment or employee of the commission to be
49 fingerprinted and to exchange fingerprint data with and receive state
50 criminal history record information from the division of criminal
51 justice services and federal criminal history information from the
52 federal bureau of investigation for use in the hiring or retention of
53 such person.

54 24. To cooperate with a similar entity established in the state of New
55 Jersey, to exchange information on any matter pertinent to the purposes
56 of this act, and to enter into reciprocal agreements for the accomplish-

1 ment of such purposes, including but not limited to the following objec-
2 tives:

3 (a) To give reciprocal effect to any revocation, suspension or repri-
4 mand with respect to any licensee, and any reprimand or removal from a
5 longshore workers' register;

6 (b) To provide that any act or omission by a licensee or registrant in
7 either state which would be a basis for disciplinary action against such
8 licensee or registrant if it occurred in the state in which the license
9 was issued or the person registered shall be the basis for disciplinary
10 action in both states; and

11 (c) To provide that longshore workers registered in either state, who
12 perform work or who apply for work at an employment information center
13 within the other state, shall be deemed to have performed work or to
14 have applied for work in the state in which they are registered.

15 § 534-e. Designation as agent of the state. 1. The commission is here-
16 by designated on its own behalf or as agent of the state of New York, as
17 provided by the act of Congress of the United States, effective June
18 sixth, one thousand nine hundred and thirty-three, entitled "An act to
19 provide for the establishment of a national employment system and for
20 co-operation with the States in the promotion of such system and for
21 other purposes," as amended, for the purpose of obtaining such benefits
22 of such act of Congress as are necessary or appropriate to the estab-
23 lishment and operation of employment information centers authorized by
24 section one of this act.

25 2. The commission shall have all powers necessary to cooperate with
26 appropriate officers or agencies of this state or the United States, to
27 take such steps, to formulate such plans, and to execute such projects
28 (including but not limited to the establishment and operation of employ-
29 ment information centers) as may be necessary to obtain such benefits
30 for the operations of the commission in accomplishing the purposes of
31 this act.

32 3. Any officer or agency designated by this state pursuant to said act
33 of June sixth, nineteen hundred thirty-three, as amended, is authorized
34 and empowered, upon the request of the commission and subject to its
35 direction, to exercise the powers and duties conferred upon the commis-
36 sion by the provisions of this section.

37 § 534-f. Pier superintendents and hiring agents. 1. No person shall
38 act as a pier superintendent or as a hiring agent within the port of New
39 York district in this state without first having obtained from the
40 commission or previously, from the bi-state commission, a license to act
41 as such pier superintendent or hiring agent, as the case may be, and no
42 person shall employ or engage another person to act as a pier super-
43 intendent or hiring agent who is not so licensed.

44 2. A license to act as a pier superintendent or hiring agent shall be
45 issued only upon the written application, under oath, of the person
46 proposing to employ or engage another person to act as such pier super-
47 intendent or hiring agent, verified by the prospective licensee as to
48 the matters concerning that person, and shall state the following:

49 (a) The full name and business address of the applicant;

50 (b) The full name, residence, business address (if any), place and
51 date of birth and social security number of the prospective licensee;

52 (c) The present and previous occupations of the prospective licensee,
53 including the places where the person was employed and the names of the
54 person's employers;

1 (d) Such further facts and evidence as may be required by the commis-
2 sion to ascertain the character, integrity and identity of the prospec-
3 tive licensee; and

4 (e) That if a license is issued to the prospective licensee, the
5 applicant will employ such licensee as pier superintendent or hiring
6 agent, as the case may be.

7 3. No such license shall be granted:

8 (a) Unless the commission shall be satisfied that the prospective
9 licensee possesses good character and integrity;

10 (b) If the prospective licensee has, without subsequent pardon, been
11 convicted by a court of the United States, or any state or territory
12 thereof, of the commission of, or the attempt or conspiracy to commit,
13 treason, murder, manslaughter or any crime punishable by death or impri-
14 sonment for a term exceeding one year or any of the following misdemea-
15 nors or offenses: illegally using, carrying or possessing a pistol or
16 other dangerous weapon; making or possessing burglar's instruments;
17 buying or receiving stolen property; unlawful entry of a building;
18 aiding an escape from prison; unlawfully possessing, possessing with
19 intent to distribute, sale or distribution of a controlled dangerous
20 substance (controlled substance) or a controlled dangerous substance
21 analog; and violation of this act. Any such prospective licensee ineli-
22 gible for a license by reason of any such conviction may submit satis-
23 factory evidence to the commission that such person has for a period of
24 not less than five years, measured as hereinafter provided, and up to
25 the time of application, so acted in a manner as to warrant the grant of
26 such license, in which event the commission may, in its discretion,
27 issue an order removing such ineligibility. The aforesaid period of five
28 years shall be measured either from the date of payment of any fine
29 imposed upon such person or the suspension of sentence or from the date
30 of the person's unrevoked release from custody by parole, commutation or
31 termination of sentence;

32 (c) If the prospective licensee knowingly or willfully advocates the
33 desirability of overthrowing or destroying the government of the United
34 States by force or violence or shall be a member of a group which advo-
35 cates such desirability, knowing the purposes of such group include such
36 advocacy.

37 4. When the application shall have been examined and such further
38 inquiry and investigation made as the commission shall deem proper and
39 when the commission shall be satisfied therefrom that the prospective
40 licensee possesses the qualifications and requirements prescribed in
41 this section, the commission shall issue and deliver to the prospective
42 licensee a license to act as pier superintendent or hiring agent for the
43 applicant, as the case may be, and shall inform the applicant of this
44 action. The commission may issue a temporary permit to any prospective
45 licensee for a license under the provisions of this article pending
46 final action on an application made for such a license. Any such permit
47 shall be valid for a period not in excess of six months.

48 5. No person shall be licensed to act as a pier superintendent or
49 hiring agent for more than one employer, except at a single pier or
50 other waterfront terminal, but nothing in this section shall be
51 construed to limit in any way the number of pier superintendents or
52 hiring agents any employer may employ.

53 6. A license granted pursuant to this section shall continue through
54 the duration of the licensee's employment by the employer who shall have
55 applied for the person's license.

1 7. Any license issued pursuant to this section may be revoked or
2 suspended for such period as the commission deems in the public interest
3 or the licensee thereunder may be reprimanded for any of the following
4 offenses:

5 (a) Conviction of a crime or act by the licensee or other cause which
6 would require or permit the person's disqualification from receiving a
7 license upon original application;

8 (b) Fraud, deceit or misrepresentation in securing the license, or in
9 the conduct of the licensed activity;

10 (c) Violation of any of the provisions of this act;

11 (d) Criminal possession of a controlled substance or criminal sale of
12 a controlled substance;

13 (e) Employing, hiring or procuring any person in violation of this act
14 or inducing or otherwise aiding or abetting any person to violate the
15 terms of this act;

16 (f) Paying, giving, causing to be paid or given or offering to pay or
17 give to any person any valuable consideration to induce such other
18 person to violate any provision of this act or to induce any public
19 officer, agent or employee to fail to perform the person's duty here-
20 under;

21 (g) Participation in enterprise corruption;

22 (h) Transfer or surrender of possession of the license to any person
23 either temporarily or permanently without satisfactory explanation;

24 (i) False impersonation of another licensee under this act;

25 (j) Receipt or solicitation of anything of value from any person other
26 than the licensee's employer as consideration for the selection or
27 retention for employment of any longshore worker;

28 (k) Coercion of a longshore worker to make purchases from or to
29 utilize the services of any person;

30 (l) Lending any money to or borrowing any money from a longshore work-
31 er for which there is a charge of interest or other consideration; and

32 (m) Membership in a labor organization which represents longshore
33 worker or port watchers; but nothing in this section shall be deemed to
34 prohibit pier superintendents or hiring agents from being represented by
35 a labor organization or organizations which do not also represent long-
36 shore workers or port watchers. The American Federation of Labor and
37 Congress of Industrial Organizations and any other similar federation,
38 congress or other organization of national or international occupational
39 or industrial labor organizations shall not be considered an organiza-
40 tion which represents longshore workers or port watchers within the
41 meaning of this section although one of the federated or constituent
42 labor organizations thereof may represent longshore workers or port
43 watchers.

44 8. Any applicant for pier superintendent or hiring agent ineligible
45 for a license by reason of the provisions of paragraph (b) of subdivi-
46 sion three of section five hundred thirty-four-f of this article may
47 petition for and the commission may issue an order removing the ineligi-
48 bility. A petition for an order to remove ineligibility may be made to
49 the commission before or after the hearing required by section five
50 hundred thirty-four-n of this article.

51 § 534-g. Stevedores. 1. No person shall act as a stevedore within the
52 port of New York district in this state without having first obtained a
53 license from the commission or previously, from the bi-state commission,
54 and no person shall employ a stevedore to perform services as such with-
55 in the port of New York district in this state unless the stevedore is
56 so licensed.

1 2. Any person intending to act as a stevedore within the port of New
2 York district in this state shall file in the office of the commission a
3 written application for a license to engage in such occupation, duly
4 signed and verified as follows:

5 (a) If the applicant is a natural person, the application shall be
6 signed and verified by such person and if the applicant is a partner-
7 ship, the application shall be signed and verified by each natural
8 person composing or intending to compose such partnership. The applica-
9 tion shall state the full name, age, residence, business address, if
10 any, present and previous occupations of each natural person so signing
11 the same, and any other facts and evidence as may be required by the
12 commission to ascertain the character, integrity and identity of each
13 natural person so signing such application.

14 (b) If the applicant is a corporation, the application shall be signed
15 and verified by the president, secretary and treasurer thereof, and
16 shall specify the name of the corporation, the date and place of its
17 incorporation, the location of its principal place of business, the
18 names and addresses of, and the amount of the stock held by stockholders
19 owning five percent or more of any of the stock thereof, and of all
20 officers, including all members of the board of directors. The require-
21 ments of paragraph (a) of this subdivision as to a natural person who is
22 a member of a partnership, and such requirements as may be specified in
23 rules and regulations promulgated by the commission, shall apply to each
24 such officer or stockholder and their successors in office or interest.

25 (c) In the event of the death, resignation or removal of any officer,
26 and in the event of any change in the list of stockholders who shall own
27 five percent or more of the stock of the corporation, the secretary of
28 such corporation shall forthwith give notice of that fact in writing to
29 the commission certified by said secretary.

30 3. No such license shall be granted:

31 (a) If any person whose signature or name appears in the application
32 is not the real party in interest required by subdivision two of this
33 section to sign or to be identified in the application or if the person
34 so signing or named in the application is an undisclosed agent or trus-
35 tee for any such real party in interest;

36 (b) Unless the commission shall be satisfied that the applicant and
37 all members, officers and stockholders required by subdivision two of
38 this section to sign or be identified in the application for license
39 possess good character and integrity;

40 (c) Unless the applicant is either a natural person, partnership or
41 corporation;

42 (d) Unless the applicant shall be a party to a contract then in force
43 or which will take effect upon the issuance of a license, with a carrier
44 of freight by water for the loading and unloading by the applicant of
45 one or more vessels of such carrier at a pier within the port of New
46 York district in this state;

47 (e) If the applicant or any member, officer or stockholder required by
48 subdivision two of this section to sign or be identified in the applica-
49 tion for license has, without subsequent pardon, been convicted by a
50 court of the United States or any state or territory thereof of the
51 commission of, or the attempt or conspiracy to commit, treason, murder,
52 manslaughter or any crime punishable by death or imprisonment for a term
53 exceeding one year or any of the misdemeanors or offenses described in
54 paragraph (b) of subdivision three of section five hundred thirty-four-f
55 of this article. Any applicant ineligible for a license by reason of
56 any such conviction may submit satisfactory evidence to the commission

1 that the person whose conviction was the basis of ineligibility has for
2 a period of not less than five years, measured as hereinafter provided
3 and up to the time of application, so acted in a manner as to warrant
4 the grant of such license, in which event the commission may, in its
5 discretion issue an order removing such ineligibility. The aforesaid
6 period of five years shall be measured either from the date of payment
7 of any fine imposed upon such person or the suspension of sentence or
8 from the date of the person's unrevoked release from custody by parole,
9 commutation or termination of the person's sentence;

10 (f) If the applicant has paid, given, caused to have been paid or
11 given or offered to pay or give to any officer or employee of any carrier
12 of freight by water any valuable consideration for an improper or
13 unlawful purpose or to induce such person to procure the employment of
14 the applicant by such carrier for the performance of stevedoring
15 services;

16 (g) If the applicant has paid, given, caused to be paid or given or
17 offered to pay or give to any officer or representative of a labor
18 organization any valuable consideration for an improper or unlawful
19 purpose or to induce such officer or representative to subordinate the
20 interests of such labor organization or its members in the management of
21 the affairs of such labor organization to the interests of the applicant.

22 (h) If the applicant has paid, given, caused to have been paid or
23 given or offered to pay or give to any agent of any carrier of freight
24 by water any valuable consideration for an improper or unlawful purpose
25 or, without the knowledge and consent of such carrier, to induce such
26 agent to procure the employment of the applicant by such carrier or its
27 agent for the performance of stevedoring services.

28 4. When the application shall have been examined and such further
29 inquiry and investigation made as the commission shall deem proper and
30 when the commission shall be satisfied therefrom that the applicant
31 possesses the qualifications and requirements prescribed in this
32 section, the commission shall issue and deliver a license to such applicant.
33 The commission may issue a temporary permit to any applicant for
34 a license under the provisions of this section pending final action on
35 an application made for such a license. Any such permit shall be valid
36 for a period not in excess of six months.

37 5. A stevedore's license granted pursuant to this section shall be for
38 a term of five years or fraction of such five year period, and shall
39 expire on the first day of December. In the event of the death of the
40 licensee, if a natural person, or its termination or dissolution by
41 reason of a death of a partner, if a partnership, or if the licensee
42 shall cease to be a party to any contract of the type required by paragraph
43 (d) of subdivision three of this section, the license shall terminate
44 ninety days after such event or upon its expiration date, whichever
45 shall be sooner. A license may be renewed by the commission for successive
46 five year periods upon fulfilling the same requirements as are set
47 forth in this section for an original application for a stevedore's
48 license.

49 6. Any license issued pursuant to this section may be revoked or
50 suspended for such period as the commission deems in the public interest
51 or the licensee thereunder may be reprimanded for any of the following
52 offenses on the part of the licensee or of any person required by subdivision
53 two of this section to sign or be identified in an original
54 application for a license:

1 (a) Conviction of a crime or other cause which would permit or require
2 disqualification of the licensee from receiving a license upon original
3 application;

4 (b) Fraud, deceit or misrepresentation in securing the license or in
5 the conduct of the licensed activity;

6 (c) Failure by the licensee to maintain a complete set of books and
7 records containing a true and accurate account of the licensee's
8 receipts and disbursements arising out of the licensee's activities
9 within the port of New York district in this state;

10 (d) Failure to keep said books and records available during business
11 hours for inspection by the commission and its duly designated represen-
12 tatives until the expiration of the fifth calendar year following the
13 calendar year during which occurred the transactions recorded therein;

14 (e) Any other offense described in paragraphs (c), (d), (e), (f), (g),
15 (h) and (i) of subdivision seven of section five hundred thirty-four-f
16 of this article.

17 § 534-h. Prohibition of public loading. 1. It is unlawful for any
18 person to load or unload waterborne freight onto or from vehicles other
19 than railroad cars at piers or at other waterfront terminals within the
20 port of New York district in this state, for a fee or other compen-
21 sation, other than the following persons and their employees:

22 (a) Carriers of freight by water, but only at piers at which their
23 vessels are berthed;

24 (b) Other carriers of freight (including but not limited to railroads
25 and truckers), but only in connection with freight transported or to be
26 transported by such carriers;

27 (c) Operators of piers or other waterfront terminals (including rail-
28 roads, truck terminal operators, warehouse workers and other persons),
29 but only at piers or other waterfront terminals operated by them;

30 (d) Shippers or consignees of freight, but only in connection with
31 freight shipped by such shipper or consigned to such consignee;

32 (e) Stevedores licensed under section five hundred thirty-four-g of
33 this article, whether or not such waterborne freight has been or is to
34 be transported by a carrier of freight by water with which such steve-
35 dore shall have a contract of the type prescribed by paragraph (d) of
36 subdivision three of section five hundred thirty-four-g of this article.

37 2. Nothing in this section contained shall be deemed to permit any
38 such loading or unloading of any waterborne freight at any place by any
39 such person by means of any independent contractor, or any other agent
40 other than an employee, unless such independent contractor is a person
41 permitted by this section to load or unload such freight at such place
42 in the person's own right.

43 § 534-i. Longshore workers' register. 1. The commission shall maintain
44 a longshore workers' register in which shall be included all qualified
45 longshore workers eligible, as provided, for employment as such in the
46 port of New York district in this state. No person shall act as a long-
47 shore worker within the port of New York district in this state unless
48 at the time such person is included in the longshore workers' register,
49 and no person shall employ another to work as a longshore worker within
50 the port of New York district in this state unless at the time such
51 other person is included in the longshore workers' register.

52 2. Any person applying for inclusion in the longshore workers' regis-
53 ter shall file at such place and in such manner as the commission shall
54 designate a written statement, signed and verified by such person,
55 setting forth the person's full name, residence address, social securi-
56 ty number, and such further facts and evidence as the commission may

1 prescribe to establish the identity of such person and the person's
2 criminal record, if any.

3 3. The commission may in its discretion deny application for inclusion
4 in the longshore workers' register by a person:

5 (a) Who has been convicted by a court of the United States or any
6 state or territory thereof, without subsequent pardon, of treason,
7 murder, manslaughter or of any crime punishable by death or imprisonment
8 for a term exceeding one year or of any of the misdemeanors or offenses
9 described in paragraph (b) of subdivision three of section five hundred
10 thirty-four-f of this article or of attempt or conspiracy to commit any
11 of such crimes;

12 (b) Who knowingly or willingly advocates the desirability of over-
13 throwing or destroying the government of the United States by force or
14 violence or who shall be a member of a group which advocates such desir-
15 ability knowing the purposes of such group include such advocacy;

16 (c) Whose presence at the piers or other waterfront terminals in the
17 port of New York district in this state is found by the commission on
18 the basis of the facts and evidence before it, to constitute a danger to
19 the public peace or safety.

20 4. Unless the commission shall determine to exclude the applicant from
21 the longshore workers' register on a ground set forth in subdivision
22 three of this section it shall include such person in the longshore
23 workers' register. The commission shall issue a determination within
24 thirty days of receipt of the application. If the commission cannot make
25 a determination within that time, it shall notify the applicant and
26 provide a date by which it shall issue such determination. However, the
27 commission must issue a determination within six months of receipt of
28 the application. The commission may permit temporary registration of
29 any applicant under the provisions of this section pending final action
30 on an application made for such registration. Any such temporary regis-
31 tration shall be valid for a period not in excess of six months.

32 5. The commission shall have power to reprimand or remove any long-
33 shore worker registered under this section from the longshore workers'
34 register for such period as it deems in the public interest for any of
35 the following offenses:

36 (a) Conviction of a crime or other cause which would permit disquali-
37 fication of such person from inclusion in the longshore workers' regis-
38 ter upon original application;

39 (b) Fraud, deceit or misrepresentation in securing inclusion in the
40 longshore workers' register;

41 (c) Transfer or surrender of possession to any person either temporar-
42 ily or permanently of any card or other means of identification issued
43 by the commission as evidence of inclusion in the longshore workers'
44 register, without satisfactory explanation;

45 (d) False impersonation of another longshore worker registered under
46 this section or of another person licensed under this act;

47 (e) Assault or criminal mischief at or on a waterfront terminal or
48 adjacent highway, unless justified or excused by law; and

49 (f) Any other offense described in paragraphs (c), (d), (e), and (f)
50 of subdivision seven of section five hundred thirty-four-f of this arti-
51 cle.

52 6. Whenever, as a result of legislative amendments to this act or of a
53 ruling by the commission, registration as a longshore worker is required
54 for any person to continue employment, such person shall be registered
55 as a longshore worker without regard to the provisions of section five
56 hundred thirty-four-k of this article, provided, however, that such

1 person satisfies all the other requirements of this act for registration
2 as a longshore worker.

3 7. The commission shall have the right to recover possession of any
4 card or other means of identification issued as evidence of inclusion in
5 the longshore workers' register if the holder thereof has been removed
6 from the longshore workers' register.

7 8. Nothing contained in this article shall be construed to limit in
8 any way any rights of labor reserved by section five hundred thirty-
9 four-q of this article.

10 § 534-j. List of qualified longshore workers for employment as check-
11 ers. 1. The commission shall maintain within the longshore workers'
12 register a list of all qualified longshore workers eligible, as provided
13 in this section, for employment as checkers in the port of New York
14 district in this state. No person shall act as a checker within the
15 port of New York district in this state unless at the time such person
16 is included in the longshore workers' register as a checker, and no
17 person shall employ another to work as a checker within the port of New
18 York district in this state unless at the time such other person is
19 included in the longshore workers' register as a checker.

20 2. Any person applying for inclusion in the longshore workers' regis-
21 ter as a checker shall file at any such place and in such manner as the
22 commission shall designate a written statement, signed and verified by
23 such person, setting forth the following:

24 (a) The full name, residence, place and date of birth and social secu-
25 rity number of the applicant;

26 (b) The present and previous occupations of the applicant, including
27 the places where such person was employed and the names of that person's
28 employers;

29 (c) Such further facts and evidence as may be required by the commis-
30 sion to ascertain the character, integrity and identity of the appli-
31 cant.

32 3. No person shall be included in the longshore workers' register as a
33 checker:

34 (a) Unless the commission shall be satisfied that the applicant
35 possesses good character and integrity;

36 (b) If the applicant has, without subsequent pardon, been convicted
37 by a court of the United States or any state or territory thereof, of
38 the commission of, or the attempt or conspiracy to commit, treason,
39 murder, manslaughter or any crime punishable by death or imprisonment
40 for a term exceeding one year or any of the following misdemeanors or
41 offenses: illegally using, carrying or possessing a pistol or another
42 dangerous weapon; making or possessing burglar's instruments; buying or
43 receiving stolen property; unlawful entry of a building; aiding an
44 escape from prison; unlawfully possessing, possessing with intent to
45 distribute, sale or distribution of a controlled dangerous substance
46 (controlled substance) or a controlled dangerous substance analog
47 (controlled substance analog); petty larceny, where the evidence shows
48 the property was stolen from a vessel, pier or other waterfront termi-
49 nal; and violation of this act. Any such applicant ineligible for inclu-
50 sion in the longshore workers' register as a checker by reason of any
51 such conviction may submit satisfactory evidence to the commission that
52 the person has for a period of not less than five years, measured as
53 provided in this section, and up to the time of application, so acted
54 in a manner as to warrant inclusion in the longshore workers' register
55 as a checker, in which event the commission may, in its discretion,
56 issue an order removing such ineligibility. The aforesaid period of

1 five years shall be measured either from the date of payment of any
2 fine imposed upon such person or the suspension of sentence or from the
3 date of such person's unrevoked release from custody by parole, commu-
4 tation or termination of such person's sentence;

5 (c) If the applicant knowingly or willfully advocates the desirability
6 of overthrowing or destroying the government of the United States by
7 force or violence or shall be a member of a group which advocates such
8 desirability, knowing the purposes of such group include such advocacy.

9 4. When the application shall have been examined and such further
10 inquiry and investigation made as the commission shall deem proper and
11 when the commission shall be satisfied therefrom that the applicant
12 possesses the qualifications and requirements prescribed by this
13 section, the commission shall include the applicant in the longshore
14 workers' register as a checker. The commission may permit temporary
15 registration as a checker to any applicant under this section pending
16 final action on an application made for such registration, under such
17 terms and conditions as the commission may prescribe, which shall be
18 valid for a period to be fixed by the commission, not in excess of six
19 months.

20 5. The commission shall have power to reprimand any checker registered
21 under this section or to remove such person from the longshore workers'
22 register as a checker for such period of time as it deems in the public
23 interest for any of the following offenses:

24 (a) Conviction of a crime or other cause which would permit disquali-
25 fication of such person from inclusion in the longshore workers' regis-
26 ter as a checker upon original application;

27 (b) Fraud, deceit or misrepresentation in securing inclusion in the
28 longshore workers' register as a checker or in the conduct of the regis-
29 tered activity;

30 (c) Violation of any of the provisions of this act;

31 (d) Unlawfully possessing, possession with intent to distribute, sale
32 or distribution of a controlled dangerous substance (controlled
33 substance), or a controlled dangerous substance analog (controlled
34 substance analog);

35 (e) Inducing or otherwise aiding or abetting any person to violate the
36 terms of this act;

37 (f) Paying, giving, causing to be paid or given or offering to pay or
38 give to any person any valuable consideration to induce such other
39 person to violate any provision of this act or to induce any public
40 officer, agent or employee to fail to perform the person's duty under
41 this act;

42 (g) Consorting with known criminals for an unlawful purpose;

43 (h) Transfer or surrender of possession to any person either temporar-
44 ily or permanently of any card or other means of identification issued
45 by the commission as evidence of inclusion in the longshore workers'
46 register without satisfactory explanation;

47 (i) False impersonation of another longshore worker or of another
48 person licensed under this act.

49 6. The commission shall have the right to recover possession of any
50 card or other means of identification issued as evidence of inclusion in
51 the longshore worker's register as a checker in the event that the hold-
52 er thereof has been removed from the longshore worker's register as a
53 checker.

54 7. Any applicant ineligible for inclusion in the longshore workers'
55 register as a checker by reason of the provisions of paragraph (b) of
56 subdivision three of this section may petition for and the commission

1 may issue an order removing the ineligibility. A petition for an order
2 to remove ineligibility may be made to the commission before or after
3 the hearing required by section five hundred thirty-four-n of this arti-
4 cle.

5 8. Nothing contained in this section shall be construed to limit in
6 any way any rights of labor reserved by section five hundred thirty-
7 four-q of this article.

8 § 534-k. Regularization of longshore workers' employment. 1. The
9 commission shall, at regular intervals, remove from the longshore work-
10 ers' register any person who shall have been registered for at least
11 nine months and who shall have failed during the preceding six calendar
12 months either to have worked as a longshore worker in the port of New
13 York district or to have applied for employment as a longshore worker at
14 an employment information center in the port of New York district for
15 such minimum number of days as shall have been established by the
16 commission pursuant to subdivision two of this section.

17 2. On or before each succeeding first day of June or December, the
18 commission shall, for the purposes of subdivision one of this section,
19 establish for the six-month period beginning on each such date a minimum
20 number of days and the distribution of such days during such period.

21 3. In establishing any such minimum number of days or period, the
22 commission shall observe the following standards:

23 (a) To encourage as far as practicable the regularization of the
24 employment of longshore workers;

25 (b) To bring the number of eligible longshore workers more closely
26 into balance with the demand for longshore worker's services within the
27 port of New York district in this state without reducing the number of
28 eligible longshore workers below that necessary to meet the requirements
29 of longshore workers in the port of New York district in this state;

30 (c) To eliminate oppressive and evil hiring practices affecting long-
31 shore workers and waterborne commerce in the port of New York district
32 in this state; and

33 (d) To eliminate unlawful practices injurious to waterfront labor.

34 4. A longshore worker who has been removed from the longshore workers'
35 register pursuant to this section may seek reinstatement upon fulfilling
36 the same requirements as for initial inclusion in the longshore workers'
37 register, but not before the expiration of one year from the date of
38 removal, except that immediate reinstatement shall be made upon proper
39 showing that the registrant's failure to work or apply for work the
40 minimum number of days above described was caused by the fact that the
41 registrant was engaged in the military service of the United States or
42 was incapacitated by ill health, physical injury, or other good cause.

43 5. Notwithstanding any other provision of this article, the commission
44 shall at any time have the power to register longshore workers on a
45 temporary basis to meet special or emergency needs.

46 6. Notwithstanding any other provisions of this section, the commis-
47 sion shall have the power to remove from the longshore workers' register
48 any person (including those persons registered as longshore workers for
49 less than nine months) who shall have failed to have worked as a long-
50 shore worker in the port of New York district for such minimum number of
51 days during a period of time as shall have been established by the
52 commission. In administering this section, the commission, in its
53 discretion, may count applications for employment as a longshore worker
54 at an employment information center established under section five
55 hundred thirty-four-o of this article as constituting actual work as a
56 longshore worker, provided, however, that the commission shall count as

1 actual work the compensation received by any longshore worker pursuant
2 to the guaranteed wage provisions of any collective bargaining agreement
3 relating to longshore workers. Prior to the commencement of any period
4 of time established by the commission pursuant to this section, the
5 commission shall establish for such period the minimum number of days of
6 work required and the distribution of such days during such period and
7 shall also determine whether or not application for employment as a
8 longshore worker shall be counted as constituting actual work as a long-
9 shore worker. The commission may classify longshore workers according to
10 length of service as a longshore worker and such other criteria as may
11 be reasonable and necessary to carry out the provisions of this act. The
12 commission shall have the power to vary the requirements of this section
13 with respect to their application to the various classifications of
14 longshore workers. In administering this section, the commission shall
15 observe the standards set forth in section five hundred thirty-four-1 of
16 this article. Nothing in this section shall be construed to modify,
17 limit or restrict in any way any of the rights protected by section five
18 hundred thirty-four-q of this article.

19 § 534-1. Suspension or acceptance of applications for inclusion in the
20 longshore workers' register; exceptions. 1. The commission shall suspend
21 the acceptance of applications for inclusion in the longshore workers'
22 register upon the effective date of this act. The commission shall ther-
23 eafter have the power to make determinations to suspend the acceptance
24 of applications for inclusion in the longshore workers' register for
25 such periods of time as the commission may from time to time establish
26 and, after any such period of suspension, the commission shall have the
27 power to make determinations to accept applications for such period of
28 time as the commission may establish or in such number as the commission
29 may determine, or both. Such determinations to suspend or accept appli-
30 cations shall be made by the commission: (a) on its own initiative; or
31 (b) upon the joint recommendation in writing of stevedores and other
32 employers of longshore workers in the port of New York district in this
33 state, acting through their representative for the purpose of collective
34 bargaining with a labor organization representing such longshore workers
35 in such district and such labor organization; or (c) upon the petition
36 in writing of a stevedore or another employer of longshore workers in
37 the port of New York district in this state which does not have a repre-
38 sentative for the purpose of collective bargaining with a labor organ-
39 ization representing such longshore workers. The commission shall have
40 the power to accept or reject such joint recommendation or petition. All
41 joint recommendations or petitions filed for the acceptance of applica-
42 tions with the commission for inclusion in the longshore workers' regis-
43 ter shall include:

44 (i) the number of employees requested;
45 (ii) the category or categories of employees requested;
46 (iii) a detailed statement setting forth the reasons for such joint
47 recommendation or petition;

48 (iv) in cases where a joint recommendation is made under this section,
49 the collective bargaining representative of stevedores and other employ-
50 ers of longshore workers in the port of New York district in this state
51 and the labor organization representing such longshore workers shall
52 provide the allocation of the number of persons to be sponsored by each
53 employer of longshore workers in the port of New York district in this
54 state; and

55 (v) any other information requested by the commission.

1 2. In administering the provisions of this section, the commission
2 shall observe the following standards:

3 (a) To encourage as far as practicable the regularization of the
4 employment of longshore workers;

5 (b) To bring the number of eligible longshore workers into balance
6 with the demand for longshore workers' services within the port of New
7 York district in this state without reducing the number of eligible
8 longshore workers below that necessary to meet the requirements of long-
9 shore workers in the port of New York district in this state;

10 (c) To encourage the mobility and full utilization of the existing
11 work force of longshore workers;

12 (d) To protect the job security of the existing work force of long-
13 shore workers by considering the wages and employment benefits of
14 prospective registrants;

15 (e) To eliminate oppressive and evil hiring practices injurious to
16 waterfront labor and waterborne commerce in the port of New York
17 district in this state, including, but not limited to, those oppressive
18 and evil hiring practices that may result from either a surplus or shor-
19 tage of waterfront labor;

20 (f) To consider the effect of technological change and automation and
21 such other economic data and facts as are relevant to a proper determi-
22 nation; and

23 (g) To protect the public interest of the port of New York district in
24 this state.

25 3. (a) In observing the foregoing standards and before determining to
26 suspend or accept applications for inclusion in the longshore workers'
27 register, the commission shall consult with and consider the views of,
28 including any statistical data or other factual information concerning
29 the size of the longshore workers' register submitted by, carriers of
30 freight by water, stevedores, waterfront terminal owners and operators,
31 any labor organization representing employees registered by the commis-
32 sion, and any other person whose interests may be affected by the size
33 of the longshore workers' register.

34 (b) Any joint recommendation or petition granted hereunder shall be
35 subject to such terms and conditions as the commission may prescribe.

36 4. Any determination by the commission pursuant to this section to
37 suspend or accept applications for inclusion in the longshore workers'
38 register shall be made upon a record, shall not become effective until
39 five days after notice thereof to the collective bargaining represen-
40 tative of stevedores and other employers of longshore workers in the
41 port of New York district in this state and to the labor organization
42 representing such longshore workers and/or the petitioning stevedore or
43 other employer of longshore workers in the port of New York district in
44 this state and shall be subject to judicial review for being arbitrary,
45 capricious, and an abuse of discretion in a proceeding jointly insti-
46 tuted by such representative and such labor organization and/or by the
47 petitioning stevedore or other employer of longshore workers in the port
48 of New York district in this state. Such judicial review proceeding may
49 be instituted in the manner provided by the law of this state for review
50 of the final decision or action of administrative agencies of this
51 state, provided, however, that such proceeding shall be decided directly
52 by the appellate division as the court of first instance (to which the
53 proceeding shall be transferred by order of transfer by the supreme
54 court in the state of New York by notice of appeal from the commission's
55 determination) and provided further that notwithstanding any other
56 provision of law in this state no court shall have power to stay the

1 commission's determination prior to final judicial decision for more
2 than fifteen days. In the event that the court enters a final order
3 setting aside the determination by the commission to accept applications
4 for inclusion in the longshore workers' register, the registration of
5 any longshore workers included in the longshore workers' register as a
6 result of such determination by the commission shall be cancelled.

7 5. This section shall apply, notwithstanding any other provision of
8 this act, provided however, such section shall not in any way limit or
9 restrict the provisions of this subdivision empowering the commission to
10 register longshore workers on a temporary basis to meet special or emer-
11 gency needs or the provisions of subdivision four of section five
12 hundred thirty-four-k of this article relating to the immediate rein-
13 statement of persons removed from the longshore workers' register pursu-
14 ant to this section.

15 6. Upon the granting of any joint recommendation or petition under
16 this section for the acceptance of applications for inclusion in the
17 longshore workers' register, the commission shall accept applications
18 upon written sponsorship from the prospective employer of longshore
19 workers. The sponsoring employer shall furnish the commission with the
20 name, address and such other identifying or category information as the
21 commission may prescribe for any person so sponsored. The sponsoring
22 employer shall certify that the selection of the persons so sponsored
23 was made in a fair and non-discriminatory basis in accordance with the
24 requirements of the laws of the United States and the state of New York
25 dealing with equal employment opportunities. Notwithstanding any of the
26 foregoing, where the commission determines to accept applications for
27 inclusion in the longshore workers' register on its own initiative, such
28 acceptance shall be accomplished in such manner deemed appropriate by
29 the commission.

30 7. Notwithstanding any other provision of this article, the commission
31 may include in the longshore workers' register under such terms and
32 conditions as the commission may prescribe:

33 (a) a person issued registration on a temporary basis to meet special
34 or emergency needs who is still so registered by the commission; and

35 (b) a person defined as a longshore worker in subparagraph four of
36 paragraph (a), or paragraph (b) of subdivision twelve of section five
37 hundred thirty-four-b of this article who is employed by a stevedore
38 defined in paragraph (c) or (d) of subdivision twenty-two of section
39 five hundred thirty-four-b of this article and whose employment is not
40 subject to the guaranteed annual income provisions of any collective
41 bargaining agreement relating to longshore workers.

42 8. The commission may include in the longshore workers' register,
43 under such terms and conditions as the commission may prescribe, persons
44 issued registration on a temporary basis as a longshore worker or a
45 checker to meet special or emergency needs and who are still so regis-
46 tered by the commission upon the enactment of this act.

47 9. Nothing in this section shall be construed to modify, limit or
48 restrict in any way any of the rights protected by section five hundred
49 thirty-four-q of this article.

50 § 534-m. Port watchers. 1. No person shall act as a port watcher with-
51 in the port of New York district in this state without first having
52 obtained a license from the commission or previously, from the bi-state
53 commission, and no person shall employ a port watcher who is not so
54 licensed.

55 2. A license to act as a port watcher shall be issued only upon writ-
56 ten application, duly verified, which shall state the following:

1 (a) The full name, residence, business address (if any), place and
2 date of birth and social security number of the applicant;

3 (b) The present and previous occupations of the applicant, including
4 the places where the person was employed and the names of the person's
5 employers;

6 (c) The citizenship of the applicant and, if the person is a natural-
7 ized citizen of the United States, the court and date of naturalization;
8 and

9 (d) Such further facts and evidence as may be required by the commis-
10 sion to ascertain the character, integrity and identity of the appli-
11 cant.

12 3. No such license shall be granted:

13 (a) Unless the commission shall be satisfied that the applicant
14 possesses good character and integrity;

15 (b) If the applicant has, without subsequent pardon, been convicted by
16 a court of the United States or of any state or territory thereof of the
17 commission of, or the attempt or conspiracy to commit, treason, murder,
18 manslaughter or any crime punishable by death or imprisonment for a term
19 exceeding one year or any of the misdemeanors or offenses described in
20 paragraph (b) of subdivision three of section five hundred thirty-four-f
21 of this article;

22 (c) Unless the applicant shall meet such reasonable standards of phys-
23 ical and mental fitness for the discharge of a port watcher's duties as
24 may from time to time be established by the commission;

25 (d) If the applicant shall be a member of any labor organization which
26 represents longshore workers or pier superintendents or hiring agents;
27 but nothing in this section shall be deemed to prohibit port watchers
28 from being represented by a labor organization or organizations which do
29 not also represent longshore workers or pier superintendents or hiring
30 agents. The American Federation of Labor and Congress of Industrial
31 Organizations and any other similar federation, congress or other organ-
32 ization of national or international occupational or industrial labor
33 organizations shall not be considered an organization which represents
34 longshore workers or pier superintendents or hiring agents within the
35 meaning of this section although one of the federated or constituent
36 labor organizations thereof may represent longshore workers or pier
37 superintendents or hiring agents;

38 (e) If the applicant knowingly or willfully advocates the desirability
39 of overthrowing or destroying the government of the United States by
40 force or violence or shall be a member of a group which advocates such
41 desirability, knowing the purposes of such group include such advocacy.

42 4. When the application shall have been examined and such further
43 inquiry and investigation made as the commission shall deem proper and
44 when the commission shall be satisfied therefrom that the applicant
45 possesses the qualifications and requirements prescribed by this section
46 and regulations issued pursuant thereto, the commission shall issue and
47 deliver a license to the applicant. The commission may issue a temporary
48 permit to any applicant for a license under the provisions of this
49 section pending final action on an application made for such a license.
50 Any such permit shall be valid for a period not in excess of six months.

51 5. A license granted pursuant to this section shall continue for a
52 term of three years. A license may be renewed by the commission for
53 successive three-year periods upon fulfilling the same requirements as
54 set forth in this section for an original application.

1 6. Notwithstanding any provision set forth in this section, a license
2 to act as a port watcher shall continue and need not be renewed,
3 provided the licensee shall, as required by the commission:

4 (a) Submit to a medical examination and meet the physical and mental
5 fitness standards established by the commission pursuant to paragraph
6 (c) of subdivision three of this section;

7 (b) Complete a refresher course of training; and

8 (c) Submit supplementary personal history information.

9 7. Any license issued pursuant to this section may be revoked or
10 suspended for such period as the commission deems in the public interest
11 or the licensee thereunder may be reprimanded for any of the following
12 offenses:

13 (a) Conviction of a crime or other cause which would permit or require
14 the person's disqualification from receiving a license upon original
15 application;

16 (b) Fraud, deceit or misrepresentation in securing the license; and

17 (c) Any other offense described in paragraphs (c), (d), (e), (f), (g),
18 (h), and (i) of subdivision seven of section five hundred thirty-four-f
19 of this article.

20 8. The commission shall, at regular intervals, cancel the license or
21 temporary permit of a port watcher who shall have failed during the
22 preceding twelve months to have worked as a port watcher in the port of
23 New York district a minimum number of hours as shall have been estab-
24 lished by the commission, except that immediate restoration of such
25 license or temporary permit shall be made upon proper showing that the
26 failure to so work was caused by the fact that the licensee or permittee
27 was engaged in the military service of the United States or was incapac-
28 itated by ill health, physical injury or other good cause.

29 9. Any applicant for port watcher ineligible for a license by reason
30 of the provisions of paragraph (b) of subdivision three of this section
31 may petition for and the commission may issue an order removing the
32 ineligibility. A petition for an order to remove ineligibility may be
33 made to the commission before or after the hearing required by section
34 five hundred thirty-four-n of this article.

35 § 534-n. Hearings, determinations and review. 1. The commission shall
36 not deny any application for a license or registration without giving
37 the applicant or prospective licensee reasonable prior notice and an
38 opportunity to be heard by the commission.

39 2. Any application for a license or for inclusion in the longshore
40 workers' register, and any license issued or registration made, may be
41 denied, revoked, or suspended only in the manner prescribed in this
42 section.

43 3. The commission may on its own initiative or on complaint of any
44 person, including any public official or agency, institute proceedings
45 to revoke or suspend any license or registration after a hearing at
46 which the licensee or registrant and any person making such complaint
47 shall be given an opportunity to be heard, provided that any order of
48 the commission revoking or suspending any license or registration shall
49 not become effective until fifteen days subsequent to the serving of
50 notice thereof upon the licensee or registrant unless in the opinion of
51 the commission the continuance of the license or registration for such
52 period would be inimical to the public peace or safety. Such hearings
53 shall be held in such manner and upon such notice as may be prescribed
54 by the rules of the commission, but such notice shall be of not less
55 than ten days and shall state the nature of the complaint.

1 4. Pending the determination of such hearing pursuant to subdivision
2 three of this section, the commission may temporarily suspend a permit,
3 license or registration until further order of the commission if in the
4 opinion of the commission the continuance of the permit, license or
5 registration for such period is inimical to the public peace or safety.

6 (a) The commission may temporarily suspend a permit, license or regis-
7 tration pursuant to the provisions of this subdivision until further
8 order of the commission or final disposition of the underlying case,
9 only where the permittee, licensee or registrant has been indicted for,
10 or otherwise charged with, a crime which is equivalent to a felony in
11 the state of New York or any crime punishable by death or imprisonment
12 for a term exceeding one year or only where the permittee or licensee is
13 a port watcher who is charged by the commission pursuant to this section
14 with misappropriating any other person's property at or on a pier or
15 other waterfront terminal.

16 (b) In the case of a permittee, licensee or registrant who has been
17 indicted for, or otherwise charged with, a crime, the temporary suspen-
18 sion shall terminate immediately upon acquittal or upon dismissal of the
19 criminal charge, unless in the opinion of the commission the continuance
20 of any such permit, license or registration is inimical to the public
21 peace or safety.

22 (c) A person whose permit, license or registration has been temporar-
23 ily suspended may, at any time, demand that the commission conduct a
24 hearing as provided for in this section. Within sixty days of such
25 demand, the commission shall commence the hearing and, within thirty
26 days of receipt of the administrative judge's report and recommendation,
27 the commission shall render a final determination thereon; provided,
28 however, that these time requirements, shall not apply for any period of
29 delay caused or requested by the permittee, licensee or registrant. Upon
30 failure of the commission to commence a hearing or render a determi-
31 nation within the time limits prescribed herein, the temporary suspen-
32 sion of the licensee or registrant shall immediately terminate. Notwith-
33 standing any other provision of this subdivision, if a federal, state,
34 or local law enforcement agency or prosecutor's office shall request the
35 suspension or deferment of any hearing on the ground that such a hearing
36 would obstruct or prejudice an investigation or prosecution, the commis-
37 sion may in its discretion, postpone or defer such hearing for a time
38 certain or indefinitely. Any action by the commission to postpone a
39 hearing shall be subject to immediate judicial review as provided in
40 subdivision seven of this section.

41 (d) The commission may in addition, within its discretion, bar any
42 permittee, licensee or registrant whose license or registration has been
43 suspended pursuant to this section, from any employment by a licensed
44 stevedore or a carrier of freight by water during the period of such
45 suspension, if the alleged crime that forms the basis of such suspension
46 involves the possession with intent to distribute, sale, or distribution
47 of a controlled dangerous substance (controlled substance), or
48 controlled dangerous substance analog (controlled substance analog),
49 racketeering or theft from a pier or waterfront terminal.

50 5. The commission, or such officer, employee or agent of the commis-
51 sion as may be designated by the commission for such purpose, shall have
52 the power to issue subpoenas to compel the attendance of witnesses and
53 the giving of testimony or production of other evidence and to adminis-
54 ter oaths in connection with any such hearing. It shall be the duty of
55 the commission or of any officer, employee or agent of the commission
56 designated by the commission for such purpose to issue subpoenas at the

1 request of and upon behalf of the licensee, registrant or applicant.
2 The commission or such person conducting the hearing shall not be bound
3 by common law or statutory rules of evidence or by technical or formal
4 rules of procedure in the conduct of such hearing.

5 6. Upon the conclusion of the hearing, the commission shall take such
6 action upon such findings and determination as it deems proper and shall
7 execute an order carrying such findings into effect. The action in the
8 case of an application for a license or registration shall be the grant-
9 ing or denial thereof. The action in the case of a licensee shall be
10 revocation of the license or suspension thereof for a fixed period or
11 reprimand or a dismissal of the charges. The action in the case of a
12 registered longshore worker shall be dismissal of the charges, reprimand
13 or removal from the longshore workers' register for a fixed period or
14 permanently.

15 7. The action of the commission in denying any application for a
16 license or in refusing to include any person in the longshore workers'
17 register under this act or in suspending or revoking such license or
18 removing any person from the longshore workers' register or in repri-
19 manding a licensee or registrant shall be subject to judicial review by
20 a proceeding instituted in this state at the instance of the applicant,
21 licensee or registrant in the manner provided by state law for review of
22 the final decision or action of an agency of this state provided, howev-
23 er, that notwithstanding any other provision of law the court shall have
24 power to stay for not more than thirty days an order of the commission
25 suspending or revoking a license or removing a longshore worker from the
26 longshore workers' register.

27 8. At hearings conducted by the commission pursuant to this section,
28 applicants, prospective licensees, licensees and registrants shall have
29 the right to be accompanied and represented by counsel.

30 9. After the conclusion of a hearing but prior to the making of an
31 order by the commission, a hearing may, upon petition and in the
32 discretion of the hearing officer, be reopened for the presentation of
33 additional evidence. Such petition to reopen the hearing shall state in
34 detail the nature of the additional evidence, together with the reasons
35 for the failure to submit such evidence prior to the conclusion of the
36 hearing. The commission may upon its own motion and upon reasonable
37 notice reopen a hearing for the presentation of additional evidence.
38 Upon petition, after the making of an order of the commission, rehearing
39 may be granted in the discretion of the commission. Such a petition for
40 rehearing shall state in detail the grounds upon which the petition is
41 based and shall separately set forth each error of law and fact alleged
42 to have been made by the commission in its determination, together with
43 the facts and arguments in support thereof. Such petition shall be filed
44 with the commission not later than thirty days after service of such
45 order, unless the commission for good cause shown shall otherwise
46 direct. The commission may upon its own motion grant a rehearing after
47 the making of an order.

48 § 534-o. Employment information centers. 1. The commission shall
49 establish and maintain one or more employment information centers within
50 the port of New York district in this state at such locations as it may
51 determine. No person shall, directly or indirectly, hire any person for
52 work as a longshore worker or port watcher within the port of New York
53 district in this state, except through such particular employment infor-
54 mation center or centers as may be prescribed by the commission. No
55 person shall accept any employment as a longshore worker or port watcher
56 within the port of New York district in this state, except through such

1 an employment information center. At each such employment information
2 center the commission shall keep and exhibit the longshore workers'
3 register and any other records it shall determine to the end that long-
4 shore worker and port watcher shall have the maximum information as to
5 available employment as such at any time within the port of New York
6 district in this state and to the end that employers shall have an
7 adequate opportunity to fill their requirements of registered longshore
8 workers and port watchers at all times.

9 2. Every employer of longshore workers or port watchers within the
10 port of New York district in this state shall furnish such information
11 as may be required by the rules and regulations prescribed by the
12 commission with regard to the name of each person hired as a longshore
13 worker or port watcher, the time and place of hiring, the time, place
14 and hours of work, and the compensation therefor.

15 § 534-p. Implementation of telecommunications hiring system for long-
16 shore workers and checkers; registration of telecommunications system
17 controller. 1. The commission may designate one of the employment infor-
18 mation centers it is authorized to establish and maintain under section
19 five hundred thirty-four-o of this article for the implementation of a
20 telecommunications hiring system through which longshore workers and
21 checkers may be hired and accept employment without any personal appear-
22 ance at said center. Any such telecommunications hiring system shall
23 incorporate hiring and seniority agreements between the employers of
24 longshore workers and checkers and the labor organization representing
25 longshore workers and checkers in the port of New York district in this
26 state, provided said agreements are not in conflict with the provisions
27 of this article.

28 2. The commission shall permit employees of the association represent-
29 ing employers of longshore workers and checkers and of the labor organ-
30 ization representing longshore workers and checkers in the port of New
31 York district in this state, or of a joint board of such association and
32 labor organization, to participate in the operation of said telecommuni-
33 cations hiring system, provided that any such employee is registered by
34 the commission as a "telecommunications system controller" in accord-
35 ance with the provisions, standards and grounds set forth in this act
36 with respect to the registration of checkers. No person shall act as a
37 "telecommunications system controller" unless that person is so regis-
38 tered. Any application for such registration and any registration made
39 or issued may be denied, revoked, or suspended, as the case may be, only
40 in the manner prescribed in section five hundred thirty-four-n of this
41 article. Any and all such participation in the operation of said tele-
42 communications hiring system shall be monitored by the commission.

43 3. Any and all records, documents, tapes, discs and other data
44 compiled, collected or maintained by said association of employers,
45 labor organization and joint board of such association and labor organ-
46 ization pertaining to the telecommunications hiring system shall be
47 available for inspection, investigation and duplication by the commis-
48 sion.

49 § 534-q. Construction of act. 1. This act is not designed and shall
50 not be construed to limit in any way any rights granted or derived from
51 any other statute or any rule of law for employees to organize in labor
52 organizations, to bargain collectively and to act in any other way indi-
53 vidually, collectively, and through labor organizations or other repre-
54 sentatives of their own choosing. Without limiting the generality of
55 the foregoing, nothing contained in this act shall be construed to limit
56 in any way the right of employees to strike.

1 2. This act is not designed and shall not be construed to limit in any
2 way any rights of longshore workers, hiring agents, pier superintendents
3 or port watchers or their employers to bargain collectively and agree
4 upon any method for the selection of such employees by way of seniority,
5 experience, regular gangs or otherwise, provided that such employees
6 shall be licensed or registered hereunder and such longshore workers and
7 port watchers shall be hired only through the employment information
8 centers established hereunder and that all other provisions of this act
9 be observed.

10 § 534-r. Certain solicitations prohibited; prohibition against the
11 holding of union position by officers, agents or employees who have been
12 convicted of certain crimes and offenses. 1. No person shall solicit,
13 collect or receive any dues, assessments, levies, fines or contrib-
14 utions, or other charges within the state for or on behalf of any labor
15 organization which represents employees registered or licensed pursuant
16 to the provisions of this article or which derives its charter from a
17 labor organization representing one hundred or more of such registered
18 or licensed employees, if any officer, agent or employee of such labor
19 organization, or of a welfare fund or trust administered partially or
20 entirely by such labor organization or by trustees or other persons
21 designated by such labor organization, has been convicted by a court of
22 the United States, or any state or territory thereof, of a felony, any
23 misdemeanor involving moral turpitude or any crime or offense enumerated
24 in paragraph (b) of subdivision three of section five hundred thirty-
25 four-j of this article, unless such person has been subsequently
26 pardoned therefor by the governor or other appropriate authority of the
27 state or jurisdiction in which such conviction was had or has received a
28 certificate of good conduct from the board of parole pursuant to the
29 provisions of the executive law to remove the disability. No person so
30 convicted shall serve as an officer, agent or employee of such labor
31 organization, welfare fund or trust unless such person has been so
32 pardoned or has received a certificate of good conduct. No person,
33 including such labor organization, welfare fund or trust, shall knowingly
34 permit such convicted person to assume or hold any office, agency, or
35 employment in violation of this section.

36 2. As used in this section, the term "labor organization" shall mean
37 and include any organization which exists and is constituted for the
38 purpose in whole or in part of collective bargaining, or of dealing with
39 employers concerning grievances, terms and conditions of employment, or
40 of other mutual aid or protection; but it shall not include a feder-
41 ation or congress of labor organizations organized on a national or
42 international basis even though one of its constituent labor organiza-
43 tions may represent persons so registered or licensed.

44 3. Any person who shall violate this section shall be guilty of a
45 misdemeanor punishable by a fine of not more than five hundred dollars
46 or imprisonment for not more than one year, or both.

47 4. If upon application to the commission by an employee who has been
48 convicted of a crime or offense specified in subdivision one of this
49 section the commission, in its discretion, determines in an order that
50 it would not be contrary to the purposes and objectives of this act for
51 such employee to work in a particular employment for a labor organiza-
52 tion, welfare fund or trust within the meaning of subdivision two of
53 this section, the provisions of subdivision two of this section shall
54 not apply to the particular employment of such employee with respect to
55 such conviction or convictions as are specified in the commission's
56 order. This section is applicable only to those employees who for wages

1 or salary perform manual, mechanical, or physical work of a routine or
2 clerical nature at the premises of the labor organization, welfare fund
3 or trust by which they are employed.

4 5. No person who has been convicted of a crime or offense specified in
5 subdivision one of this section shall directly or indirectly serve as an
6 officer, agent or employee of a labor organization, welfare fund or
7 trust unless such person has been subsequently pardoned for such crime
8 or offense by the governor or other appropriate authority of the state
9 or jurisdiction in which such conviction was had or has received a
10 certificate of good conduct or other relief from disabilities arising
11 from the fact of conviction from a board of parole or similar authority
12 or has received pursuant to subdivision one of this section an order of
13 exception from the commission. No person, including a labor organiza-
14 tion, welfare fund or trust within the meaning of subdivision one of
15 this section, shall knowingly permit any other person to assume or hold
16 any office, agency or employment in violation of this section.

17 6. The commission may maintain a civil action against any person,
18 labor organization, welfare fund or trust or officers thereof to compel
19 compliance with this section, or to prevent any violations, the aiding
20 and abetting thereof, or any attempt or conspiracy to violate this
21 section, either by mandamus, injunction or action or proceeding in lieu
22 of prerogative writ and upon a proper showing a temporary restraining
23 order or other appropriate temporary order shall be granted ex parte and
24 without bond pending final hearing and determination. Nothing in this
25 section shall be construed to modify, limit or restrict in any way the
26 provisions of subdivision one of this section.

27 § 534-s. General violations; prosecutions; penalties. 1. The failure
28 of any witness, when duly subpoenaed to attend, give testimony or
29 produce other evidence, whether or not at a hearing, shall be punishable
30 by the supreme court in New York in the same manner as said failure is
31 punishable by such court in a case therein pending.

32 2. Any person who, having been duly sworn or affirmed as a witness in
33 any such hearing, shall willfully give false testimony or who shall
34 willfully make or file any false or fraudulent report or statement
35 required by this article to be made or filed under oath, shall be guilty
36 of a misdemeanor, punishable by a fine of not more than one thousand
37 dollars or imprisonment for not more than one year or both.

38 3. Any person who, having been duly sworn or affirmed as a witness in
39 any investigation, interview or other proceeding conducted by the
40 commission pursuant to the provisions of this article, shall willfully
41 give false testimony shall be guilty of a misdemeanor, punishable by a
42 fine of not more than one thousand dollars or imprisonment for not more
43 than one year, or both.

44 4. The commission may maintain a civil action on behalf of the state
45 against any person who violates or attempts or conspires to violate this
46 section or who fails, omits, or neglects to obey, observe, or comply
47 with any order or direction of the commission, to recover a judgment for
48 a money penalty not exceeding five hundred dollars for each and every
49 offense. Every violation of any such provision, order or direction,
50 shall be a separate and distinct offense, and, in case of a continuing
51 violation, every day's continuance shall be and be deemed to be a sepa-
52 rate and distinct offense. Any such action may be compromised or
53 discontinued on application of the commission upon such terms as the
54 court may approve and a judgment may be rendered for an amount less than
55 the amount demanded in the complaint as justice may require.

1 5. The commission may maintain a civil action against any person to
2 compel compliance with any of the provisions of this act or to prevent
3 violations, attempts or conspiracies to violate any such provisions, or
4 interference, attempts or conspiracies to interfere with or impede the
5 enforcement of any such provisions or the exercise performance of any
6 power or duty thereunder, either by mandamus, injunction or action.

7 6. Any person who violates or attempts or conspires to violate any
8 other provision of this article shall be guilty of a misdemeanor,
9 punishable by a fine of not more than five hundred dollars or by impri-
10 sonment for not more than one year, or both.

11 7. Any person who interferes with or impedes the orderly registration
12 of longshore workers pursuant to this act or who conspires to or
13 attempts to interfere with or impede such registration shall be guilty
14 of a misdemeanor, punishable by a fine of not more than five hundred
15 dollars or by imprisonment for not more than one year, or both.

16 8. Any person who directly or indirectly inflicts or threatens to
17 inflict any injury, damage, harm or loss or in any other manner prac-
18 tices intimidation upon or against any person in order to induce or
19 compel such person or any other person to refrain from registering
20 pursuant to this act shall be guilty of a misdemeanor, punishable by a
21 fine of not more than five hundred dollars or by imprisonment for not
22 more than one year, or both.

23 9. Any person who shall violate any of the provisions of this article
24 or of section five hundred thirty-four-x of this article for which no
25 other penalty is prescribed shall be guilty of a misdemeanor, punisha-
26 ble by a fine of not more than five hundred dollars or by imprisonment
27 for not more than one year, or both.

28 10. No person shall, without a satisfactory explanation, loiter upon
29 any vessel, dock, wharf, pier, bulkhead, terminal, warehouse, or other
30 waterfront facility or within five hundred feet thereof in that portion
31 of the port of New York district within the state of New York.

32 11. Any person who, without justification or excuse in law, directly
33 or indirectly intimidates or inflicts any injury, damage, harm, loss or
34 economic reprisal upon any person licensed or registered by the commis-
35 sion, or any other person, or attempts, conspires or threatens so to
36 do, in order to interfere with, impede or influence such licensed or
37 registered person in the performance or discharge of the person's duties
38 or obligations shall be guilty of a misdemeanor, punishable by a fine of
39 not more than five hundred dollars or imprisonment for not more than one
40 year, or both.

41 12. In any prosecution under this act, it shall be sufficient to prove
42 only a single act or a single holding out or attempt prohibited by law,
43 without having to prove a general course of conduct, in order to prove a
44 violation.

45 § 534-t. Denial of applications. In addition to the grounds elsewhere
46 set forth in this article, the commission may deny an application for a
47 license or registration for any of the following:

48 1. Conviction by a court of the United States or any state or territo-
49 ry thereof of coercion;

50 2. Conviction by any such court, after having been previously
51 convicted by any such court of any crime or of the offenses set forth in
52 this article, of a misdemeanor or any of the following offenses:
53 assault, malicious injury to property, malicious mischief, unlawful
54 taking of a motor vehicle, corruption of employees or possession of
55 lottery or number slips;

1 3. Fraud, deceit or misrepresentation in connection with any applica-
2 tion or petition submitted to, or any interview, hearing or proceeding
3 conducted by the commission;

4 4. Violation of any provision of this act or commission of any offense
5 under this article;

6 5. Refusal on the part of any applicant, or prospective licensee, or
7 of any member, officer or stockholder required by subdivision two of
8 section five hundred thirty-four-g of this article to sign or be identi-
9 fied in an application for a stevedore license, to answer any material
10 question or produce any material evidence in connection with the
11 person's application or any application made on the person's behalf for
12 a license or registration pursuant to this article;

13 6. Association with a person who has been identified by a federal,
14 state, or local law enforcement agency as a member or associate of an
15 organized crime group, a terrorist group, or a career offender cartel,
16 or who is a career offender, under circumstances where such association
17 creates a reasonable belief that the participation of the applicant in
18 any activity required to be licensed under this article would be inimi-
19 cal to the policies of this article; or

20 7. Conviction of a racketeering activity or knowing association with a
21 person who has been convicted of a racketeering activity by a court of
22 the United States or any state or territory thereof under circumstances
23 where such association creates a reasonable belief that the partic-
24 ipation of the applicant in any activity required to be licensed under
25 this article would be inimical to the policies of this article.

26 § 534-u. Revocation of licenses and registrations. In addition to the
27 grounds elsewhere set forth in this article, any license or registration
28 issued or made pursuant thereto may be revoked or suspended for such
29 period as the commission deems in the public interest or the licensee or
30 registrant may be reprimanded, for:

31 1. Conviction of any crime or offense in relation to promoting gambl-
32 ing or possession of gambling records or similar crimes or offenses if
33 the crime or offense was committed at or on a pier or other waterfront
34 terminal or within five hundred feet thereof;

35 2. Assault, or the attempt thereof, criminal mischief, or the attempt
36 thereof, at or on a waterfront terminal or adjacent highway unless
37 justified or excused by law;

38 3. Receipt or solicitation of anything of value from any person other
39 than a licensee's or registrant's employer as consideration for the
40 selection or retention for employment of such licensee or registrant;

41 4. Coercion of a licensee or registrant to make purchases from or to
42 utilize the services of any person;

43 5. Refusal to answer any material question or produce any evidence
44 lawfully required to be answered or produced at any investigation,
45 interview or other proceeding conducted by the commission pursuant to
46 the provisions of this act, or, if such refusal is accompanied by a
47 valid plea of privilege against self-incrimination, refusal to obey an
48 order to answer such question or produce such evidence made by the
49 commission pursuant to the provisions of subdivision one of section five
50 hundred thirty-four-v of this article;

51 6. Association with a person who has been identified by a federal,
52 state, or local law enforcement agency as a member or associate of an
53 organized crime group, a terrorist group, or a career offender cartel,
54 or who is a career offender, under circumstances where such association
55 creates a reasonable belief that the participation of the applicant in

1 any activity required to be licensed under this act would be inimical to
2 the policies of this article; or

3 7. Conviction of a racketeering activity or knowing association with a
4 person who has been convicted of a racketeering activity by a court of
5 the United States or any state or territory thereof under circumstances
6 where such association creates a reasonable belief that the partic-
7 ipation of the applicant in any activity required to be licensed under
8 this act would be inimical to the policies of this article.

9 § 534-v. Refusal to answer question, immunity; prosecution. 1. In any
10 investigation, interview or other proceeding conducted under oath by the
11 commission or any duly authorized officer, employee or agent thereof, if
12 a person refuses to answer a question or produce evidence of any other
13 kind on the ground that the person may be incriminated thereby, and,
14 notwithstanding such refusal, an order is made upon twenty-four hours'
15 prior written notice to the attorney general of the state of New York,
16 and to the appropriate district attorney or prosecutor having an offi-
17 cial interest therein, by the commissioners that such person answer the
18 question or produce the evidence, such person shall comply with the
19 order. If such person complies with the order, and if, but for this
20 subdivision, would have been privileged to withhold the answer given or
21 the evidence produced by the person, then immunity shall be conferred
22 upon the person, as provided for in this section. "Immunity" as used in
23 this subdivision means that such person shall not be prosecuted or
24 subjected to any penalty or forfeiture for or on account of any trans-
25 action, matter or thing concerning which, in accordance with the order
26 by the commission, such person gave answer or produced evidence, and
27 that no such answer given or evidence produced shall be received against
28 the person upon any criminal proceeding. But the person may neverthe-
29 less be prosecuted or subjected to penalty or forfeiture for any perjury
30 or contempt committed in answering, or failing to answer, or in produc-
31 ing or failing to produce evidence, in accordance with the order, and
32 any such answer given or evidence produced shall be admissible against
33 the person upon any criminal proceeding concerning such perjury or
34 contempt. Immunity shall not be conferred upon any person except in
35 accordance with the provisions of this subdivision. If, after compli-
36 ance with the provisions of this subdivision, a person is ordered to
37 answer a question or produce evidence of any other kind and complies
38 with such order, and it is thereafter determined that the attorney
39 general or appropriate district attorney or prosecutor having an offi-
40 cial interest therein not notified, such failure or neglect shall not
41 deprive such person of any immunity otherwise properly conferred upon
42 the person.

43 2. If a person, in obedience to a subpoena directing the person to
44 attend and testify, comes into this state from another state, the person
45 shall not, while in this state pursuant to such subpoena, be subject to
46 arrest or the service of process, civil or criminal, in connection with
47 matters which arose before the person's entrance into this state under
48 the subpoena.

49 § 534-w. Annual preparation of a budget request and assessments. 1.
50 The commission shall annually submit a budget request, which shall be
51 submitted to the director of the budget in such form as the director may
52 require.

53 2. After taking into account such funds as may be available, the
54 balance of the commission's budgeted expenses shall be assessed upon
55 employers of persons registered or licensed under this act. Each such
56 employer shall pay an assessment computed upon the gross payroll

1 payments made by such employer to longshore workers, pier superinten-
2 dents, hiring agents and port watchers for work or labor performed with-
3 in the port of New York district in this state, at a rate, not in excess
4 of two per cent, computed by the commission in the following manner: the
5 commission shall annually estimate the gross payroll payments to be made
6 by employers subject to assessment and shall compute a rate thereon
7 which will yield revenues sufficient to finance the commission's budget
8 for each year. Such budget to be assessed upon employers may include a
9 reasonable amount not to exceed ten percent of the total of all other
10 items of expenditure contained therein, which shall be allocated to an
11 applicable fund balance to be held in the commission's employers assess-
12 ment account.

13 3. The commission may provide by regulation for the collection and
14 auditing of assessments. Such assessments shall be payable pursuant to
15 such provisions for administration, collection and enforcement as the
16 state may provide by legislation. In addition to any other sanction
17 provided by law, the commission may revoke or suspend any license held
18 by any person under this article, or the person's privilege of employing
19 persons registered or licensed hereunder, for non-payment of any assess-
20 ment when due.

21 4. The assessment pursuant to this section shall be in lieu of any
22 other charge for the issuance of licenses to stevedores, pier super-
23 intendents, hiring agents and pier watchers or for the registration of
24 longshore workers or the use of an employment information center. The
25 commission shall establish reasonable procedures for the consideration
26 of protests by affected employers concerning the estimates and computa-
27 tion of the rate of assessment.

28 § 534-x. Payment of assessment. 1. Every person subject to the
29 payment of any assessment under the provisions of section five hundred
30 thirty-four-w of this article shall file on or before the fifteenth day
31 of the first month of each calendar quarter-year a separate return,
32 together with the payment of the assessment due, for the preceding
33 calendar quarter-year during which any payroll payments were made to
34 longshore workers, pier superintendents, hiring agents or port watchers
35 for work performed as such within the port of New York district in this
36 state. Returns covering the amount of assessment payable shall be filed
37 with the commission on forms to be furnished for such purpose and shall
38 contain such data, information or matter as the commission may require
39 to be included therein. The commission may grant a reasonable extension
40 of time for filing returns, or for the payment of assessment, whenever
41 good cause exists. Every return shall have annexed thereto a certif-
42 ication to the effect that the statements contained therein are true.

43 2. Every person subject to the payment of assessment hereunder shall
44 keep an accurate record of that person's employment of longshore work-
45 ers, pier superintendents, hiring agents or port watchers, which shall
46 show the amount of compensation paid and such other information as the
47 commission may require. Such records shall be preserved for a period of
48 three years and be open for inspection at reasonable times. The commis-
49 sion may consent to the destruction of any such records at any time
50 after said period or may require that they be kept longer, but not in
51 excess of six years.

52 3. (a) The commission shall audit and determine the amount of assess-
53 ment due from the return filed and such other information as is avail-
54 able to it. Whenever a deficiency in payment of the assessment is
55 determined the commission shall give notice of any such determination to
56 the person liable therefor. Such determination shall finally and conclu-

1 sively fix the amount due, unless the person against whom it is assessed
2 shall, within thirty days after the giving of notice of such determi-
3 nation, apply in writing to the commission for a hearing, or unless the
4 commission on its own motion shall reduce the same. After such hearing,
5 the commission shall give notice of its decision to the person liable
6 therefor. A determination of the commission under this section shall be
7 subject to judicial review, if application for such review is made with-
8 in thirty days after the giving of notice of such decision. Any deter-
9 mination under this section shall be made within five years from the
10 time the return was filed and if no return was filed such determination
11 may be made at any time.

12 (b) Any notice authorized or required under this section may be given
13 by mailing the same to the person for whom it is intended at the last
14 address given by that person to the commission, or in the last return
15 filed by that person with the commission under this section, or, if no
16 return has been filed then to such address as may be obtainable. The
17 mailing of such notice shall be presumptive evidence of the receipt of
18 same by the person to whom addressed. Any period of time, which is
19 determined according to the provisions of this section, for the giving
20 of notice shall commence to run from the date of mailing of such notice.

21 4. Whenever any person shall fail to pay, within the time limited
22 herein, any assessment which the person is required to pay to the
23 commission under the provisions of this section the commission may
24 enforce payment of such fee by civil action for the amount of such
25 assessment with interest and penalties.

26 5. The employment by a nonresident of a longshore worker, or a
27 licensed pier superintendent, hiring agent or port watcher in this state
28 or the designation by a nonresident of a longshore worker, pier super-
29 intendent, hiring agent or port watcher to perform work in this state
30 shall be deemed equivalent to an appointment by such nonresident of the
31 secretary of state to be the nonresident's true and lawful attorney upon
32 whom may be served the process in any action or proceeding against the
33 nonresident growing out of any liability for assessments, penalties or
34 interest, and a consent that any such process against the nonresident
35 which is so served shall be of the same legal force and validity as if
36 served personally within the state and within the territorial jurisdic-
37 tion of the court from which the process issues. Service of process
38 within this state shall be made by either:

39 (a) personally delivering to and leaving with the secretary of state
40 duplicate copies thereof at the office of the department of state, in
41 which event the secretary of state shall forthwith send by registered
42 mail one of such copies to the person at the last address designated by
43 the person to the commission for any purpose under this section or in
44 the last return filed by the person under this section with the commis-
45 sion or as shown on the records of the commission, or if no return has
46 been filed, at the person's last known office address within or outside
47 of the state; or

48 (b) personally delivering to and leaving with the secretary of state a
49 copy thereof at the office of the department of state and by delivering
50 a copy thereof to the person, personally outside of the state. Proof of
51 such personal service outside of the state shall be filed with the
52 clerk of the court in which the process is pending within thirty days
53 after such service and such service shall be complete ten days after
54 proof thereof is filed.

55 6. Whenever the commission shall determine that any moneys received as
56 assessments were paid in error, it may cause the same to be refunded,

1 provided an application therefor is filed with the commission within two
2 years from the time the erroneous payment was made.

3 7. In addition to any other powers authorized hereunder, the commis-
4 sion shall have power to promulgate reasonable rules and regulations to
5 effectuate the purposes of this section.

6 8. Any person who shall willfully fail to pay any assessment due here-
7 under, shall be assessed interest at a rate of one percent per month on
8 the amount due and unpaid and penalties of five percent of the amount
9 due for each thirty days or part thereof that the assessment remains
10 unpaid. The commission, may, for good cause shown, abate all or part of
11 such penalty.

12 9. Any person who shall willfully furnish false or fraudulent informa-
13 tion or shall willfully fail to furnish pertinent information, as
14 required, with respect to the amount of assessment due, shall be guilty
15 of a misdemeanor, punishable by a fine of not more than one thousand
16 dollars, or imprisonment for not more than one year, or both.

17 10. All funds of the commission received as payment of any assessment
18 or penalty under this section shall be deposited with the comptroller.
19 The comptroller may require that all such deposits be secured by obli-
20 gations of the United States or of the state of New York of a market
21 value equal at all times to the amount of the deposits, and all banks
22 and trust companies are authorized to give such security for such
23 deposits.

24 11. The commission shall reimburse the state for any funds advanced to
25 the commission exclusive of sums appropriated pursuant to section five
26 hundred thirty-four-w of this article.

27 § 534-y. Transfer of officers, employees. 1. Any officer or employee
28 in the state, county or municipal civil service in either state who
29 shall transfer to service with the commission may be given one or more
30 leaves of absence without pay and may, before the expiration of
31 such leave or leaves of absence, and without further examination or
32 qualification, return to the person's former position or be certified
33 by the appropriate civil service agency for retransfer to a compa-
34 rable position in such state, county, or municipal civil service if
35 such a position is then available.

36 2. The commission may, by agreement with any federal agency from which
37 any officer or employee may transfer to service with the commission,
38 make similar provision for the retransfer of such officer or employee to
39 such federal agency.

40 3. Any officer or employee in the state, county or municipal service
41 in New York state who shall transfer to service with the commission and
42 who is a member of the New York state and local retirement system,
43 shall continue to have all rights, privileges, obligations and status
44 with respect to such system as provided under the retirement and social
45 security law.

46 § 3. Paragraphs (h) and (k) of subdivision 34 of section 1.20 of the
47 criminal procedure law, as amended by chapter 187 of the laws of 2023,
48 are amended to read as follows:

49 (h) An investigator employed by the New York Waterfront Commission or
50 a commission created by an interstate compact~~[, or by section six of~~
51 ~~chapter eight hundred eighty-two of the laws of nineteen hundred fifty-~~
52 ~~three, constituting the waterfront commission act, as amended,~~] who is,
53 to a substantial extent, engaged in the enforcement of the criminal laws
54 of this state;

55 (k) A sworn officer of the New York Waterfront Commission or a police
56 force of a public authority created by an interstate compact~~[, or by~~

~~section six of chapter eight hundred eighty-two of the laws of nineteen hundred fifty-three, constituting the waterfront commission act, as amended,~~ where such force is certified in accordance with paragraph (d) of subdivision one of section eight hundred forty-six-h of the executive law;

§ 4. Subdivision 34 of section 2.10 of the criminal procedure law, as added by chapter 843 of the laws of 1980, is amended to read as follows:

34. New York Waterfront [~~and airport~~] investigators, pursuant to [~~subdivision four of section ninety-nine hundred six of the unconsolidated laws~~] article nineteen-I of the executive law; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

§ 5. Paragraph k of subdivision 11 of section 302 of the retirement and social security law, as added by chapter 187 of the laws of 2023, is amended to read as follows:

k. Service as an investigator or sworn officer of the New York Waterfront Commission or the waterfront commission of New York harbor [~~or the commission created by section six of chapter eight hundred eighty-two of the laws of nineteen hundred fifty-three, constituting the waterfront commission act, as amended~~].

§ 6. Subdivision a and subparagraph (ii) of paragraph 1 of subdivision c of section 381-b of the retirement and social security law, as amended by chapter 187 of the laws of 2023, are amended to read as follows:

a. Membership. Every member or officer of the division of state police in the executive department who enters or re-enters service in the division on or after April first, nineteen hundred sixty-nine, and every investigator or sworn officer employed by the commission created by section six of chapter eight hundred eighty-two of the laws of nineteen hundred fifty-three, constituting the waterfront commission act, as amended, on or after July first, two thousand twenty-three, and every investigator or sworn officer employed by the New York Waterfront Commission in the executive department shall be covered by the provisions of this section, and every member or officer of the division of state police in the executive department in such service on such date may elect to be covered by the provisions of this section by filing an election therefor with the comptroller on or before March thirty-first, nineteen hundred seventy-two. To be effective, such election must be duly executed and acknowledged on a form prepared by the comptroller for that purpose.

(ii) for service rendered as an investigator or sworn officer of the waterfront commission of New York harbor, for service rendered as an investigator or sworn officer of the New York Waterfront Commission, [~~and~~] for service rendered as an investigator-trainee of the waterfront commission of New York harbor, and for service rendered as an investigator-trainee of the New York Waterfront Commission, that was creditable under subdivision w of section three hundred eighty-four-d of this article; and

§ 7. Subdivision w of section 384-d of the retirement and social security law, as added by chapter 407 of the laws of 2000, is amended to read as follows:

w. Notwithstanding any other provision of law to the contrary, any member of the New York state and local police and fire retirement system who was a member of the New York state and local employees' retirement system while employed as an investigator-trainee, Waterfront Commission

1 of New York Harbor or the New York Waterfront Commission, which ~~[is]~~ are
2 not deemed to be police service, who ~~[is]~~ are employed by the New York
3 Waterfront Commission ~~[of New York Harbor]~~, which is an employer elect-
4 ing to participate in the optional twenty year retirement plan pursuant
5 to this section shall be deemed to have provided police service while so
6 employed by the Waterfront Commission of New York Harbor or the New York
7 Waterfront Commission and shall receive creditable service in the New
8 York state and local police and fire retirement system for prior credit-
9 able service in the New York state and local employees' retirement
10 system earned while employed as an investigator-trainee and shall have
11 the period of such prior service credit counted as police service for
12 the purpose of determining the amount of ~~[their]~~ such member's pension
13 and retirement allowance and period of service needed for retirement.

14 § 8. Paragraph (c) of subdivision 1 of section 5 of the tax law, as
15 amended by chapter 170 of the laws of 1994, is amended to read as
16 follows:

17 (c) "Covered agency" shall mean the state of New York, any county of
18 the state of New York, any department, board, bureau, commission, divi-
19 sion, office, council or agency of the state or any such county, a
20 public authority, a public benefit corporation, the port authority of
21 New York and New Jersey or the waterfront commission of New York harbor.
22 When a county is wholly included within a city, then the term "county"
23 shall be read to include the city. "Covered agency" shall also include
24 the New York Waterfront Commission.

25 § 9. Paragraph 8 of subdivision (c) of section 1105 of the tax law, as
26 added by chapter 190 of the laws of 1990, is amended to read as follows:

27 (8) Protective and detective services, including, but not limited to,
28 all services provided by or through alarm or protective systems of every
29 nature, including, but not limited to, protection against burglary,
30 theft, fire, water damage or any malfunction of industrial processes or
31 any other malfunction of or damage to property or injury to persons,
32 detective agencies, armored car services and guard, patrol and ~~[watch-~~
33 ~~man]~~ watcher services of every nature other than the performance of such
34 services by a port ~~[watchman]~~ watcher licensed by the New York Water-
35 front Commission or the waterfront commission of New York harbor, wheth-
36 er or not tangible personal property is transferred in conjunction ther-
37 ewith.

38 § 10. This act shall take effect June 30, 2024.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would create the New York Waterfront Commission and revise the Retirement and Social Security Law to make permanent the changes of Chapter 187 Laws of 2023, which added the titles of investigator and sworn officer employed by the Waterfront Commission Act, to the definition of membership in Section 381-b including making such service creditable under RSSL §381-b, and further expand creditable service to include service as an investigator-trainee.

If this bill is enacted during the 2024 Legislative Session, we do not anticipate any additional cost to the State of New York or the participating employers in the New York State and Local Police and Fire Retirement System.

To the extent that new members gain coverage under Section 381-b of the RSSL, we anticipate a contribution of 26.4% of salary paid to newly eligible members for the fiscal year ending March 31, 2025. In future years, this cost will vary but is expected to average 20.6% of salary annually.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 13, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-082, prepared by the Actuary for the New York State and Local Retirement System.

1

PART M

2 Section 1. Section 2 of part DDD of chapter 55 of the laws of 2021
3 amending the public authorities law relating to the clean energy
4 resources development and incentives program, is amended to read as
5 follows:

6 § 2. This act shall take effect immediately and shall expire and be
7 deemed repealed [~~three years after such date~~ April 19, 2030; provided
8 however, that the amendments to section 1902 of the public authorities
9 law made by section one of this act shall not affect the repeal of such
10 section and shall be deemed repealed therewith.

11 § 1-a. The opening paragraph of paragraph (a) and paragraph (b) of
12 subdivision 1 of section 1902 of the public authorities law, as added by
13 section 6 of part JJJ of chapter 58 of the laws of 2020, are amended to
14 read as follows:

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

21 (b) In making such assessment the authority shall give priority to
22 dormant electric generating sites, and shall give preference to previ-
23 ously developed sites, existing or abandoned commercial sites, including
24 without limitation brownfields, landfills, former commercial or indus-
25 trial sites, [~~dormant electric generating sites,~~ provided that the authority shall not deem any viable
26 agricultural land to be an otherwise underutilized site for the
27 purposes of this section;

28 § 2. This act shall take effect immediately, provided, however that
29 the amendments to section 1902 of the public authorities law made by
30

1 section one-a of this act shall not affect the expiration and repeal of
2 such section and shall expire and be deemed repealed therewith.

3 PART N

4 Section 1. Expenditures of moneys by the New York state energy
5 research and development authority for services and expenses of the
6 energy research, development and demonstration program, including
7 grants, the energy policy and planning program, the microgrid, dormant
8 electric generating sites, and vehicle charging and grid infrastructure
9 needs studies in sections two, three and four of this act, and the Fuel
10 NY program shall be subject to the provisions of this section. Notwith-
11 standing the provisions of subdivision 4-a of section 18-a of the public
12 service law, all moneys committed or expended in an amount not to exceed
13 \$28,725,000 shall be reimbursed by assessment against gas corporations,
14 as defined in subdivision 11 of section 2 of the public service law and
15 electric corporations as defined in subdivision 13 of section 2 of the
16 public service law, where such gas corporations and electric corpo-
17 rations have gross revenues from intrastate utility operations in excess
18 of \$500,000 in the preceding calendar year, and the total amount
19 assessed shall be allocated to each electric corporation and gas corpo-
20 ration in proportion to its intrastate electricity and gas revenues in
21 the calendar year 2022. Such amounts shall be excluded from the general
22 assessment provisions of subdivision 2 of section 18-a of the public
23 service law. The chair of the public service commission shall bill such
24 gas and/or electric corporations for such amounts on or before August
25 10, 2024 and such amounts shall be paid to the New York state energy
26 research and development authority on or before September 10, 2024.
27 Upon receipt, the New York state energy research and development author-
28 ity shall deposit such funds in the energy research and development
29 operating fund established pursuant to section 1859 of the public
30 authorities law. The New York state energy research and development
31 authority is authorized and directed to: (1) transfer up to \$4 million
32 to the state general fund for climate change related services and
33 expenses of the department of environmental conservation from the funds
34 received; and (2) commencing in 2016, provide to the chair of the public
35 service commission and the director of the budget and the chairs and
36 secretaries of the legislative fiscal committees, on or before August
37 first of each year, an itemized record, certified by the president and
38 chief executive officer of the authority, or his or her designee,
39 detailing any and all expenditures and commitments ascribable to moneys
40 received as a result of this assessment by the chair of the department
41 of public service pursuant to section 18-a of the public service law.
42 This itemized record shall include an itemized breakdown of the programs
43 being funded by this section and the amount committed to each program.
44 The authority shall not commit for any expenditure, any moneys derived
45 from the assessment provided for in this section, until the chair of
46 such authority shall have submitted, and the director of the budget
47 shall have approved, a comprehensive financial plan encompassing all
48 moneys available to and all anticipated commitments and expenditures by
49 such authority from any source for the operations of such authority.
50 Copies of the approved comprehensive financial plan shall be immediately
51 submitted by the chair to the chairs and secretaries of the legislative
52 fiscal committees. Any such amount not committed by such authority to
53 contracts or contracts to be awarded or otherwise expended by the
54 authority during the fiscal year shall be refunded by such authority on

1 a pro-rata basis to such gas and/or electric corporations, in a manner
2 to be determined by the department of public service, and any refund
3 amounts must be explicitly lined out in the itemized record described
4 above.

5 § 2. (1) The New York state energy research and development authority,
6 in consultation with the department of public service and the division
7 of homeland security and emergency services, shall prepare a report
8 including recommendations regarding the establishment of microgrids for
9 protection of critical facilities in the state of New York. For purposes
10 of this act, the term "microgrid" shall mean a group of interconnected
11 loads and distributed energy resources within clearly defined electrical
12 boundaries that acts as a single controllable entity with respect to the
13 grid and can connect and disconnect from the grid to enable it to oper-
14 ate in both grid-connected or island-mode. Specifically, the authority
15 shall develop recommendations which include, but are not limited to, the
16 following:

17 (a) Whether microgrids should be established at hospitals, first
18 responder headquarters, such as police and fire stations, emergency
19 shelters, schools, water filtration plants, sewage treatment plants and
20 other critical facilities in the state of New York;

21 (b) The geographic areas in the state of New York where the establish-
22 ment of microgrids should be a priority, based upon prior severe storm
23 damage and the consideration of disadvantaged communities as defined in
24 subdivision 5 of section 75-0101 of the environmental conservation law;
25 and

26 (c) Available or necessary funding mechanisms for the establishment of
27 microgrids.

28 (2) The authority shall submit the final report of recommendations to
29 the governor, the temporary president of the senate and the speaker of
30 the assembly within one year after the effective date of this act.

31 § 3. Within eighteen months of the effective date of this paragraph,
32 the authority shall prepare a report to be submitted to the governor,
33 the temporary president of the senate and the speaker of the assembly,
34 that at a minimum contains:

35 (1) a survey of decommissioned or dormant electric generating sites in
36 the state, and plants expected to be decommissioned or dormant in the
37 next eighteen months;

38 (2) an identification of renewable energy development and energy stor-
39 age opportunities at each such decommissioned or dormant electric gener-
40 ating sites, and whether such site should be a build ready site, and if
41 not, why not;

42 (3) an assessment of the economic impacts on affected communities of
43 repowering dormant electric generating sites with renewable energy, and
44 energy storage projects, including impacts to the local tax base and
45 local employment; and

46 (4) an assessment of the impacts on electric system reliability.

47 § 4. (1) Within nine months of the effective date of this section the
48 New York state research and development authority, hereinafter authori-
49 ty, in consultation with the department of transportation, the depart-
50 ment of motor vehicles, the New York state thruway authority, the New
51 York power authority, the Long Island power authority, the department of
52 environmental conservation, the electric distribution and local trans-
53 mission utilities, the New York Association for Pupil Transportation,
54 and freight logistics experts shall conduct a needs evaluation to:

1 (a) consider planning by the department of transportation for fast
2 charger deployment along alternative fuel corridors and major freight
3 corridors;

4 (b) identify the number and location of fast chargers along priority
5 highway corridors and major freight corridors, including fast chargers
6 currently in operation and in development;

7 (c) estimate future need for fast charger deployment along priority
8 highway and major freight corridors for the purposes of (i) facilitating
9 the cost-effective and timely achievement of mandates under (A) article
10 seventy-five of the environmental conservation law, (B) section
11 19-0306-b of the environmental conservation law regarding zero-emissions
12 vehicle sales targets, (C) rules and regulations for zero-emissions
13 vehicles adopted by the commissioner of environmental conservation, and
14 (D) other relevant and applicable federal and state rules or regulations
15 or local goals to reduce transportation sector emissions; and (ii)
16 supporting electric vehicle adoption by consumers and fleet operators;

17 (d) identify the number and location of highway charging hubs, includ-
18 ing but not limited to thruway charging hubs and freight charging hubs,
19 currently in operation and in development along priority highway and
20 major freight corridors;

21 (e) estimate total charging capacity required to serve light duty,
22 medium duty, and heavy duty electric vehicles at each highway and
23 freight charging hub through at least the year two thousand fifty;

24 (f) identify, to the extent practicable, the number and location of
25 commercial and public fleet vehicles in operation, including their body
26 type, fuel type, model year, zip code, and other relevant information
27 needed to forecast the number and location of zero-emissions vehicles,
28 per state policy;

29 (g) identify the number and location of fleet charging zones;

30 (h) estimate future need for charging deployment and charging capacity
31 in the fleet charging zones, sufficient to satisfy the targets and regu-
32 lations identified in paragraph (c) of this subdivision;

33 (i) examine ways to optimize fast charger deployment among the highway
34 charging hubs, the freight charging hubs, and all such charging hubs,
35 and charging development among the fleet charging zones to reduce the
36 cost of interconnection, if deemed necessary, and electric distribution
37 and local transmission upgrades while serving projected vehicle traffic
38 volumes;

39 (j) analyze and assess the total potential costs associated with any
40 identified need;

41 (k) analyze and assess federal or state funding opportunities to mini-
42 mize such costs to rate payers; and

43 (l) identify the number and location of critical public charging sites
44 and estimate future need for charging deployment and charging capacity
45 for critical public charging sites.

46 (2) The authority shall develop a stakeholder engagement process to
47 raise consumer awareness and education across the state and solicit
48 feedback from the public, local government, representatives or residents
49 of environmental justice or disadvantaged communities, electric vehicle
50 manufacturers, electric vehicle supply equipment manufacturers, fleet
51 operators, school district transportation directors and others on the
52 highway and depot charging needs evaluation. To the extent practicable
53 and consistent with applicable timelines, the authority may coordinate
54 the highway and depot charging needs evaluation stakeholder input proc-
55 ess with the process set forth in section eighteen hundred eighty-four
56 of this article.

1 (3) The needs evaluation shall be made publicly available on the
2 authority's website.

3 (4) When conducting the needs evaluation, the following locations
4 shall be considered for designation as highway and/or freight charging
5 hubs:

6 (a) All thruway charging hubs.

7 (b) Additional sites or geographic areas based on (i) eligibility for
8 federal, state, or other funding opportunities, including but not limit-
9 ed to needs identified through the NEVI formula program planning proc-
10 ess, (ii) proximity to electric transmission infrastructure, (iii)
11 projected vehicle traffic, (iv) charging network coverage, (v) inter-
12 state and intrastate commerce, (vi) benefits to environmental justice
13 and disadvantaged communities, (vii) benefits of increased charging
14 accessibility in host communities, (viii) real property ownership or
15 control of potential sites, (ix) relevant commitments from site and/or
16 charging operators, and (x) other factors deemed relevant for the devel-
17 opment and successful implementation of the highway charging needs eval-
18 uation.

19 (c) Locations within one mile of the priority highway corridors,
20 spaced no more than fifty miles apart along the priority highway corri-
21 dors and reasonably accessible regardless of direction of travel.

22 (d) Privately operated sites which are open to the public or multiple
23 commercial entities as eligible for designation as a highway charging
24 hub or freight charging hub, subject to reasonable restrictions.

25 (e) A single highway or freight charging hub comprised of multiple
26 charging service areas within a reasonable distance from one another.

27 (5) When conducting the needs evaluation, the following geographic
28 area criteria shall be considered when determining designations as fleet
29 charging zones:

30 (a) total number of commercial and public fleet vehicles in operation
31 and/or total number of fleet operators in the geographic area,

32 (b) projected vehicle traffic in the geographic area,

33 (c) benefits to public fleets, such as school bus operators,

34 (d) benefits to environmental justice and disadvantaged communities,

35 (e) relevant commitments from fleet and/or site operators to install
36 charging equipment,

37 (f) available capacity on the electric distribution and local trans-
38 mission network to serve vehicle chargers,

39 (g) ensuring equitable coverage and access to fleet charging through-
40 out the state, and

41 (h) sites where private or public fleet vehicles are regularly parked,
42 maintained, or otherwise dispatched for service, including school bus
43 garages.

44 (6) As used in this section, the following terms shall have the
45 following meanings:

46 (a) "Alternative fuel corridors" shall mean highways designated within
47 the state pursuant to the national electric vehicle infrastructure
48 formula program under 23 U.S.C. 151 and previously designated under the
49 federal Fixing America's Surface Transportation Act of 2015.

50 (b) "Charging needs evaluation" shall mean the highway and depot
51 charging needs evaluation.

52 (c) "Critical public charging site" shall mean a priority site for the
53 deployment of charging infrastructure designed to support buildout of
54 charging in densely populated urban areas where access to charging may
55 be limited.

(d) "Fast charger" shall mean a direct current electric vehicle charging port which can charge at a level of at least one hundred fifty kilowatts.

(e) "Fleet charging zone" shall mean a priority geographic area for the deployment of charging infrastructure for public and commercial fleet operators or owners, including school bus fleets, taxi and ride-share vehicle fleets.

(f) "Freight charging hub" shall mean a priority site for the deployment of large scale, fast charging infrastructure, which has minimum station power capability at or above six hundred kilowatts and supports at least one hundred fifty kilowatts per port simultaneously across four ports for charging. These sites may include highway charging hubs.

(g) "Highway and depot charging needs evaluation" shall mean the needs evaluation developed pursuant to subdivision two of this section.

(h) "Highway charging hub" shall mean a priority site for the deployment of large scale, fast charging infrastructure, which has minimum station power capability at or above six hundred kilowatts and supports at least one hundred fifty kilowatts per port simultaneously across four ports for charging. These sites shall include but are not limited to thruway charging hubs.

(i) "Major freight corridor" shall mean segments of the freight transportation network identified by the federal highway administration that carry more than fifty million tons per year, including highway segments that carry at least eight thousand five hundred trucks per day, additional highway segments and parallel rail lines that together carry at least eight thousand five hundred truck, trailer-on-flatcar, and container-on-flatcar payloads of typically high-value, time sensitive cargo, and rail lines and waterways that carry fifty million tons in bulk cargo per year.

(j) "NEVI" shall mean the national electric vehicle infrastructure program established under the federal Infrastructure Investment and Jobs Act of 2021.

(k) "Priority highway corridor" shall mean alternative fuel corridors and other state and county highways identified in the charging needs evaluation as appropriate to ensure sufficient and equitable charging access throughout the state.

(l) "Thruway charging hubs" shall mean all highway service areas controlled, leased, owned, or operated by the New York state thruway authority.

§ 5. 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 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". The legislature hereby finds and declares that:

1. To timely achieve the renewable energy and greenhouse gas reduction targets established pursuant to the climate leadership and community protection act ("CLCPA"), while contemporaneously maintaining the reliability of the state's electric transmission system, action is needed to consolidate and expedite the environmental review and permitting of major renewable energy facilities and major electric utility transmission facilities.

2. Since enactment of the CLCPA, it has become apparent that the State's bulk and local transmission facilities need to be significantly upgraded to deliver renewable energy to load. These significant upgrades in the bulk and local transmission system must be undertaken in an expedited timeframe consistent with the timeframe to achieve the CLCPA targets.

3. In the context of achieving the CLCPA targets, a public policy purpose would be served and the interests of the people of the state of New York would be advanced by transferring the Office of Renewable Energy Siting ("ORES"), currently under the auspices of the Department of State, to the Department of Public Service ("DPS") and providing such office with additional responsibilities for the review and permitting of major electric transmission facilities as set forth in this act.

4. The legislature finds that such a transfer would combine the long-standing expertise of DPS related to transmission siting, planning and compliance with environmental and reliability standards with ORES's expertise related to the siting of renewable energy resources and, in so doing, create synergies, and otherwise provide for more efficient siting of major renewable energy and transmission facilities.

§ 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. 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, and shall continue in full force and effect. Provided, however, that such conforming changes are limited to such substitutions of numbering, names, titles, citations and other non-substantive amendments that are necessary only to effectuate the transfer and relocation of ORES to DPS, the changes may be filed with the secretary of state without the need for additional proceedings under the state administrative procedure act or section 101-a of the executive law, and shall continue in full force and effect.

§ 8. Promulgation of rules and regulations. The ORES in consultation with DPS shall be authorized to promulgate regulations on an emergency basis to ensure the implementation of this act.

§ 9. Intentionally omitted.

§ 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.

(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

1 pursuant to article seven of this chapter shall be considered for all
2 legal purposes to be permits issued by ORES.

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

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

14 § 10-a. Continuity of existing functions, powers, duties, and obli-
15 gations. All of the existing functions, powers, duties, and obligations
16 of the Farmland protection working group, and duties granted to the
17 Farmland protection working group by section 94-c of the executive law
18 now repealed, are hereby transferred, and shall be deemed and held to
19 constitute the continuation of such functions, powers, duties and obli-
20 gations of the Farmland protection working group and not to a different
21 agency, authority, department or office.

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

25 ARTICLE VIII

26 SITING OF RENEWABLE ENERGY AND ELECTRIC TRANSMISSION

27 Section 136. Purpose.

28 137. Definitions.

29 138. General provisions related to establishing standards 30 related to siting major renewable energy facilities.

31 139. General provisions related to establishing standards 32 related to siting major electric transmission facilities.

33 140. Applicability related to siting major renewable energy 34 facilities.

35 141. Applicability related to siting major electric transmission 36 facilities.

37 142. Application, notice and review relating to major renewable 38 energy facility siting.

39 143. Application, notice, and review relating to major electric 40 transmission facility siting.

41 144. Municipal involvement; powers of municipalities and state 42 agencies.

43 145. Fees; local agency account.

44 146. Judicial review.

45 147. Farmland protection working group.

46 § 136. Purpose. It is the purpose of this article to consolidate the
47 environmental review, permitting, and siting in this state of major
48 renewable energy facilities and major electric transmission facilities
49 subject to this article, and to provide ORES as a single forum for the
50 coordinated and timely review of such projects to meet the state's
51 renewable energy goals and ensure the reliability of the electric trans-
52 mission system, while also ensuring the protection of the environment
53 and consideration of all pertinent social, economic and environmental

1 factors in the decision to permit such projects as more specifically
2 provided in this article.

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

5 1. "CLCPA targets" shall mean the public policies established in the
6 climate leadership and community protection act enacted in chapter one
7 hundred six of the laws of two thousand nineteen, including but not
8 limited to the requirement that a minimum of seventy percent of the
9 statewide electric generation be produced by renewable energy systems by
10 two thousand thirty, that by the year two thousand forty the statewide
11 electrical demand system will generate zero emissions, and the procure-
12 ment of at least nine gigawatts of offshore wind electricity generation
13 by two thousand thirty-five, six gigawatts of photovoltaic solar gener-
14 ation by two thousand twenty-five and to support three gigawatts of
15 statewide energy storage capacity by two thousand thirty.

16 2. "Dormant electric generating site" shall mean a site at which one
17 or more electric generating facilities produced electricity but has
18 permanently ceased operating.

19 3. "Major electric transmission facility" means an electric trans-
20 mission line of a design capacity of one hundred twenty-five kilovolts
21 or more extending a distance of one mile or more, or of one hundred
22 kilovolts or more and less than one hundred twenty-five kilovolts,
23 extending a distance of ten miles or more, including associated equip-
24 ment, but shall not include any such transmission line located wholly
25 underground in a city with a population in excess of one hundred twen-
26 ty-five thousand or a primary transmission line approved by the federal
27 energy regulatory commission in connection with a hydro-electric facili-
28 ty.

29 4. "Major renewable energy facility" means any renewable energy
30 system, as such term is defined in section sixty-six-p of this chap-
31 ter, with a nameplate generating capacity of twenty-five thousand kilo-
32 watts or more, and any co-located system storing energy generated from
33 such a renewable energy system prior to delivering it to the bulk
34 transmission system, including all associated appurtenances to electric
35 plants, including electric transmission facilities less than ten miles
36 in length in order to provide access to load and to integrate such
37 facilities into the state's bulk electric transmission system.

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

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

44 7. "Local agency account" or "account" shall mean the account estab-
45 lished in subdivision seven of former section ninety-four-c of the exec-
46 utive law and continued in section one hundred forty-five of this
47 section.

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

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

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

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

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

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

6 12. "Major renewable energy facility siting permit" shall mean the
7 siting permit issued to a major renewable energy facility by the execu-
8 tive director pursuant to this article, and the rules and regulations
9 promulgated by ORES.

10 13. "Major electric transmission facility siting permit" shall mean
11 the siting permit issued to a major electric transmission facility by
12 the executive director pursuant to this article, and the rules and regu-
13 lations promulgated by ORES.

14 § 138. General provisions related to establishing standards related to
15 siting major renewable energy facilities. 1. (a) ORES shall be author-
16 ized to establish and amend a set of uniform standards and conditions
17 for the siting, design, construction and operation of each type of major
18 renewable energy facility subject to this article relevant to issues
19 that are common for particular classes and categories of major renewable
20 energy facilities, in consultation with other offices within the depart-
21 ment, the New York state energy research and development authority, the
22 department of environmental conservation, the department of agriculture
23 and markets, and other relevant state agencies and authorities with
24 subject matter expertise.

25 (b) The uniform standards and conditions established pursuant to this
26 subdivision shall be designed to avoid or minimize, to the maximum
27 extent practicable, any potential significant adverse environmental
28 impacts related to the siting, design, construction and operation of a
29 major renewable energy facility. Such uniform standards and conditions
30 shall apply to those environmental impacts ORES determines are common to
31 each type of major renewable energy facility.

32 (c) In its review of an application for a major renewable energy
33 facility siting permit to develop a major-renewable energy facility,
34 ORES, in consultation with the department of environmental conservation,
35 shall identify those site-specific adverse environmental impacts, if
36 any, that may be caused or contributed to by a specific proposed major
37 renewable energy facility and are unable to be addressed by the uniform
38 standards and conditions. ORES shall draft in consultation with the
39 department of environmental conservation site-specific permit terms and
40 conditions for such impacts, including provisions for the avoidance or
41 mitigation thereof, taking into account the CLCPA targets and the envi-
42 ronmental benefits of the proposed major renewable energy facility;
43 provided, however, that ORES shall require that the application of
44 uniform standards and conditions and site-specific conditions shall
45 achieve a net conservation benefit to any impacted endangered and
46 threatened species.

47 2. To the extent that adverse environmental impacts are not completely
48 addressed by uniform standards and conditions and site-specific major
49 renewable energy facility siting permit conditions proposed by ORES, and
50 ORES determines that mitigation of such impacts may be achieved by off-
51 site mitigation, ORES may require payment of a fee by the applicant to
52 achieve such off-site mitigation. If ORES determines, in consultation
53 with the department of environmental conservation, that mitigation of
54 impacts to endangered or threatened species that achieves a net conser-
55 vation benefit can be achieved by off-site mitigation, the amount to be
56 paid for such off-site mitigation shall be set forth in the final major

1 renewable energy facility siting permit. ORES may require payment of
2 funds sufficient to implement such off-site mitigation into the endan-
3 gered and threatened species mitigation fund established pursuant to
4 section ninety-nine-hh of the state finance law.

5 3. ORES, in consultation with the department, shall promulgate rules
6 and regulations with respect to all necessary requirements to implement
7 the siting permit program established in this article and promulgate
8 modifications to such rules and regulations as it deems necessary;
9 provided that ORES shall promulgate regulations requiring the service of
10 applications on affected municipalities and political subdivisions
11 simultaneously with submission of an application.

12 § 139. General provisions related to establishing standards related to
13 siting major electric transmission facilities. 1. (a) Within twelve
14 months of the effective date of this section, ORES shall, in consulta-
15 tion with other offices within the department, the New York state energy
16 research and development authority, the department of environmental
17 conservation, the department of agriculture and markets, and other agen-
18 cies with subject matter expertise, establish a set of uniform standards
19 and conditions for the siting, design, construction, and operation of
20 major electric transmission facilities subject to this article relevant
21 to issues that are common to such projects. Prior to adoption of uniform
22 standards and conditions, the office shall hold four public hearings in
23 different regions of the state to solicit comment from municipal, or
24 political subdivisions, and the public on proposed uniform standards and
25 conditions to avoid, minimize or mitigate potential adverse environ-
26 mental impacts from the siting, design, construction and operation of a
27 major electric transmission facility.

28 (b) The uniform standards and conditions established pursuant to this
29 article shall be designed to minimize adverse impacts on active farming
30 operations.

31 (c) The uniform standards and conditions established pursuant to this
32 article shall be designed to avoid or minimize, to the maximum extent
33 practicable, any potential significant adverse environmental impacts
34 related to the siting, design, construction, and operation of a major
35 electric transmission facility. Such uniform standards and conditions
36 shall apply to those environmental impacts ORES determines are common to
37 major electric transmission facilities.

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

54 (e) Upon the establishment of uniform standards and conditions
55 required by this section and the promulgation of regulations specifying
56 the content of an application for a major electric transmission facility

1 siting permit, an application for a major electric transmission facility
2 siting permit shall only be made pursuant to this article.

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

17 3. When evaluating the major electric transmission facility siting
18 permit application ORES shall identify, and make public through a writ-
19 ten opinion, the basis of the public need, which shall, at a minimum,
20 include whether the proposed project conforms to long-range plans relat-
21 ing to the expansion of the electric power grid and interconnected util-
22 ity systems or was included or considered in the power grid study
23 required pursuant to section seven of part JJJ of chapter fifty-eight of
24 the laws of two thousand twenty for a major electric transmission facil-
25 ity. Notwithstanding any other provision of this article to the contra-
26 ry, ORES shall only grant major electric transmission facility siting
27 permits to such projects that: (i) demonstrate a qualified public need,
28 (ii) are in the public and ratepayer interest, (iii) identify and
29 address the adverse environmental impacts of the facility pursuant to
30 the uniform standards and conditions promulgated pursuant to this arti-
31 cle and any site-specific major electric transmission facility siting
32 permit conditions applied to the facility, or otherwise mitigated as
33 provided in this article, and (iv) minimize, to the extent practicable,
34 significant adverse impacts on active farming.

35 § 140. Applicability related to siting major renewable energy facili-
36 ties. 1. No person shall commence the preparation of a site for, or
37 begin the construction of, a major renewable energy facility in the
38 state, or increase the capacity of an existing major renewable energy
39 facility, without having first obtained a major renewable energy facili-
40 ty siting permit pursuant to this article. Any major renewable energy
41 facility subject to this article with respect to which a siting permit
42 is issued shall not thereafter be built, maintained, or operated except
43 in conformity with such major renewable energy facility siting permit
44 and any terms, limitations, or conditions contained therein, provided
45 that nothing in this subdivision shall exempt such facility from compli-
46 ance with federal laws and regulations.

47 2. A major renewable energy facility siting permit issued by ORES may
48 be transferred or assigned, subject to the prior written approval of the
49 office, to a person that agrees to comply with the terms, limitations
50 and conditions contained in such major renewable energy facility siting
51 permit.

52 3. ORES or a permittee may initiate an amendment to a major renewable
53 energy facility siting permit under this section. An amendment initiated
54 by ORES or a permittee that is likely to result in any material increase
55 in any adverse environmental impact or involves a substantial change to
56 the terms or conditions of a major renewable energy facility siting

1 permit shall comply with the public notice and hearing requirements of
2 this section.

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

9 5. This section shall not apply:

10 (a) to normal repairs, maintenance, replacements, non-material modifi-
11 cations and improvements of a major renewable energy facility subject to
12 this article, whenever built, which are performed in the ordinary course
13 of business and which do not constitute a violation of any applicable
14 existing major renewable energy facility permit;

15 (b) to a major renewable energy facility if, on or before the effec-
16 tive date of this article, an application has been made or granted for a
17 license, permit, certificate, consent or approval from any federal,
18 state or local commission, agency, board or regulatory body.

19 § 141. Applicability related to siting major electric transmission
20 facilities. 1. Except as provided in paragraph (b) of subdivision five
21 of this section, on and after twelve months after the effective date of
22 this article, no person shall commence the preparation of a site for, or
23 begin construction of, a major electric transmission facility in the
24 state without having first obtained a major electric transmission facil-
25 ity siting permit issued with respect to such facility pursuant to this
26 article. The replacement of existing with like facilities, as determined
27 by ORES, shall not constitute the construction of a major utility trans-
28 mission facility. Any major electric transmission facility subject to
29 this article with respect to which a major electric transmission facili-
30 ty siting permit is issued shall not thereafter be built, maintained, or
31 operated except in conformity with such major electric transmission
32 facility siting permit and any terms, limitations, or conditions
33 contained therein, provided that nothing in this subdivision shall
34 exempt such facility from compliance with federal laws and regulations.

35 2. A major electric transmission facility siting permit issued by ORES
36 may be transferred or assigned, subject to the prior written approval of
37 the office, to a person that agrees to comply with the terms, limita-
38 tions and conditions contained in such major electric transmission
39 facility siting permit.

40 3. ORES or a permittee may initiate an amendment to a major electric
41 transmission facility siting permit under this section. An amendment
42 initiated by ORES or a permittee that is likely to result in any materi-
43 al increase in any adverse environmental impact or involves a substan-
44 tial change to the terms or conditions of a major electric transmission
45 facility siting permit shall comply with the public notice and hearing
46 requirements of this section.

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

53 5. This section shall not apply:

54 (a) to any major electric transmission facility over which any agency
55 or department of the federal government has exclusive jurisdiction, or
56 has jurisdiction concurrent with that of the state and has exercised

1 such jurisdiction, to the exclusion of regulation of the facility by the
2 state; provided, however, that nothing herein shall be construed to
3 expand federal jurisdiction;

4 (b) to a major electric transmission facility for which an application
5 pursuant to article seven of this chapter and its implementing regu-
6 lations is submitted on or before the establishment of the uniform stan-
7 dards and conditions required pursuant to subdivision one of section one
8 hundred thirty-nine of this article.

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

15 § 142. Application, notice, and review relating to major renewable
16 energy facility siting. 1. ORES shall, within sixty days of its receipt
17 of an application for a major renewable energy facility siting permit,
18 determine whether the application is complete and notify the applicant
19 of its determination. If ORES does not deem the application complete,
20 ORES shall set forth in writing delivered to the applicant the reasons
21 why it has determined the application to be incomplete. If ORES fails to
22 make a determination within the foregoing sixty-day time period, the
23 application shall be deemed complete; provided, however, that the appli-
24 cant may consent to an extension of the sixty-day time period for deter-
25 mining application completeness. Provided, further, that no application
26 may be complete without proof of consultation with the municipality or
27 political subdivision where the project is proposed to be located, or an
28 agency thereof, including the provisions of section one hundred forty-
29 four of this article, prior to submission of an application to ORES.

30 2. No later than sixty days following the date upon which an applica-
31 tion has been deemed complete, and following consultation with any rele-
32 vant state agency or authority, ORES shall publish for public comment
33 draft permit conditions prepared by the office, which comment period
34 shall be for a minimum of sixty days from public notice thereof, or
35 notice of intent to deny with reasons thereof. Such public notice shall
36 include, but shall not be limited to: (i) written notice to the munici-
37 palities or political subdivisions; (ii) written notice to each member
38 of the legislature through whose district the facility proposed in the
39 application would be located; (iii) publication in a newspaper or in
40 electronic form, having general circulation in such municipalities or
41 political subdivisions; and (iv) posting the notice on the office's and
42 the department's website.

43 3. If public comments on a draft permit condition published by ORES
44 pursuant to this section, including comments provided by a municipality
45 or political subdivision or agency thereof, member of the legislature,
46 landowners, or members of the public, raise a substantive and signif-
47 icant issue, as defined in regulations adopted pursuant to this article,
48 that requires adjudication, ORES shall promptly fix a date for an adju-
49 dicatory hearing to hear arguments and consider evidence with respect
50 thereto. In any such adjudicatory hearing, ORES or the department,
51 shall designate members of its staff to represent the public interest,
52 as well as the interests of municipalities not participating.

53 4. Following the expiration of the public comment period set forth in
54 this section, and following the conclusion of a hearing undertaken
55 pursuant to subdivision four of this section, ORES shall, in the case of
56 a public comment period, issue a written summary of public comments and

1 an assessment of comments received, and in the case of an adjudicatory
2 hearing, the executive officer or any person to whom the executive
3 director has delegated such authority shall issue a final written hear-
4 ing report. A final major renewable energy facility siting permit may
5 only be issued if ORES makes a finding that the proposed project,
6 together with any applicable uniform and site-specific standards and
7 conditions, would comply with applicable laws and regulations. In making
8 a final siting permit determination with respect to a major renewable
9 energy facility, ORES may elect not to apply, in whole or in part, any
10 local law or ordinance that would otherwise be applicable if it makes a
11 public finding through a written opinion that, as applied to the
12 proposed facility, it is unreasonably burdensome in view of the CLCPA
13 targets and the environmental benefits, of the proposed renewable energy
14 facility.

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

43 § 143. Application, notice, and review relating to major electric
44 transmission facility siting. 1. ORES shall, within one hundred twenty
45 days after its receipt of an application for a major electric trans-
46 mission facility siting permit, determine whether the application is
47 complete and notify the applicant of its determination. If ORES does not
48 deem the application complete, it shall set forth in writing delivered
49 to the applicant the reasons why it has determined the application to be
50 incomplete. If ORES fails to make a determination within the foregoing
51 one hundred twenty day time period, the application shall be deemed
52 complete; provided, however, that the applicant may consent to an exten-
53 sion of the one hundred twenty day time period for determining applica-
54 tion completeness. Provided, further, that no application may be
55 complete without proof of consultation with the municipality or poli-
56 tical subdivision where the project is proposed to be located, or an

1 agency thereof, including the provisions of section one hundred forty-
2 four of this article, prior to submission of an application to ORES.

3 2. (a) In addition to addressing uniform standards and conditions, the
4 application for a major electric transmission facility siting permit
5 shall include, in such form as ORES may prescribe, the following infor-
6 mation: (i) the location of the site or right-of-way; (ii) a description
7 of the transmission facility to be built thereon; (iii) a summary of any
8 studies which have been made of the environmental impact of the project,
9 and a description of such studies; (iv) a statement explaining the
10 public need for the facility; (v) a description of any reasonable alter-
11 nate location or locations for the proposed facility, a description of
12 the comparative merits and detriments of each location submitted, and a
13 statement of the reasons why the primary proposed location is best suit-
14 ed for the facility; (vi) copies of any studies of the electrical
15 performance and system impacts of the facility performed by the state
16 grid operator pursuant to its tariff; and (vii) such other information
17 as the applicant may consider relevant or ORES may by regulation
18 require.

19 (b) To the greatest extent practicable, each landowner of land on
20 which any portion of such proposed facility is to be located shall be
21 served by first class mail with a notice that such landowner's property
22 may be impacted by a project and an explanation of how to file with ORES
23 a notice of intent to be a party in the permit application proceedings
24 and the timeframe for filing such application.

25 3. No later than sixty days following the date upon which an applica-
26 tion has been deemed complete, and following consultation with any rele-
27 vant state agency or authority, ORES shall publish for public comment
28 draft permit conditions prepared by the office, which comment period
29 shall be for a minimum of sixty days from public notice thereof. Such
30 public notice shall include, but shall not be limited to: (i) written
31 notice to the municipalities and political subdivisions, in which the
32 major electric utility transmission is proposed to be located and to
33 landowners notified of the application pursuant to paragraph (c) of this
34 subdivision; (ii) written notice to each member of the legislature
35 through whose district the facility or any alternate proposed in the
36 application would pass and in the event that such facility or any
37 portion thereof is located within the Adirondack Park or Tug Hill, the
38 Adirondack Park Agency and Tug Hill commission respectively; (iii)
39 publication in a newspaper or in electronic form, having general circula-
40 tion in such municipalities or political subdivisions; and (iv) post-
41 ing on the office's and the department's website.

42 4. If public comments on a draft siting permit condition published by
43 ORES pursuant to this section, including comments provided by a munici-
44 pality or political subdivision or agency thereof, landowners, member of
45 the legislature, or members of the public, raise a substantive and
46 significant issue, as defined in regulations adopted pursuant to this
47 article, that requires adjudication, ORES shall promptly fix a date for
48 an adjudicatory hearing to hear arguments and consider evidence with
49 respect thereto; provided, however, that any portion of a proposed
50 project which is to be located on the land of a landowner for which the
51 applicant lacks a right-of-way agreement, ORES shall provide such land-
52 owner with an opportunity to challenge the explanation for the public
53 need given in such application. In any such adjudicatory hearing, ORES
54 or the department, shall designate members of its staff to represent the
55 public interest, as well as the interests of municipalities not partic-
56 ipating.

1 5. Following the expiration of the public comment period set forth in
2 this section, and following the conclusion of a hearing undertaken
3 pursuant to subdivision five of this section, ORES shall, in the case of
4 a public comment period, issue a written summary of public comments and
5 an assessment of comments received, and in the case of an adjudicatory
6 hearing, the executive officer or any person to whom the executive
7 director has delegated such authority shall issue a final written hear-
8 ing report. A final major electric facility transmission siting permit
9 may only be issued if ORES makes a public finding through a written
10 opinion that the proposed project, together with any applicable uniform
11 and site-specific standards and conditions, would comply with applicable
12 laws and regulations. In making a final siting permit determination with
13 respect to a major electric transmission facility, ORES may elect not to
14 apply, in whole or in part, any local law or ordinance that would other-
15 wise be applicable if it makes a finding that, as applied to the
16 proposed facility, it is unreasonably burdensome in view of the CLCPA
17 targets, the environmental benefits, or the public need for the proposed
18 project.

19 6. Notwithstanding any other deadline made applicable by this section,
20 ORES shall make a final decision on a major electric transmission facil-
21 ity siting permit within one year from the date the application was
22 deemed complete. Unless ORES and the applicant have agreed to an exten-
23 sion and if a final major electric transmission facility siting permit
24 decision has not been made by ORES within such time period, then such
25 siting permit shall be deemed to have been automatically granted for all
26 purposes set forth in this article and all uniform conditions or site
27 specific permit conditions issued for public comment shall constitute
28 enforceable provisions of such siting permit; provided, however, that no
29 such permit may be automatically granted with respect to a major elec-
30 tric transmission facility siting permit where:

31 (a) any portion of the proposed facility is to be located on the land
32 of a landowner for which the applicant, at the time such permit may be
33 deemed to be automatically granted, lacks a valid and enforceable right-
34 of-way agreement;

35 (b) ORES has not made public a written opinion articulating the basis
36 of public need pursuant to section one hundred thirty-nine of this arti-
37 cle.

38 § 144. Municipal involvement; powers of municipalities and state agen-
39 cies. 1. Applicants shall, prior to filing an application for a siting
40 permit, conduct meetings with the respective chief executive officer of
41 all municipalities in which the proposed major renewable energy facility
42 or major electric transmission facility will be located. Such meetings
43 shall include a meaningful discussion of the specific project details
44 with a focus on those details that are particular to the municipality.
45 The applicant shall provide, as part of the application, copies of tran-
46 scripts, presentation materials, and a summary of questions raised, and
47 responses provided during such meetings with municipalities. In the
48 event the applicant is unable to secure a meeting with a relevant muni-
49 cipality the application shall contain a detailed explanation of all of
50 the applicant's best efforts and reasonable attempts to secure such
51 meeting, including, but not limited to, all written communications
52 between the applicant and the municipality. ORES shall not deem any
53 application complete without finding an applicant compliant with this
54 section.

55 2. For any municipality, political subdivision or an agency thereof
56 that has received notice of the filing of an application for a siting

1 permit, pursuant to regulations promulgated in accordance with this
2 article, the municipality or political subdivision or agency thereof
3 shall, within the timeframes established by sections one hundred forty-
4 two and one hundred forty-three of this article, submit a statement to
5 ORES indicating whether any proposed project is designed to be sited,
6 constructed and operated in compliance with applicable local laws and
7 regulations, if any, concerning the environment, or public health and
8 safety. In the event that a municipality, political subdivision or an
9 agency thereof submits a statement to ORES that such proposed project is
10 not designed to be sited, constructed or operated in compliance with
11 local laws and regulations and ORES determines not to hold an adjudica-
12 tory hearing on the application, ORES shall hold a non-adjudicatory
13 public hearing in or near one or more of the affected municipalities or
14 political subdivisions.

15 3. Notwithstanding any other provision of law to the contrary, includ-
16 ing without limitation article eight of the environmental conservation
17 law and article seven of this chapter, no other state agency, department
18 or authority, or any municipality or political subdivision or any agency
19 thereof may, except as expressly authorized under this article or the
20 rules and regulations promulgated under this article, require any
21 approval, consent, permit, certificate, contract, agreement, or other
22 condition for the development, design, construction, operation, or
23 decommissioning of a major renewable energy facility or a major electric
24 transmission facility with respect to which an application for a siting
25 permit has been filed, provided in the case of a municipality, political
26 subdivision or an agency thereof, such entity has received notice of the
27 filing of the application therefor. Notwithstanding the foregoing, the
28 department of environmental conservation shall be the permitting agency
29 for permits issued pursuant to federally delegated or federally approved
30 programs.

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

35 5. ORES and the department shall monitor, enforce and administer
36 compliance with any terms and conditions set forth in a siting permit
37 issued pursuant to this article and in doing so may use and rely on
38 authority otherwise available under this chapter.

39 § 145. Fees; local agency account. 1. Each application for a siting
40 permit shall be accompanied by a fee in an amount equal to the follow-
41 ing:

42 (a) for a major renewable energy facility, one thousand dollars for
43 each thousand kilowatts of capacity of the proposed major renewable
44 energy facility;

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

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

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

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

2. Such fee is to be deposited in the local agency account established in subdivision seven of former section ninety-four-c of the executive law, for the benefit of local agencies and community intervenors by the New York state energy research and development authority and maintained in a segregated account in the custody of the commissioner of taxation and finance. ORES, in consultation with the department, may update the fee periodically solely to account for inflation. The proceeds of such account shall be disbursed by the office, in accordance with eligibility and procedures established by the rules and regulations promulgated by ORES or the department pursuant to this article or in effect as of the effective date of this article, for the participation of local agencies and community intervenors in public comment periods or hearing procedures established by this article, including the rules and regulations promulgated hereto; provided that fees must be disbursed for municipalities, political subdivisions or an agency thereof, to determine whether a proposed project is designed to be sited, constructed and operated in compliance with the applicable local laws and regulations.

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

4. To the extent an applicant submitted intervenor funds pursuant to article seven or ten of this chapter and has now filed an application for a siting permit pursuant to this article, any amounts held in an intervenor account established pursuant to article seven or ten of this chapter for that project shall be applied to the local agency account.

5. In addition to the fees established pursuant to this section, ORES or the department, pursuant to regulations adopted pursuant to this article, may assess a fee on applicants for the purpose of recovering costs incurred by the office; provided, however, that public utilities and ratepayers that are subject to section eighteen-a of this chapter shall not be assessed a fee for such costs. Provided further that neither ORES nor the department, may establish such fees until all necessary rules and regulations relating to the operation of the endangered and threatened species mitigation bank fund, established pursuant to section ninety-nine-hh of the state finance law, are finalized and such fund is operational.

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

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

2. A judicial proceeding shall be brought in the third department of the appellate division of the supreme court of the state of New York. Such proceeding shall be initiated by the filing of a petition in such court within ninety days after the issuance of a final decision by ORES together with proof of service of a demand on ORES to file with said

1 court a copy of a written transcript of the record of the proceeding and
2 a copy of ORES's decision and opinion. ORES's copy of said transcript,
3 decision and opinion, shall be available at all reasonable times to all
4 parties for examination without cost. Upon receipt of such petition and
5 demand ORES shall forthwith deliver to the court a copy of the record
6 and a copy of ORES's decision and opinion. Thereupon, the court shall
7 have jurisdiction of the proceeding and shall have the power to grant
8 such relief as it deems just and proper, and to make and enter an order
9 enforcing, modifying and enforcing as so modified, remanding for further
10 specific evidence or findings or setting aside in whole or in part such
11 decision. The appeal shall be heard on the record, without requirement
12 of reproduction, and upon briefs to the court. The findings of fact on
13 which such decision is based shall be conclusive if supported by
14 substantial evidence on the record considered as a whole and matters of
15 judicial notice set forth in the opinion. The jurisdiction of the appel-
16 late division of the supreme court shall be exclusive and its judgment
17 and order shall be final, subject to review by the court of appeals in
18 the same manner and form and with the same effect as provided for
19 appeals in a special proceeding. All such proceedings shall be heard and
20 determined by the appellate division of the supreme court and by the
21 court of appeals as expeditiously as possible and with lawful precedence
22 over all other matters.

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

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

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

29 (c) Within the statutory jurisdiction or authority of ORES and the
30 department;

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

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

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

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

39 § 147. Farmland protection working group. 1. There is hereby created
40 in the department of agriculture and markets a farmland protection work-
41 ing group consisting of appropriate stakeholders, including but not
42 limited to:

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

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

45 (c) the executive director of ORES;

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

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

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

51 (g) representatives from at least two county agricultural and farmland
52 protection boards.

53 2. The working group shall, no later than one year after the effective
54 date of this section, and annually thereafter, recommend strategies to
55 encourage and facilitate input from municipalities in the siting process
56 of major renewable energy facilities and major electric transmission

1 facilities and to develop recommendations that include approaches to
2 recognize the value of viable agricultural land and methods to minimize
3 adverse impacts to any such land resulting from the siting of major
4 renewable energy facilities and major electric transmission facilities.

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

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

10 § 174. Major steam electric generating facilities certificates. Any
11 certificate of environmental compatibility and public need issued to a
12 major steam electric generating facility under the former article eight
13 of this chapter shall be treated for purposes of compliance and enforce-
14 ment as if such certificate was issued under article ten of this chap-
15 ter.

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

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

22 § 14. Subparagraph (g) of paragraph 3 of subdivision (B) of section
23 402 of the eminent domain procedure law is amended to read as follows:

24 (g) if the property is to be used for the construction of a major
25 utility transmission facility, as defined in section one hundred twenty
26 of the public service law [~~, or major steam electric generating facility~~
27 ~~as defined in section one hundred forty of such law~~] with respect to
28 which a certificate of environmental compatibility and public need has
29 been issued under such law, a statement that such certificate relating
30 to such property has been issued and is in force, or if the property is
31 to be used for the construction of a major electric transmission facil-
32 ity, as defined under article eight of the public service law, with
33 respect to which a major electric transmission facility siting permit
34 has been issued under such law, a statement that such permit relating to
35 such property has been issued and is in force.

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

38 7. Any person who participated in the state energy planning proceeding
39 or any person who sought an amendment of the state energy plan pursuant
40 to subdivision six of this section, may obtain, pursuant to article
41 seventy-eight of the civil practice law and rules, judicial review of
42 the board's decision adopting a plan, or any amendment thereto, or of
43 the board's decision not to amend such plan pursuant to subdivision six
44 of this section. Any such special proceeding shall be brought in the
45 appellate division of the supreme court of the state of New York for the
46 third judicial department. Such proceeding shall be initiated by the
47 filing of a petition in such court within thirty days after the issuance
48 of a decision by the board. The proceeding shall have a lawful prefer-
49 ence over any other matter, shall be heard on an expedited basis and
50 shall be completed in all respects, including any subsequent appeal,
51 within one hundred eighty days of the filing of the petition. Where more
52 than one such petition is filed, the court may provide for consolidation
53 of the proceedings. Notwithstanding the provisions of [~~article~~] articles
54 seven and eight of the public service law, the procedure set forth in
55 this section shall constitute the exclusive means for seeking judicial
56 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 major electric transmission facility siting permit under ~~[section ninety-four-e 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-e 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 relating to the generation, transmission, distribution and sale by the authority, of power to be generated from the projects authorized by this title shall not be subject to the provisions of the public service law nor to regulation by, nor the jurisdiction of the department of public service. Except to the extent article seven of the public service law applies to the siting and operation of a major utility transmission facility as defined therein, article eight of the public service law applies to the siting and operation of a major electric transmission facility as defined therein, and article ten of the public service law applies to the siting of a major electric generating facility as defined therein, and except to the extent section eighteen-a of the public service law provides for assessment of the authority for certain costs relating thereto, the provisions of the public service law and of the environmental conservation law and every other law relating to the department of public service or the public service commission or to the environmental conservation department or to the functions, powers or duties assigned to the division of water power and control by chapter six hundred nineteen of the laws of nineteen hundred twenty-six, shall so far as is necessary to make this title effective in accordance with its terms and purposes be deemed to be superseded, and wherever any provision of law shall be found in conflict with the provisions of this title or inconsistent with the purposes thereof, it shall be deemed to be superseded, modified or repealed as the case may require.

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

1. The rates, services and practices relating to the electricity generated by facilities owned or operated by the authority shall not be subject to the provisions of the public service law or to regulation by, or the jurisdiction of, the public service commission, except to the extent (a) article seven of the public service law applies to the siting and operation of a major utility transmission facility as defined therein, (b) article eight of the public service law applies to the siting and operation of a major electric transmission facility as defined therein, (c) article ten of such law applies to the siting of a generating facility as defined therein, [~~(a)~~] (d) section eighteen-a of such law provides for assessment for certain costs, property or operations, [~~(d)~~] (e) to the extent that the department of public service reviews and makes recommendations with respect to the operations and provision of services of, and rates and budgets established by, the authority pursuant to section three-b of such law, [~~(e)~~] (f) that section seventy-four of the public service law applies to qualified energy storage systems within the authority's jurisdiction, and [~~(f)~~] (g) that section seventy-four-b of the public service law applies to Long Island community choice aggregation programs.

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

(b) "utility transmission facility" means any electric transmission line operating at sixty-five kilovolts or higher in the service area, including associated equipment. It shall not include any transmission line which is an in-kind replacement or which is located wholly underground. This section also shall not apply to any major ~~[utility]~~ electric transmission facility subject to the jurisdiction of article seven 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]~~ Articles seven and 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. Intentionally omitted.

§ 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]~~ article 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 other state agency, incorporating specific energy conservation and clean energy requirements applicable to the construction of any building, shall be superseded by the code promulgated pursuant to this section. Notwithstanding the foregoing, nothing in this section shall be deemed to expand the powers of the council to include matters that are exclusively within the statutory jurisdiction of the public service commis-

1 sion, the department of environmental conservation, [~~the office of~~
2 ~~renewable energy siting~~] or another state entity.

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

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

24 § 29. Subparagraph (i) of paragraph (e) of subdivision 27-a of section
25 1005 of the public authorities law, as added by section 1 of part QQ of
26 chapter 56 of the laws of 2023, is amended to read as follows:

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

37 § 30. Intentionally omitted.

38 § 31. 1. The public service commission shall, within thirty days of
39 the effective date of this act, undertake a comprehensive study for the
40 purpose of reviewing the timely interconnection of distributed gener-
41 ation resources, including, at a minimum:

- 42 (a) an investigation of the causes of delays;
43 (b) a quantification of the extent of delay; and
44 (c) potential solutions to expedite and incentivize interconnection,
45 including, at a minimum, the usage of dormant electric generating sites,
46 potential metrics related to timely interconnection, and negative reven-
47 ue adjustments.

48 2. The report shall be completed within 180 days of the effective date
49 of this act and shall be made available to the governor, temporary pres-
50 ident of the senate and speaker of the assembly and posted on the
51 commission's website.

52 § 31-a. Section 11-0535-c of the environmental conservation law is
53 amended by adding a new subdivision 6 to read as follows:

54 6. The commissioner shall annually report to the department of public
55 service, the governor, the temporary president of the senate and the

speaker of the assembly on the status of the fund and all monies added to and expended from the fund.

§ 31-b. Subdivision 2 of section 7 of part JJJ of chapter 58 of the laws of 2020 amending the public service law, the executive law, the public authorities law, the environmental conservation law and the state finance law relating to accelerating the growth of renewable energy facilities to meet critical state energy policy goals, is amended to read as follows:

2. The department, in consultation with the New York state energy research and development authority, the power authority of the state of New York, the Long Island power authority, the state grid operator, and the utilities shall undertake a comprehensive study for the purpose of identifying distribution upgrades, local transmission upgrades and bulk transmission investments that are necessary or appropriate to facilitate the timely achievement of the CLCPA targets (collectively, "power grid study"). The power grid study shall identify needed distribution upgrades and local transmission upgrades for each utility service territory and separately address needed bulk transmission system investments. In performing the study, the department may consider such issues it determines to be appropriate including by way of example system reliability; safety; cost-effectiveness of upgrades and investments in promoting development of major renewable energy facilities and relieving or avoiding constraints; and factors considered by the office of renewable energy siting in issuing and enforcing renewable energy siting permits pursuant to section 94-c of the executive law. In carrying out the study, the department shall gather input from owners and developers of competitive transmission projects, the state grid operator, and providers of transmission technology and smart grid solutions and to utilize information available to the department from other pertinent studies or research relating to modernization of the state's power grid. To enable the state to meet the CLCPA targets in an orderly and cost-effective manner, the department ~~[may issue findings and recommendations as part of the power grid study at reasonable intervals but]~~ shall make an initial report of findings and recommendations within 270 days of the effective date of this section and shall annually update such report thereafter.

Section 31-c. Subdivisions 1, 2, 3, 4, 6, 7, and 8 of section 224-d of the labor law, subdivision 1 as separately amended by chapters 372 and 375 of the laws of 2022, subdivisions 2, 3, 4, and 7 as added by section 2 of part AA of chapter 56 of the laws of 2021, subdivision 6 as amended by section 30 of part PP of chapter 56 of the laws of 2022, and subdivision 8 as added by chapter 375 of the laws of 2022, are amended and two new subdivisions 1-a and 1-b are added to read as follows:

1. For purposes of this section, a "covered renewable energy system" means ~~[(a)]~~ a renewable energy system, as such term is defined in section sixty-six-p of the public service law, with a capacity of one or more megawatts alternating current and which involves the procurement of renewable energy credits by a public entity, or a third party acting on behalf and for the benefit of a public entity; or ~~[(b)]~~ ~~[any "thermal energy network"]~~ a utility company or utility corporation as defined by ~~[subdivision twenty-nine]~~ subdivisions twenty-three and twenty-four of section two of the public service law.

1-a. For purposes of this section, an "other covered project" means (a) any "thermal energy network" as defined by subdivision twenty-nine of section two of the public service law; (b) any energy storage project associated or paired with a covered renewable energy system or,

1 in the event of the approval of an energy storage credit, which receives
2 such credit or other public funds from a public entity; (c) a "major
3 utility transmission facility" as such term is defined by section one
4 hundred twenty of the public service law or "major electric transmission
5 facility" as defined by article eight of the public service law; or (d)
6 any project receiving public funds that supports the offshore wind
7 supply chain, including but not limited to port infrastructure, primary
8 component manufacturing, finished component manufacturing, subassembly
9 manufacturing, subcomponent manufacturing or raw material producers, or
10 a combination thereof.

11 1-b. For purposes of this section "public funds" shall include (a)
12 the payment of money, by a public entity, or a third party acting on
13 behalf of and for the benefit of a public entity, directly to or on
14 behalf of the contractor, subcontractor, developer, or owner that is not
15 subject to repayment; (b) the savings achieved from fees, rents, inter-
16 est rates, or other loan costs, or insurance costs that are lower than
17 market rate costs; savings from reduced taxes as a result of tax cred-
18 its, tax abatements, tax exemptions or tax increment financing; savings
19 from payments in lieu of taxes; and any other savings from reduced,
20 waived, or forgiven costs that would have otherwise been at a higher or
21 market rate but for the involvement of the public entity; (c) money
22 loaned by the public entity that is to be repaid on a contingent basis;
23 (d) credits that are applied by the public entity against repayment of
24 obligations to the public entity; or (e) funds received pursuant to
25 section ninety-nine-qq of the state finance law, as added by section two
26 of part TT of chapter forty-five of the laws of two thousand twenty-one.

27 2. Notwithstanding the provisions of section two hundred twenty-four-a
28 of this article, a covered renewable energy system or other covered
29 project shall be subject to prevailing wage requirements in accordance
30 with sections two hundred twenty and two hundred twenty-b of this arti-
31 cle. Provided that a renewable energy system defined in section sixty-
32 six-p of the public service law which is not considered to be covered by
33 this section, may still otherwise be considered a "covered project"
34 pursuant to section two hundred twenty-four-a of this article if it
35 meets such definition.

36 3. For purposes of this section, a covered renewable energy system or
37 other covered project shall exclude construction work performed under a
38 pre-hire collective bargaining agreement between an owner or contractor
39 and a bona fide building and construction trade labor organization which
40 has established itself, and/or its affiliates, as the collective
41 bargaining representative for all persons who will perform work on such
42 a project, and which provides that only contractors and subcontractors
43 who sign a pre-negotiated agreement with the labor organization can
44 perform work on such a project[~~, or construction work performed under a~~
45 ~~labor peace agreement, project labor agreement, or any other~~
46 ~~construction work performed under an enforceable agreement between an~~
47 ~~owner or contractor and a bona fide building and construction trade~~
48 ~~labor organization~~].

49 4. For purposes of this section, the "fiscal officer" shall be deemed
50 to be the commissioner. The enforcement of any covered renewable energy
51 system or other covered project pursuant to this section shall be
52 subject to the requirements of sections two hundred twenty, two hundred
53 twenty-a, two hundred twenty-b, two hundred twenty-three, two hundred
54 twenty-four-b, and two hundred twenty-seven of this chapter and within
55 the jurisdiction of the fiscal officer; provided, however, nothing
56 contained in this section shall be deemed to construe any covered renew-

1 able energy system or other covered project as otherwise being consid-
2 ered public work pursuant to this article.

3 6. Each owner and developer subject to the requirements of this
4 section shall comply with the objectives and goals of certified minority
5 and women-owned business enterprises pursuant to article fifteen-A of
6 the executive law and certified service-disabled veteran-owned busi-
7 nesses pursuant to article three of the veterans' services law. The
8 department in consultation with the commissioner of the division of
9 minority and women's business development and the director of the divi-
10 sion of service-disabled veterans' business development shall make
11 training and resources available to assist minority and women-owned
12 business enterprises and service-disabled veteran-owned business enter-
13 prises on covered renewable energy systems and other covered projects to
14 achieve and maintain compliance with prevailing wage requirements. The
15 department shall make such training and resources available online and
16 shall afford minority and women-owned business enterprises and service-
17 disabled veteran-owned business enterprises an opportunity to submit
18 comments on such training.

19 7. a. The fiscal officer shall report to the governor, the temporary
20 president of the senate, and the speaker of the assembly by July first,
21 two thousand twenty-two, and annually thereafter, on the participation
22 of minority and women-owned business enterprises in relation to covered
23 renewable energy systems and other covered projects subject to the
24 provisions of this section as well as the diversity practices of
25 contractors and subcontractors employing laborers, workers, and mechan-
26 ics on such projects.

27 b. Such reports shall include aggregated data on the utilization and
28 participation of minority and women-owned business enterprises, the
29 employment of minorities and women in construction-related jobs on such
30 projects, and the commitment of contractors and subcontractors on such
31 projects to adopting practices and policies that promote diversity with-
32 in the workforce. The reports shall also examine the compliance of
33 contractors and subcontractors with other equal employment opportunity
34 requirements and anti-discrimination laws, in addition to any other
35 employment practices deemed pertinent by the commissioner.

36 c. The fiscal officer may require any owner or developer to disclose
37 information on the participation of minority and women-owned business
38 enterprises and the diversity practices of contractors and subcontrac-
39 tors involved in the performance of any covered renewable energy system
40 or other covered project. It shall be the duty of the fiscal officer to
41 consult and to share such information in order to effectuate the
42 requirements of this section.

43 8. Any [~~thermal energy network~~] covered [~~by this section~~] renewable
44 energy system or other covered project shall require all contractors and
45 subcontractors performing construction work to use apprenticeship agree-
46 ments, as defined by article twenty-three of this chapter, with pre-ap-
47 prenticeship direct entry providers registered with the department.

48 § 31-d. Subdivisions 3 and 4 of section 66-r of the public service
49 law, as added by section 2-a of part AA of chapter 56 of the laws of
50 2021, are amended and two new subdivisions 1-a and 2-a are added to read
51 as follows:

52 1-a. For purposes of this section, an "other covered project" means
53 (a) any "thermal energy network" as defined by subdivision twenty-nine
54 of section two of this chapter; (b) any energy storage project associ-
55 ated or paired with a covered renewable energy system or, in the event
56 of the approval of an energy storage credit, receives such credit or

1 other public funds from a public entity; (c) a "major utility trans-
2 mission facility" as such term is defined by section one hundred twenty
3 of this chapter or "major electric transmission facility" as defined by
4 article eight of this chapter; or (d) any project receiving public funds
5 that supports the offshore wind supply chain, including but not limited
6 to port infrastructure, primary component manufacturing, finished compo-
7 nent manufacturing, subassembly manufacturing, subcomponent manufactur-
8 ing or raw material producers, or a combination thereof.

9 2-a. For purposes of this section "public funds" shall include (a) the
10 payment of money, by a public entity, or a third party acting on behalf
11 of and for the benefit of a public entity, directly to or on behalf of
12 the contractor, subcontractor, developer, or owner that is not subject
13 to repayment; (b) the savings achieved from fees, rents, interest rates,
14 or other loan costs, or insurance costs that are lower than market rate
15 costs; savings from reduced taxes as a result of tax credits, tax abate-
16 ments, tax exemptions or tax increment financing; savings from payments
17 in lieu of taxes; and any other savings from reduced, waived, or forgiv-
18 en costs that would have otherwise been at a higher or market rate but
19 for the involvement of the public entity; (c) money loaned by the public
20 entity that is to be repaid on a contingent basis; (d) credits that are
21 applied by the public entity against repayment of obligations to the
22 public entity; or (e) funds received pursuant to section ninety-nine-qq
23 of the state finance law, as added by section two of part TT of chapter
24 forty-five of the laws of two thousand twenty-one.

25 3. The commission shall require that the owner of the covered renewa-
26 ble energy system or other covered project, or a third party acting on
27 the owner's behalf, as an ongoing condition of any renewable energy
28 credits agreement or other funding agreement with a public entity, shall
29 stipulate to the fiscal officer that it will enter into [a] labor peace
30 [~~agreement~~] agreements with [~~at least one~~] any bona fide labor [~~organ-~~
31 ~~ization~~] organizations that either [~~where such bona fide labor organiza-~~
32 ~~tion~~] is actively representing employees providing necessary operations
33 and maintenance services for the renewable energy system at the time of
34 such agreement or [~~upon~~] provides notice [~~by a bona fide labor organiza-~~
35 ~~tion~~] that it is attempting to represent any employees in any titles who
36 provide, or who will provide, necessary operations and maintenance
37 services for the renewable energy system employed in the state. The
38 maintenance of such a labor peace agreement or agreements, which cover
39 all classes of operations and maintenance employees, shall be an ongoing
40 material condition of any continuation of payments under a renewable
41 energy credits agreement or other agreement with a public entity. For
42 purposes of this section "labor peace agreement" means an agreement
43 between an entity and labor organization that, at a minimum, protects
44 the state's proprietary interests by prohibiting labor organizations and
45 members from engaging in picketing, work stoppages, boycotts, and any
46 other economic interference with the relevant renewable energy system.
47 "Renewable energy credits agreement" shall mean any public entity
48 contract that provides production-based payments to a renewable energy
49 project as defined in this section.

50 4. (a) Any public entity, in each contract for construction, recon-
51 struction, alteration, repair, improvement or maintenance of a covered
52 renewable energy system or other covered project which involves the
53 procurement of a renewable energy credits agreement or other funding
54 agreement by a public entity, or a third party acting on behalf and for
55 the benefit of a public entity, the "public work" for the purposes of
56 this subdivision, shall ensure that such contract shall contain a

1 provision that the iron [~~and structural~~], steel and component parts used
2 or supplied in the performance of the contract or any subcontract there-
3 to [~~and that is permanently incorporated into the public work,~~] shall be
4 produced or made in whole or substantial part in the United States, its
5 territories or possessions. In the case of [~~a structural~~] an iron or
6 [~~structural~~] steel product all manufacturing must take place in the
7 United States, from the initial melting stage through the application of
8 coatings, except metallurgical processes involving the refinement of
9 steel additives. [~~For the purposes of this subdivision, "permanently~~
10 ~~incorporated" shall mean an iron or steel product that is required to~~
11 ~~remain in place at the end of the project contract, in a fixed location,~~
12 ~~affixed to the public work to which it was incorporated. Iron and steel~~
13 ~~products that are capable of being moved from one location to another~~
14 ~~are not permanently incorporated into a public work.~~]

15 (b) The provisions of paragraph (a) of this subdivision shall not
16 apply if the head of the department or agency constructing the public
17 works, in his or her sole discretion, determines that the provisions
18 would not be in the public interest, would result in unreasonable costs,
19 or that obtaining such steel or iron in the United States would increase
20 the cost of the contract by an unreasonable amount, or such iron or
21 steel, including without limitation structural iron and structural steel
22 cannot be produced or made in the United States in sufficient and
23 reasonably available quantities and of satisfactory quality. The head of
24 the department or agency constructing the public works shall include
25 this determination in an advertisement or solicitation of a request for
26 proposal, invitation for bid, or solicitation of proposal, or any other
27 method provided for by law or regulation for soliciting a response from
28 offerors intending to result in a contract pursuant to this subdivision.
29 The provisions of paragraph (a) of this subdivision shall not apply for
30 equipment purchased by a covered renewable energy system or other
31 covered project prior to the effective date of this chapter.

32 (c) The head of the department or agency constructing the public works
33 may, at his or her sole discretion, provide for a solicitation of a
34 request for proposal, invitation for bid, or solicitation of proposal,
35 or any other method provided for by law or regulation for soliciting a
36 response from offerors intending to result in a contract pursuant to
37 this paragraph involving a competitive process in which the evaluation
38 of competing bids gives significant consideration in the evaluation
39 process to the procurement of equipment and supplies from businesses
40 located in New York state.

41 § 32. This act shall take effect immediately; provided that sections
42 one, three, four, five, six, seven, eight, ten, ten-a, eleven, twelve,
43 thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen,
44 twenty, twenty-one, twenty-two, twenty-three, twenty-five, twenty-six,
45 twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-one-a and
46 thirty-one-b of this act shall expire December 31, 2030 when upon such
47 date such provisions shall be deemed repealed; provided that the amend-
48 ments to paragraph (e) of subdivision 4 of section 162 of the public
49 service law made by section twenty-six of this act shall not affect the
50 repeal of such paragraph and shall be deemed repealed therewith; and
51 provided further, however, that the amendments to section 11-0535-c of
52 the environmental conservation law made by section thirty-one-a of this
53 act shall not affect the repeal of such section and shall be deemed
54 repealed therewith.

Intentionally Omitted

PART Q

Section 1. Expenditures of moneys appropriated in a chapter of the laws of 2024 to the department of agriculture and markets from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the department of agriculture and markets' participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings pursuant to article 7 or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15th, 2025, the commissioner of the department of agriculture and markets shall submit an accounting of such expenses, including, but not limited to, expenses in the 2024-2025 state fiscal year for personal and non-personal services and fringe benefits, to the chair of the public service commission for the chair's review pursuant to the provisions of section 18-a of the public service law.

§ 2. Expenditures of moneys appropriated in a chapter of the laws of 2024 to the department of state from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the activities of the department of state's utility intervention unit pursuant to subdivision 4 of section 94-a of the executive law, including, but not limited to participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings pursuant to article 7 or 10 of the public service law, and expenses related to the activities of the major renewable energy development program established by section 94-c of the executive law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15th, 2025, the secretary of state shall submit an accounting of such expenses, including, but not limited to, expenses in the 2024-2025 state fiscal year for personal and non-personal services and fringe benefits, to the chair of the public service commission for the chair's review pursuant to the provisions of section 18-a of the public service law.

§ 3. Expenditures of moneys appropriated in a chapter of the laws of 2024 to the office of parks, recreation and historic preservation from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the office of parks, recreation and historic preservation's participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings pursuant to article 7 or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15th, 2025, the commissioner of the office of parks, recreation and historic preservation shall submit an accounting of such expenses, including, but not limited to, expenses in the 2024-2025 state

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

4 § 4. Expenditures of moneys appropriated in a chapter of the laws of
5 2024 to the department of environmental conservation from the special
6 revenue funds-other/state operations, environmental conservation special
7 revenue fund-301, utility environmental regulation account shall be
8 subject to the provisions of this section. Notwithstanding any other
9 provision of law to the contrary, direct and indirect expenses relating
10 to the department of environmental conservation's participation in state
11 energy policy proceedings, or certification proceedings pursuant to
12 article 7 or 10 of the public service law, shall be deemed expenses of
13 the department of public service within the meaning of section 18-a of
14 the public service law. No later than August 15th, 2025, the commission-
15 er of the department of environmental conservation shall submit an
16 accounting of such expenses, including, but not limited to, expenses in
17 the 2024-2025 state fiscal year for personal and non-personal services
18 and fringe benefits, to the chair of the public service commission for
19 the chair's review pursuant to the provisions of section 18-a of the
20 public service law.

21 § 5. Notwithstanding any other law, rule or regulation to the contra-
22 ry, expenses of the department of health public service education
23 program incurred pursuant to appropriations from the cable television
24 account of the state miscellaneous special revenue funds shall be deemed
25 expenses of the department of public service. No later than August 15th,
26 2025, the commissioner of the department of health shall submit an
27 accounting of expenses in the 2024-2025 state fiscal year to the chair
28 of the public service commission for the chair's review pursuant to the
29 provisions of section 217 of the public service law.

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

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

37 PART R

38 Intentionally Omitted

39 PART S

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

43 3. State assistance payments shall not exceed fifty percent of the
44 project cost or two million dollars, whichever is less, provided however
45 if a municipality meets criteria established by the department relating
46 to either financial hardship, as defined in regulations, or disadvan-
47 tagged communities, pursuant to section 75-0101 of this chapter, the
48 commissioner may authorize state assistance payments of up to eighty
49 percent of the project cost or two million dollars, whichever is less.
50 Such costs are subject to final computation and determination by the
51 commissioner upon completion of the project, and shall not exceed the

maximum eligible cost set forth in the contract. The criteria for financial hardship shall at a minimum include low resident income, high unemployment, high commercial vacancy rates and depressed property values.

§ 2. This act shall take effect immediately.

PART T

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

§ 72-0302. State air quality control fees.

1. All persons, except those required to pay a fee under section 72-0303 of this ~~[article]~~ title, who are required to obtain a permit, ~~[certificate]~~ registration or approval pursuant to the state air quality control program shall submit to the department ~~[a-per-emission-point]~~ an annual fee in an amount established as follows:

a. ~~[\$11,000.00]~~ \$16,500.00 for a stationary combustion installation having a maximum operating heat input equal to or greater than fifty million British thermal units per hour as stated on the most recent application for a permit to construct or application for a certificate to operate and which emits or has the potential to emit equal to or greater than any one of the following:

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

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

(iii) one hundred tons per year of particulates.

b. ~~[\$2,000.00]~~ \$3,000.00 for all stationary combustion installations which are not included under paragraph a of this subdivision and which have a maximum operating heat input greater than fifty million British thermal units per hour as stated on the most recent application for a certificate to operate.

c. ~~[\$100.00]~~ \$125.00 for a stationary combustion installation having a maximum operating heat input less than fifty million British thermal units per hour as stated on the most recent application for a certificate to operate.

d. ~~[\$2,000.00]~~ \$3,000.00 for a process air contamination source for an annual emission rate equal to or greater than twenty-five tons per year of any one of the following: sulfur dioxide, nitrogen dioxide, total particulates, carbon monoxide, total volatile organic compounds and other specific air contaminants. The annual emission rate shall be the actual annual emission rate as stated on the most recent application for a permit to construct or application for a certificate to operate. In the event that hours of operation have not been specified on the applications then maximum possible hours of operation (8760 hours) will be used to calculate actual annual emissions.

e. ~~[\$160.00]~~ \$200.00 for a process air contamination source, except a gasoline dispensing site, for an annual emission rate less than twenty-five tons per year of any one of the following: sulfur dioxide, nitrogen dioxide, total particulates, carbon monoxide, total volatile organic compounds and other specific air contaminants. The annual emission rate shall be the actual annual emission rate as applied for on the most recent application for a permit to construct or application for a certificate to operate. In the event that hours of operation have not

1 been specified on the applications then maximum possible hours of operation (8760 hours) will be used to calculate actual annual emissions.

2 f. [~~\$2,000.00~~] \$3,000.00 for an incinerator capable of charging two
3 thousand pounds of refuse per hour or greater. The charging capacity
4 will be established in accordance with the application for the most
5 recent permit to construct or application for a certificate to operate
6 the incinerator source and will be calculated on an emission point
7 basis.

8 g. [~~\$160.00~~] \$200.00 for an incinerator with a maximum design charge
9 rate of less than two thousand pounds of refuse per hour. The charging
10 capacity will be established in accordance with the application for the
11 most recent permit to construct or application for a certificate to
12 operate the incinerator source and will be calculated on an emission
13 point basis.

14 Provided, however, that any source that does not meet the criteria of
15 subdivision one of section 19-0311 of this chapter, and is not regulated
16 pursuant to a state facility permit, shall not be subject to a fee
17 increase of more than ten percent above their two thousand twenty-four
18 fee over the next three years and provided, further, where a city or
19 county is delegated the authority to administer the state air quality
20 control program, or any portion thereof, pursuant to paragraph p of
21 subdivision two of section 3-0301 of this chapter and such city or county
22 collects a fee in connection with the issuance of a permit, [~~certificate~~]
23 registration or approval [~~for a combustion installation, incinerator~~
24 ~~or process air contamination source~~] pursuant to the state air
25 quality control program, no additional liability for fees under this
26 section shall accrue for the particular combustion installation, incinerator
27 or process air contamination source that is subject to the delegation.
28

29 § 2. Subdivisions 1 and 5 of section 72-0303 of the environmental
30 conservation law, subdivision 1 as amended by section 1 of part D of
31 chapter 413 of the laws of 1999, the opening paragraph of subdivision 1
32 as amended by section 1 of part Y of chapter 58 of the laws of 2015 and
33 subdivision 5 as added by chapter 608 of the laws of 1993, are amended
34 to read as follows:

35 1. Commencing January first, two thousand [~~fifteen~~] twenty-seven and
36 every year thereafter, all sources of regulated air contaminants identified
37 pursuant to subdivision one of section 19-0311 of this chapter
38 shall submit to the department an annual base fee of [~~two~~] three thousand
39 [~~five hundred~~] dollars per facility. This base fee shall be in
40 addition to the fees listed below. Commencing January first, [~~nineteen~~
41 ~~hundred ninety-four~~] two thousand twenty-seven and every year
42 thereafter, all sources of regulated air contaminants identified pursuant
43 to subdivision one of section 19-0311 of this chapter shall submit
44 to the department an annual fee not to exceed the per ton fees described
45 below. The per ton fee is assessed on each ton of emissions up to
46 [~~seven~~] ten thousand tons annually of each regulated air contaminant as
47 follows: [~~sixty~~] eighty dollars per ton for facilities with total emissions
48 less than one thousand tons annually; [~~seventy~~] ninety-five
49 dollars per ton for facilities with total emissions of one thousand or
50 more but less than two thousand tons annually; [~~eighty~~] one hundred ten
51 dollars per ton for facilities with total emissions of two thousand or
52 more but less than five thousand tons annually; and [~~ninety~~] one hundred
53 twenty dollars per ton for facilities with total emissions of five thousand
54 or more tons annually. Such [~~fee~~] fees shall be sufficient to
55 support an appropriation approved by the legislature for the direct and
56

1 indirect costs associated with the operating permit program established
2 in section 19-0311 of this chapter. Such [~~fee~~] fees shall be established
3 by the department and shall be calculated by dividing the amount of the
4 current year appropriation from the operating permit program account of
5 the clean air fund by the total tons of emissions of regulated air
6 contaminants that are subject to the operating permit program fees from
7 sources subject to the operating permit program pursuant to section
8 19-0311 of this chapter up to [~~seven~~] ten thousand tons annually of each
9 regulated air contaminant from each source; provided that, in making
10 such calculation, the department shall adjust their calculation to
11 account for any deficit or surplus in the operating permit program
12 account of the clean air fund established pursuant to section ninety-
13 seven-00 of the state finance law; and any loan repayment from the
14 mobile source account of the clean air fund established pursuant to
15 section ninety-seven-00 of the state finance law[~~, and the rate of~~
16 ~~collection by the department of the bills issued for the fee for the~~
17 ~~prior year~~].

18 Notwithstanding the provisions of the state administrative procedure
19 act, such calculation and [~~fee~~] fees shall be established as a rule by
20 publication in the Environmental Notice Bulletin no later than thirty
21 days after the budget bills making appropriations for the support of
22 government are enacted or July first, whichever is later, of the year
23 such [~~fee~~] fees will be effective. In no event shall the [~~fee~~] fees
24 established herein be any greater than the maximum fee identified pursu-
25 ant to this section. Provided, however, that any existing regulations
26 that contain outdated fee amounts shall be revised to reflect the maxi-
27 mum fees established in this title.

28 5. Any regulated air contaminant subject to the fees imposed pursuant
29 to this section which qualifies as both a volatile organic compound and
30 a hazardous air pollutant regulated pursuant to section 7412 of the Act
31 shall not be counted under both categories and shall only be counted as
32 a hazardous air pollutant for the purpose of assessing fees.

33 § 3. Subdivision 7 of section 72-0303 of the environmental conserva-
34 tion law is REPEALED.

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

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

39 § 6. Intentionally omitted.

40 § 7. This act shall take effect immediately; provided, however, that
41 sections one, three, four, and five of this act shall take effect Janu-
42 ary 1, 2025; and provided further, however, that section two of this act
43 shall take effect January 1, 2027.

44 PART U

45 Intentionally Omitted

46 PART V

47 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the
48 public authorities law relating to the powers and duties of the dormito-
49 ry authority of the state of New York relative to the establishment of
50 subsidiaries for certain purposes, as amended by section 1 of part DD of
51 chapter 58 of the laws of 2022, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed on July 1, [~~2024~~] 2026; provided however, that the expiration of this act shall not impair or otherwise affect any of the powers, duties, responsibilities, functions, rights or liabilities of any subsidiary duly created pursuant to subdivision twenty-five of section 1678 of the public authorities law prior to such expiration.

§ 2. This act shall take effect immediately.

PART W

Intentionally Omitted

PART X

Section 1. Subdivision 6 of section 211 of the economic development law, as amended by chapter 294 of the laws of 2019, is amended to read as follows:

6. Grants made pursuant to this section shall be subject to the following limitations:

(a) no grant shall be made to any one or any consortium of career education agencies and not-for-profit corporations in excess of [~~one hundred seventy-five~~] two hundred fifty thousand dollars; and

(b) each grant shall be disbursed for payment of the cost of services and expenses of the program director, the instructors of the participating career education agency or not-for-profit corporation, the faculty and support personnel thereof and any other person in the service of providing instruction and counseling in furtherance of the program.

§ 2. This act shall take effect immediately.

PART Y

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

The provisions of sections sixty-two through sixty-six of this act shall expire and be deemed repealed [~~on December thirty-first, two thousand twenty-four~~] six months after delivery of the study required by section 312-a of the executive law; provided that the division of minority and women's business development shall notify the legislative bill drafting commission upon delivery of the study required by section 312-a of the executive law 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, except that:

§ 2. This act shall take effect immediately.

PART Z

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 1 of part JJ of chapter 58 of the laws of 2023, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, ~~2024~~ 2025.

§ 2. This act shall take effect immediately.

PART AA

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, as amended by section 1 of part GG of chapter 58 of the laws of 2023, is amended to read as follows:

§ 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, ~~2024~~ 2025, at which time the provisions of subdivision 26 of section 5 of the New York state urban development corporation act shall be deemed repealed; provided, however, that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner any loan made pursuant to the authority of such subdivision prior to such expiration and repeal.

§ 2. This act shall take effect immediately.

PART BB

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

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

§ 2. This act shall take effect immediately.

PART CC

Intentionally Omitted

PART DD

Intentionally Omitted

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~~

1 ~~to pay out of pocket for~~ covered prescription insulin drugs shall ~~[be~~
2 ~~capped at an amount not to exceed one hundred dollars per thirty day~~
3 ~~supply, regardless of the amount or type of insulin needed to fill such~~
4 ~~covered person's prescription and regardless of the insured's]~~ not be
5 subject to a deductible, copayment, coinsurance or any other cost shar-
6 ing requirement.

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

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

20 § 3. Paragraph 2 of subsection (u) of section 4303 of the insurance
21 law, as amended by section 3 of part DDD of chapter 56 of the laws of
22 2020, is amended to read as follows:

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

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

36 PART FF

37 Intentionally Omitted

38 PART GG

39 Intentionally Omitted

40 PART HH

41 Intentionally Omitted

42 PART II

43 Intentionally Omitted

1 PART JJ

2 Intentionally Omitted

3 PART KK

4 Section 1. Section 4 of Part WW of chapter 56 of the laws of 2022
5 amending the public officers law relating to permitting videoconferenc-
6 ing and remote participation in public meetings under certain circum-
7 stances, is amended to read as follows:

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

10 § 2. This act shall take effect immediately.

11 PART LL

12 Intentionally Omitted

13 PART MM

14 Intentionally Omitted

15 PART NN

16 Section 1. Section 2328 of the insurance law, as amended by chapter
17 182 of the laws of 2023, is amended to read as follows:

18 § 2328. Certain motor vehicle insurance rates; prior approval. ~~[For~~
19 ~~the periods February first, nineteen hundred seventy four through August~~
20 ~~second, two thousand one, and the effective date of the~~
21 ~~property/casualty insurance availability act through June thirtieth, two~~
22 ~~thousand twenty six, no]~~ No changes in rates, rating plans, rating rules
23 and rate manuals applicable to motor vehicle insurance, including
24 no-fault coverages under article fifty-one of this chapter, shall be
25 made effective until approved by the superintendent, notwithstanding any
26 inconsistent provisions of this article~~[, provided, however, that chang-~~
27 ~~es in such rates, rating plans, rating rules and rate manuals may be~~
28 ~~made effective without such approval if the rates that result from such~~
29 ~~changes are no higher than the insurer's rates last approved by the~~
30 ~~superintendent]~~. This section shall apply only to policies covering
31 losses or liabilities arising out of ownership of a motor vehicle used
32 principally for the transportation of persons for hire, including a bus
33 or a school bus as defined in sections one hundred four and one hundred
34 forty-two of the vehicle and traffic law.

35 § 2. This act shall take effect immediately.

36 PART OO

37 Section 1. 1. The metropolitan transportation authority ("the authori-
38 ty") shall take necessary steps to establish and implement a fare-free
39 bus pilot program within the city of New York. The authority shall
40 present the fare-free bus pilot program to its board for approval no
41 later than 60 days after the effective date of this act, for implementa-
42 tion no later than 90 days after board adoption.

2. The purpose of the fare-free bus pilot program shall be to understand the impact of fare-free bus routes on ridership, quality of life issues, bus speed performance, operations, and related issues as the authority deems relevant.

3. The fare-free bus pilot program shall consist of fifteen fare-free bus routes and shall cost no more than forty-five million in net operating costs. Net operating costs shall be determined by the total costs of implementing the fare-free bus pilot program and shall not accrue to the city of New York.

4. The fare-free bus routes included in the fare-free bus pilot program shall be selected by the authority, provided that there shall be at least three fare-free bus routes within each of the following counties: Kings county, New York county, Queens county, Richmond county and Bronx county. The factors considered by the authority in selecting such fare-free bus routes shall include but not be limited to: (a) fare evasion; (b) ridership, including subway ridership and ridership on adjacent/redundant bus routes; (c) service adequacy and equity for low-income and economically disadvantaged communities; and (d) access to employment and commercial activity in areas served by the fare-free routes.

5. The authority shall report to its board on the fare-free bus pilot program after it has been in effect for six months and again upon the conclusion of the pilot. Such reports shall also be sent to the governor, the temporary president of the senate, and the speaker of the assembly, and shall include, but not be limited to, the following comparative performance metrics: (a) ridership totals relative to equivalent time periods before the pilots took effect, (b) increases or decreases in fare evasion on adjacent/redundant bus routes and subways during the fare-free bus pilot program relative to the equivalent time period before the fare-free bus pilot program took effect, (c) service delivered, (d) average end-to-end bus speed changes, (e) customer journey time performance, (f) additional bus stop time and travel time, (g) wait assessments, (h) the cost to provide such service itemized by route, and (i) any other impacts associated with and resulting from such fare-free bus pilot program.

6. The fare-free bus routes shall revert to regular revenue service six to twelve months after the fare-free bus pilot program begins.

§ 2. This act shall take effect immediately.

PART PP

Section 1. Section 100-a of the economic development law, as added by section 1 of part UUU of chapter 59 of the laws of 2017, is amended to read as follows:

§ 100-a. Comprehensive economic development reporting. The department shall prepare an annual comprehensive economic development report, no later than December thirty-first of each year, listing economic development assistance provided by the New York state urban development corporation and the department, including but not limited to tax expenditures, marketing and advertising, grants, awards and loans. Such comprehensive report shall include aggregate totals for each economic development program administered by the New York state urban development corporation and the department, including but not limited to program progress, program participation rates, direct and indirect return on the state's investment and overall economic impact of such awards, regional distribution, industry trends, number awards to small businesses and

1 micro-businesses, minority- and women-owned business enterprises, number
2 of entrepreneurial businesses supported, and any other information
3 deemed necessary by the commissioner. The department shall prominently
4 post the comprehensive economic development report on its website no
5 later than January first of each year.

6 § 2. Section 100-b of the economic development law, as added by
7 section 2 of part DDD of chapter 58 of the laws of 2023, is amended to
8 read as follows:

9 § 100-b. Comprehensive report on the activities of the office of stra-
10 tegic workforce development. Beginning on February first, two thousand
11 twenty-four, and every February first thereafter, the department shall
12 prepare a comprehensive annual report on the activities and efficacy of
13 the office of strategic workforce development. In preparing the report,
14 the department shall coordinate with the department of labor, the
15 department of education, the state university of New York, the city
16 university of New York, the office of temporary and disability assist-
17 ance, the office of children and family services, the urban development
18 corporation and its subsidiaries, and any other relevant agency or enti-
19 ty. Such report shall include, but need not be limited to: aggregate
20 totals for each economic development program administered directly by
21 the office of strategic workforce development, and aggregate totals for
22 related programs in other agencies wherein such program funds are appro-
23 priated within the office of strategic workforce development, the number
24 of awards made since the last report as well as the number of awards
25 made to date, the number of business partners secured through such
26 awards, the dollar total of such awards, regional distribution of such
27 awards, the identified statewide and regional priority sectors as iden-
28 tified by the urban development corporation with input from the regional
29 economic development councils including a description of each such
30 sector, the number of trainees assisted through such awards, the number
31 of individuals who, upon completion of an employment or skills training
32 program, work in the same or relevant field as that for which they
33 received training under such program; the number of individuals who, two
34 and five years after their completion of an employment or skills train-
35 ing program, work in the same or relevant field as that for which they
36 received training under such program; the leveraged matching funds asso-
37 ciated with awards, program participation rates, the direct and indirect
38 return on the state's investment in workforce development and overall
39 economic impact of such loans, grants and other awards or assistance,
40 industry trends, and any other information deemed necessary by the
41 commissioner. The department shall prominently post the comprehensive
42 economic development report on its website no later than February first
43 of each year.

44 § 3. Subdivision 12 of section 134 of the economic development law, as
45 amended by chapter 16 of the laws of 2014, is amended to read as
46 follows:

47 12. compile an annual report on the state of small businesses, partic-
48 ularly those with twenty-five employees or less which shall be known as
49 micro-businesses under this subdivision. The commissioner shall, on or
50 before June first, two thousand fourteen and annually thereafter, submit
51 to the governor, the temporary president of the senate and the speaker
52 of the assembly a report that shall include, but not be limited to, the
53 following information for each calendar year:

54 (a) the growth and economic trends of small businesses which may be
55 categorized by various small business sizes, including micro-businesses
56 and/or sectors;

(b) an analysis of relevant and available employment and employment training programs, statistical and economic data of the various small business sectors throughout New York state, which may be categorized by various small business sizes, including micro-businesses;

(c) [~~suggestions~~] recommendations to improve the efficiency of existing grant, loan, or other economic development assistance including programs related to workforce development, training and business mentoring programs;

(d) [~~suggestions~~] recommendations to improve small business growth;

(e) statistical and economic analysis of the state of small businesses by various small business sizes and/or sectors, including micro-businesses and entrepreneurial businesses; and

(f) identification and review of the local and state regulations, fines and penalties particular to small businesses which may be categorized by various small business sizes and/or sectors.

The division shall collaborate with other state and local agencies to develop the annual report. The office shall maintain and publish such information on the small business directory webpage in a manner that allows individuals to search the report by name, date, or type of statistics. The format of the annual report shall be developed in consultation with various small business owners to ensure the information collected, analyzed, and published for the purposes of this subdivision is representative of all small businesses in the state.

§ 4. Subdivision 16 of section 21 of the labor law, as added by section 3 of part DDD of chapter 58 of the laws of 2023, is amended to read as follows:

16. Beginning on December first, two thousand twenty-four, and every December first thereafter, the department shall prepare a report of the catalogue of workforce development funding programs established pursuant to subdivision fifteen of this section comprised of an analysis conducted by the agency or entity responsible for each workforce development funding program on the outcomes and effectiveness of such funding programs and the number of persons served by such funding. Each analysis of a workforce development funding program shall also include all amounts appropriated in the most recent three years, broken down by fiscal year and categorized by federal funds, state general funds and state special revenue, and shall include all amounts disbursed for the prior two fiscal years broken down by federal funds, state general funds and state special revenue. Each analysis of a workforce development funding training program in the catalogue shall include the number of individuals who, upon completion of the program, work in the same or relevant field as that for which they received training under such program and the number of individuals who, two and five years after their completion of the program, work in the same or relevant field as that for which they received training under such program. Such analysis must be submitted to the department by a date specified by the department each year. Such report shall be submitted 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 and shall be made publicly available on the department's website.

§ 5. This act shall take effect immediately.

1 Section 1. Legislative intent. (a) The legislature finds that access
2 to affordable and reliable energy is essential for maintaining the
3 health, safety, and welfare of New Yorkers.

4 (b) The legislature further finds that low and fixed-income households
5 are disproportionately burdened by high energy costs, and that such
6 costs can have significant adverse impacts.

7 (c) The legislature recognizes the need to provide additional finan-
8 cial support to ensure such households have access to affordable energy.

9 (d) The legislature recognizes the energy burden standard established
10 through an Order Adopting Low Income Program Modifications and Directing
11 Utility Filings issued and effective May 20, 2016, in Case No 14-M-0565,
12 that requires low-income residential customers not spend more than six
13 percent of their income on energy bills.

14 (e) The legislature further finds that the passage of chapter 764 of
15 the laws of 2023, which requires data matching between utilities and
16 affordability program participants, will facilitate the enrollment of
17 eligible households, likely increasing the number of utilities
18 constrained by the Order's limitation that each utility only spend two-
19 percent of their annual revenue on the program and thereby potentially
20 decreasing the available benefits for all participants unless additional
21 funding is provided.

22 § 2. The public service law is amended by adding a new section 66-x to
23 read as follows:

24 § 66-x. Energy affordability program. 1. For the purposes of this
25 section:

26 (a) "Energy burden" shall mean the percentage of household income
27 spent on energy bills.

28 (b) "Electric corporation" shall have the same meaning as defined in
29 subdivision thirteen of section two of this chapter.

30 (c) "Combination gas and electric corporation" shall have the same
31 meaning as defined in subdivision fourteen of section two of this chap-
32 ter.

33 (d) "Long Island power authority" shall mean the Long Island power
34 authority established pursuant to section one thousand twenty-c of the
35 public authorities law.

36 (e) "Eligible low-income residential customers" shall mean residential
37 electric customers of electric corporations and combination gas and
38 electric corporations regulated by the public service commission, and
39 the Long Island power authority, who qualify and enroll in the energy
40 affordability policy program established by the public service commis-
41 sion order adopting low income program modifications and directing util-
42 ity filings issued and effective May twentieth, two thousand sixteen in
43 case number 14-M-0565.

44 2. The department, in consultation with the energy affordability
45 program working group, within funding appropriated by a chapter of the
46 laws of two thousand twenty-four, shall establish and administer an
47 energy affordability program to reduce the residential household energy
48 burden of eligible low-income residential customers. Such program shall
49 include a cap on a participating residential customer's annual total
50 electric usage, by kilowatt hour, based on each customer's historical
51 household usage.

52 3. Each electric corporation and combination gas and electric corpo-
53 ration regulated by the public service commission, and the Long Island
54 power authority, shall use any funding received from the appropriation
55 of a chapter of the laws of two thousand twenty-four to ensure that

1 eligible low-income residential customers are provided with a benefit
2 that ensures their energy burden does not exceed six percent.

3 4. There is hereby established within the department an energy afford-
4 ability program working group. (a) The energy affordability program
5 working group shall consist of at least one representative from each of
6 the following: the department, the department of environmental conserva-
7 tion, the New York state energy research and development authority, the
8 Long Island power authority, the office of temporary and disability
9 assistance, and the utility intervention unit as defined in subdivision
10 four of section ninety-four-a of the executive law.

11 (b) The working group shall meet at the call of the chair of the
12 department and all meetings shall be open to the public.

13 (c) The working group shall develop objectives and priorities, includ-
14 ing strategies to increase energy affordability program enrollment, and
15 shall provide opportunities for public comment to improve energy afford-
16 ability for low-income and moderate-income households.

17 (d) The working group shall prepare and submit a report, that shall
18 include, at a minimum, objectives and priorities, including strategies
19 to increase energy affordability program enrollment and to improve ener-
20 gy affordability for low-income and moderate-income households, to the
21 public service commission, governor, temporary president of the senate
22 and speaker of the assembly by December thirty-first, annually and shall
23 post such report on the department's website.

24 § 3. This act shall take effect immediately.

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

34 § 3. This act shall take effect immediately provided, however, that
35 the applicable effective date of Parts A through QQ of this act shall be
36 as specifically set forth in the last section of such Parts.