STATE OF NEW YORK

8308--B

IN SENATE

January 17, 2024

A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending provisions of law relating to certain tax increment financing provisions (Part A); intentionally omitted (Part B); to amend the public authorities law, in relation to enacting the "toll payer protection act"; to amend the vehicle and traffic law, in relation to penalties for concealing and obscuring license plates; and providing for the repeal of certain provisions upon expiration thereof (Part C); intentionally omitted (Part D); to amend part I of chapter 413 of the laws of 1999, relating to providing for mass transportation payments, in relation to the amount of payments in the Capital District Transportation District and adding Warren County to such District (Part E); to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof (Part F); to amend part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part G); to amend the vehicle and traffic law, in relation to establishing an online insurance verification system for motor vehicle insurance; and to repeal certain provisions of such law relating to motor vehicle insurance and funds for a certain pilot database system (Part H); to amend the vehicle and traffic law, in relation to establishing speed limits in cities with populations in excess of one million people (Part I); to amend part FF of chapter 55 of the laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to the effectiveness

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

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

W); intentionally omitted (Part X); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the effectiveness thereof (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part BB); intentionally omitted (Part CC); to amend the insurance law, in relation to supplemental spousal liability insurance (Part DD); to amend the insurance law, in relation to cost sharing for covered prescription insulin drugs (Part EE); to amend the insurance law, in relation to affordable housing (Part FF); intentionally omitted (Part GG); to amend the insurance law, in relation to certain penalties (Part HH); intentionally omitted (Part II); to amend the general business law, agriculture and markets law, and the public health law, in relation to enacting the "Consumer and Small business Protection Act" (Part JJ); to amend the public officers law, in relation to lowering quorum requirements for meetings of community boards held by videoconferencing in cities with a population of one million or more; and to amend part WW of chapter 56 of the laws of 2022 amending the public officers law relating to permitting videoconferencing and remote participation in public meetings under certain circumstances, in relation to the effectiveness thereof (Part KK); to amend the insurance law, in relation to reinsurance, distribution for life insurers, and assessments; and to amend the tax law, in relation to the credit relating to life and health insurance guaranty corporation assessments (Part LL); intentionally omitted (Part MM); to amend the insurance law, in relation to rates for livery insurance (Part NN); to repeal subdivision 6 of section 51 of the public authorities law, relating to voting by members of the New York state authorities control board (Part OO); to amend the public authorities law, in relation to establishing a local authorities searchable subsidy and economic development benefits database; to amend the general municipal law, in relation to the obligations of certain industrial development agencies; and to amend the not-for-profit corporation law, in relation to the status of certain local development corporations (Subpart A); to amend the not-for-profit corporation law and the public authorities law, in relation to the applicability of open meetings and freedom of information laws to certain not-for-profit corporations (Subpart B); to amend the general municipal law, in relation to allowing for the examination of industrial development agencies and not-for-profit corporations by county comptrollers (Subpart C); and to amend the public authorities law and the not-for-profit corporation law, in relation to reviews by the authorities budget office and granting the authorities budget office the authority to commence an action or special proceeding to annul the corporate existence or dissolve a corporation that has acted beyond its capacity or power or to restrain it from carrying on unauthorized activities (Subpart D) (Part PP); to amend the environmental conservation law, in relation to establishing the position of Catskill park coordinator within the department of environmental conservation (Part QQ); to amend the executive law, in relation to establishing the office of flooding prevention and mitigation (Part RR); to amend the environmental conservation law, in relation to establishing the climate change adaptation cost recovery program; and to amend the state finance law, in relation to establish-

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

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

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

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

PART A

Section 1. Section 3 of part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, as amended by section 1 of part C of chapter 58 of the laws of 2023, is amended to read as follows:

§ 3. This act shall take effect immediately; provided that the amendments to subdivision 1 of section 119-r of the general municipal law made by section two of this act shall expire and be deemed repealed April 1, [~~2024~~] **2025**, and provided further that such repeal shall not affect the validity or duration of any contract entered into before that date pursuant to paragraph f of such subdivision.

§ 2. This act shall take effect immediately.

PART B

Intentionally Omitted

PART C

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

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

TOLL COLLECTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Authorization for cashless tolling. (a) Notwithstanding any other provision of law, every public authority that operates a toll highway, bridge and/or tunnel facility and is authorized pursuant to section twenty-nine hundred eighty-five of this title to promulgate toll collection regulations and to impose monetary liability for failure to comply with such regulations is hereby authorized and empowered to operate a demonstration program for utilization of cashless tolling facilities, cashless tolling monitoring systems, and a tolls by mail program and to impose monetary liability on the owner of a vehicle for failure to comply with the toll collection regulations of such public authority so long as each public authority complies with the provisions of this section. Such public authority shall promulgate regulations establishing a demonstration program for the utilization of cashless tolling facilities, cashless tolling monitoring systems, and a tolls by mail program that comply with the provisions of this section. Such regulations may impose monetary liability on the owner of a vehicle for failure to comply with such regulations. No public authority shall own, operate or otherwise facilitate a cashless tolling facility, cashless tolling monitoring system, or tolls by mail program without first promulgating regulations pursuant to and in compliance with this section.

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

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

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

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

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

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

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

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

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

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

(d) Electronic notice. Any toll bill required by this section to be sent by first-class mail may instead be sent by electronic means of communication upon the affirmative consent of the owner in a form prescribed by the authority. Provided that, notwithstanding this subdivision, a toll bill sent by electronic means of communication shall be sent within seventy-two hours of an owner incurring an obligation to pay a toll. Any notice of violation required by this section to be sent by first-class mail may in addition to first-class mail be sent by electronic means of communication upon the affirmative consent of the owner in a form prescribed by the authority. A manual or automatic record of electronic communications prepared in the ordinary course of business shall be sufficient record of electronic notice. Any affirmative consent to receive a toll bill or notice of violation by electronic means shall be revocable by the owner at any time with notice to the public authority or its agent and shall automatically be deemed revoked if the authority or its agent is unable to deliver two consecutive notices by electronic means of communication.

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

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

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

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

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

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

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

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

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

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

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

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

(e) the vehicle had been leased at the time the obligation was incurred. For the purpose of asserting this defense, it shall be sufficient that a copy of the rental lease or other contract document covering the vehicle on the date and time the toll was incurred is submitted to the public authority, court or other entity having jurisdiction within thirty days of the lessor receiving the original toll bill or notice of violation. Such document shall include the name and address of the lessee. Failure to timely submit such information shall constitute a waiver of this defense. Where the lessor complies with the provisions of this section, the lessee shall be deemed to be the owner of the vehicle for purposes of this section and shall be subject to liability pursuant to this section, provided that the authority mails a toll bill to the lessee within ten days after the court or other entity having jurisdiction, deems the lessee to be the owner.

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

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

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

11. Indemnification. Any owner who is found liable pursuant to this section who was not the operator of the vehicle at the time the obligation to pay the toll was incurred may maintain an action for indemnification against the operator.

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

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

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

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

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

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

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

(a) the locations where vehicle sensors for cashless tolling monitoring systems were used;

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

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

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

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

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

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

(h) the number of owners that disputed the toll bill, the number of owners that successfully disputed such toll bill and an itemized breakdown of the reasons for successfully disputed tolls;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART D

Intentionally Omitted

PART E

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

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

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

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

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

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

In the Central New York Regional Transportation District:		
Cayuga	5.11	
Onondaga	75.83	
Oswego	2.85	
Oneida	16.21	
In the Rochester-Genesee Regional Transportation District:		
Genesee	1.36	
Livingston	.90	
Monroe	90.14	
Wayne	.98	
Wyoming	.51	
Seneca	.64	
Orleans	.77	
Ontario	4.69	
In the Niagara Frontier Transportation District: Erie		89.20
Niagara	10.80	

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

Notwithstanding the reporting date provision of section 17-a of the transportation law, the reports of each regional transportation authority and other major public transportation systems receiving mass transportation operating assistance shall be submitted on or before July 15 of each year in the format prescribed by the commissioner of transportation. Copies of such reports shall also be filed with the chairpersons of the senate finance committee and the assembly ways and means committee and the director of the budget. The commissioner of transportation may withhold future state operating assistance payments to public transportation systems or private operators that do not provide such reports.

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

The commissioner of transportation shall be required to annually evaluate the operating and financial performance of each major public transportation system. Where the commissioner's evaluation process has identified a problem related to system performance, the commissioner may

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

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

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

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

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

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

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

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

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

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

PART F

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

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

§ 2. This act shall take effect immediately.

PART G

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

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

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

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

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

§ 3. This act shall take effect immediately.

PART H

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

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

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

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

2. The online insurance verification system shall include, at a minimum, the ability to:

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

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

(c) be utilized for verification of the evidence of mandatory liability insurance coverage as prescribed by the laws of the state and shall be accessible to authorized personnel of the department, the courts, law enforcement and other entities authorized by the state as permitted by any state or federal privacy laws, and the online insurance verification system shall be interfaced, wherever appropriate, with existing or future state systems, in a form and manner as determined by the commissioner;

(d) include information which shall enable the department to make inquiries to insurers for evidence of insurance including but not limited to vehicle identification numbers and policy numbers; and

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

The online insurance verification system shall be capable of responding within the time established.

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

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

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

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

§ 312-c. Insurer responsibilities for the online insurance verification system. 1. Insurers shall provide access to motor vehicle insurance policy status information as provided by, and consistent with any time frames established by, any rules and regulations promulgated by the commissioner.

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

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

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

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

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

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

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

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

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

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

PART I

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

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

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

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

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

27. (a) Establishment of maximum speed limits below [~~twenty-five~~] twenty miles per hour at which motor vehicles may proceed on or along designated highways within such city for the explicit purpose of implementing traffic calming measures as such term is defined herein; provided, however, that no speed limit shall be set below [~~fifteen~~] ten miles per hour nor shall such speed limit be established where the traffic calming measure to be implemented consists solely of a traffic control sign. Establishment of such a speed limit shall, where applicable, be in compliance with the provisions of sections sixteen hundred twenty-four and sixteen hundred eighty-four of this [~~chapter~~] title. Nothing contained herein shall be deemed to alter or affect the establishment of school speed limits pursuant to the provisions of section sixteen hundred forty-three of this article. For the purposes of this paragraph, "traffic calming measures" shall mean any physical engineering measure or measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users such as pedestrians and bicyclists.

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

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

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

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

(iv) a comparison of the aggregate type, number, and severity of accidents reported on streets on which street calming measures and lower speed limits were implemented in the year preceding the implementation of such measures and policies and the year following the implementation of such measures and policies, to the extent this information is maintained by any agency of the state or the city.

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

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

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

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

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

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

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

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

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

PART J

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

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

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

PART K

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

SUBPART A

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

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

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

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

SUBPART B

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

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

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

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

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

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

SUBPART C

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

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

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

(b) For the purposes of this subdivision:

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

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

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

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

SUBPART D

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

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

motor vehicles. The commissioner shall notify the commissioner of motor vehicles to that effect, and the commissioner of motor vehicles shall thereupon suspend the registration of such vehicle until such time as the commissioner gives notice that the out-of-service defect has been satisfactorily adjusted. Provided, however, that the commissioner shall give notice and an opportunity to be heard within not more than thirty days of the suspension. Failure of the holder or of any person possessing such plates to deliver to the commissioner or [~~his or her~~] their agent who requests the same pursuant to this paragraph shall be a misdemeanor. The commissioner of motor vehicles shall have the authority to deny a registration or renewal application to any other person for the same vehicle where it has been determined that such registrant's intent has been to evade the purposes of this paragraph and where the commissioner of motor vehicles has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this paragraph. The procedure on any such suspension shall be the same as in the case of a suspension under the vehicle and traffic law. Operation of such motor vehicle while under suspension as provided in this subdivision shall constitute a class A misdemeanor. Operating such motor vehicle while under suspension as provided in this subdivision shall be punishable by a fine of not less than ten thousand dollars and assessed to the holder or of any person possessing such plates for each offense committed, in addition to any other fines, penalties or actions taken with respect to such conduct.

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

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

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

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

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

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

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

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

4. A commercial motor vehicle that has been seized and not retrieved pursuant to the foregoing provisions of this section may be forfeited to the local authority upon expiration of the period of the notice set forth in subdivision three of this section provided, however, in computing such period, the period of time during which a criminal prosecution or administrative hearing is or was pending against the owner for potential violations shall be excluded. A proceeding to decree such forfeiture and to recover towing and storage costs, if any, to the extent such costs exceed the fair market value of the vehicle may be brought by the local authority in the court or administrative tribunal in which the civil or criminal action was commenced by petition for an order decreeing forfeiture of the motor vehicle, accompanied by an affidavit attesting to facts showing that forfeiture is warranted. If the identity and address of the owner and/or lienholder is known to the local authority, ten days' notice shall be given to such party, who shall have an opportunity to appear and be heard prior to entry of an order decreeing forfeiture. Where the court or administrative tribunal is satisfied that forfeiture of a motor vehicle is warranted in accordance with this section, it shall enter an order decreeing forfeiture of such vehicle. Provided, however, that the court or administrative tribunal at any time prior to entry of such an order may authorize release of the vehicle in accordance with subdivision two of this section upon a showing of good cause for failure to retrieve same prior to commencement of the proceeding to decree forfeiture, but if the court or administrative tribunal orders release of the motor vehicle as herein provided and the vehicle is not redeemed within ten days from the date of such order, the vehicle shall be deemed to have been abandoned and the court or administrative tribunal upon application of the local authority must enter an order decreeing its forfeiture.

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

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

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

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

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

SUBPART E

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

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

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

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

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

SUBPART F

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

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

(b) For the purposes of this subdivision:

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

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

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

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

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

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

SUBPART G

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

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

(b) For the purposes of this subdivision:

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

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

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

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

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

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

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

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

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

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

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

PART L

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

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

§ 2. This act shall take effect immediately.

PART M

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

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

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

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

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

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

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

PART N

Intentionally Omitted

PART O

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

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

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

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

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

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

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

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

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

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

§ 8. Intentionally omitted.

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

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

and to integrate such facilities into the state's bulk electric transmission system.

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

4. The word "person," when used in this chapter, includes an individual, firm or co-partnership other than an individual, firm or co-partnership generating electricity, shaft horsepower, useful thermal energy or gas solely from one or more co-generation, small hydro or alternate energy production facilities or distributing electricity, shaft horsepower, useful thermal energy or gas solely from one or more of such facilities to users located at or near a project site; provided, however, that an individual, firm or co-partnership generating or distributing electricity or gas solely from one or more co-generation, small hydro or alternate energy production facilities shall nevertheless be considered a person for purposes of commission jurisdiction under article seven of this chapter; provided, however, that notwithstanding any other provision of law to the contrary, the term "person" includes the holder of a certificate or permit issued under article eight of this chapter, or a predecessor statute thereto, for a major renewable energy facility with an electric generating capacity between twenty-five and eighty megawatts or that otherwise opts into article eight of this chapter for purposes of enforcement under sections twenty-five and twenty-six of this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VIII
SITING OF RENEWABLE ENERGY AND ELECTRIC TRANSMISSION SITING

Section 136. Purpose.
137. Definitions.
138. General provisions related to establishing standards related to siting.
139. Applicability.
140. Application and notice.
141. Powers of municipalities and state agencies and authorities; scope.
142. Fees; local agency account.
143. Judicial review.
144. Farmland protection working group.
145. Reports of the office.

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

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

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

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

3. "Major electric transmission facility" means an electric transmission line of a design capacity of one hundred twenty-five kilovolts or more extending a distance of one mile or more, or of one hundred kilovolts or more and less than one hundred twenty-five kilovolts, extending a distance of ten miles or more, including associated equipment, but shall not include any such transmission line located wholly underground in a city with a population in excess of one hundred twenty-five thousand or a primary transmission line approved by the federal energy regulatory commission in connection with a hydro-electric facility.

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

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

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

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

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

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

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

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

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

10. "ORES" shall mean the office of renewable energy siting and electric transmission established pursuant to section three-c of this chapter.

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

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

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

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

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

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

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

(b) The uniform standards and conditions established pursuant to this article shall be designed to avoid or minimize, to the maximum extent practicable, any potential significant adverse environmental impacts and, to the maximum extent practicable, avoid, minimize, and mitigate agricultural impacts to active agricultural lands, related to the siting, design, construction, and operation of a major electric transmission facility. Such uniform standards and conditions shall apply to those environmental impacts ORES determines are common to electric transmission facilities.

(c) In its review of an application for a permit to develop a major electric transmission facility, ORES, in consultation with the department of environmental conservation, shall identify those adverse site-specific environmental impacts, if any, that may be caused or contributed to by a specific proposed major electric transmission facility and are unable to be addressed by the uniform standards and conditions. ORES shall draft in consultation with the department of environmental conservation site-specific permit terms and conditions for such impacts, including provisions for the avoidance or mitigation thereof, taking into account the CLCPA targets, the environmental benefits of, and public need for the proposed major electric transmission facility; provided, however, that ORES shall require that the application of uniform standards and conditions and site-specific conditions shall achieve a net conservation benefit to any impacted endangered and threatened species.

(d) Upon the establishment of uniform standards and conditions required by this section and the promulgation of regulations specifying the content of an application for a siting permit for a major electric transmission facility, an application for such siting permit for a major electric transmission facility shall only be made pursuant to this article.

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

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

4-a. In its review of an application for a permit to develop a major renewable energy facility or major electric transmission facility, the office, in consultation with the department of agriculture and markets, shall ensure that a critical mass of farmland within the designated region is not threatened and ensure that solar development shall not greatly hinder the amount of farmland within New York state or be a potential threat to New York's food security. Two years after the effective date of this subdivision, the office, in conjunction with the public service commission and the department of agriculture and markets, shall reevaluate the efficacy of this subdivision and propose recommendations to the legislature, including but not limited to, the consideration of new pertinent technology or information.

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

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

(a) the definition of prime farmland as defined in part 622.04 of the USDA handbook and the definitions of unique farmland, specific characteristics of unique farmland, additional farmland of statewide importance, and additional farmland of local importance as such terms are defined in 7 CFR § 657.5;

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

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

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

(3) ensure that a critical mass of farmland within the designated region is not threatened. Two years after the effective date of this subdivision, the office, in conjunction with the public service commission and the department of agriculture and markets, shall reevaluate the efficacy of this clause and propose recommendations to the legislature, including but not limited to, the consideration of new pertinent technology and/or information; and

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

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

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

(1) categories based on solar array size, specifying the array capacity and how much power or electricity is expected to be generated, on-site or associated electric load, and the land use footprint, including the acreage of land underlying the array;

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

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

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

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

(1) include a decommissioning plan in the application;

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

(3) obtain decommissioning surety bonds or another form of insurance to secure all or a part of decommissioning costs required at the conclusion of the lease;

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

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

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

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

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

(i) the proposed project;

(ii) the project's prime agricultural land and prime soils, unique farmland, and farmland of statewide or local importance, including Mineral Soils Group (MSG) 1-4, as defined by the department of agriculture and markets;

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

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

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

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

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

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

5. This section shall not apply:

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

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

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

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

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

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

submission of an application to ORES, related to procedural and substantive requirements of local law.

(b) No later than sixty days following the date upon which an application has been deemed complete, and following consultation with any relevant state agency or authority, ORES shall publish for public comment draft permit conditions prepared by the office, which comment period shall be for a minimum of sixty days from public notice thereof, or notice of intent to deny with reasons thereof. Such public notice shall include, but shall not be limited to: (i) written notice to the municipalities or political subdivisions in which such project is proposed to be located; (ii) publication in a newspaper or in electronic form, having general circulation in such municipalities or political subdivisions; and (iii) posting the notice on the office's and the department's website.

(c) For any municipality, political subdivision or an agency thereof that has received notice of the filing of an application, pursuant to regulations promulgated in accordance with this article, the municipality or political subdivision or agency thereof shall within the timeframes established by this subdivision submit a statement to ORES indicating whether the proposed project is designed to be sited, constructed and operated in compliance with applicable local laws and regulations, if any, concerning the environment, or public health and safety. In the event that a municipality, political subdivision or an agency thereof submits a statement to ORES that the proposed project is not designed to be sited, constructed or operated in compliance with local laws and regulations and ORES determines not to hold an adjudicatory hearing on the application, ORES shall hold a non-adjudicatory public hearing in or near one or more of the affected municipalities or political subdivisions.

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

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

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

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

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

3. For any municipality, political subdivision or an agency thereof that has received notice of the filing of an application, pursuant to regulations promulgated in accordance with this section or otherwise in effect on the effective date of this article, the municipality or political subdivision or agency thereof shall within the timeframes established by this act submit a statement to ORES indicating whether the proposed facility is designed to be sited, constructed and operated in compliance with applicable local laws and regulations, if any, concerning the environment, or public health and safety. In the event that a municipality, political subdivision or an agency thereof submits a statement to ORES that the proposed facility is not designed to be sited, constructed or operated in compliance with local laws and regulations and ORES determines not to hold an adjudicatory hearing on the application, ORES shall hold a non-adjudicatory public hearing in the affected municipality or political subdivision.

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

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

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

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

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

§ 141. Powers of municipalities and state agencies and authorities; scope. 1. Notwithstanding any other provision of law, including without limitation article eight of the environmental conservation law and article seven of this chapter, no other state agency, department or authority, or any municipality or political subdivision or any agency thereof may, except as expressly authorized under this article or the rules and regulations promulgated under this article, require any approval, consent, permit, certificate, contract, agreement, or other condition for the development, design, construction, operation, or decommissioning of a major renewable energy facility or a major electric transmission facility with respect to which an application for a siting permit has been filed, provided in the case of a municipality, political subdivision or an agency thereof, such entity has received notice of the filing of the application therefor. Notwithstanding the foregoing, the department of environmental conservation shall be the permitting agency for

permits issued pursuant to federally delegated or federally approved programs.

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

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

§ 142. Fees; local agency account. 1. Each application for a siting permit shall be accompanied by a fee in an amount equal to the following:

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

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

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

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

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

2. Such fee is to be deposited in an account to be known as the local agency account established 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 articles 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 articles seven and ten of

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

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 for the purpose of recovering costs incurred by the office and may require any applications for a qualified energy storage system submitted to be accompanied by a fee of fifty thousand dollars; provided, however, that public utilities that are subject to section eighteen-a of this chapter shall not be assessed a fee for such costs.

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.

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

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

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

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

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

(d) Made in accordance with procedures set forth in this section or established by rule or regulation pursuant to this article;
(e) Arbitrary, capricious or an abuse of discretion; or
(f) Made pursuant to a process that afforded meaningful involvement of citizens affected by the facility or project regardless of age, race, color, national origin and income.
4. Except as herein provided article seventy-eight of the civil practice law and rules shall apply to appeals taken hereunder.
§ 144. Farmland protection working group. 1. There is hereby created in the executive department a farmland protection working group consisting of appropriate stakeholders, including but not limited to:
(a) the commissioner of the department of agriculture and markets;
(b) the commissioner of the department of environmental conservation;
(c) the executive director of ORES;
(d) the chief executive officer of the department of public service;
(e) the president of the New York state energy research and development authority;
(f) local government officials or representatives from municipal organizations representing towns, villages, and counties; and
(g) representatives from at least two county agricultural and farmland protection boards.
2. The working group shall, no later than one year after the effective date of this section, recommend strategies to encourage and facilitate input from municipalities in the siting process and to develop recommendations that include approaches to recognize the value of viable agricultural land and methods to minimize adverse impacts to any such land resulting from the siting of major renewable energy facilities.
3. The working group, on call of the commissioner of the department of agriculture and markets, shall meet at least three times each year and at such other times as may be necessary.
§ 145. Reports of the office. No later than one year after the effective date of this section and annually thereafter, the office shall submit to the governor, the temporary president of the senate and the speaker of the assembly, a report on the activities of the office. The report shall, without limitation, include:
1. the number of applications received and permits approved by the office for each type of major renewable energy facility or major electric transmission facility;
2. a description of the project of each permit granted by the office for the preceding year including scale, location and capacity;
3. average time taken to make a decision on an application;
4. the number of cases that require dispute resolution or judicial review;
5. the director's evaluation of overall public need for major renewable generation facilities and major electric transmission facilities;
6. the potential adverse environmental impacts of the facility are identified and addressed by the uniform standards and conditions promulgated pursuant to this article;
7. the number and description of projects where site-specific permit conditions were applied to the facility or where off-site mitigation needed; and
8. total fees collected by the office and any fees collected specifically for off-site mitigation.
§ 12. The public service law is amended by adding a new section 174 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 28. Paragraph (d) 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:

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

§ 29. Subparagraph (i) of paragraph (e) 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:

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

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

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

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

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

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

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

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

PART P

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

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

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

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

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

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

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

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

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

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

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

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

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

decarbonization and right-sizing of the gas distribution system in a just and affordable manner as required to meet the climate justice and emission reduction mandates of the CLCPA, appropriately balancing ratepayers' needs and interests with the maintenance of financially sound utilities, prioritizing low-to-moderate income customers and disadvantaged communities, and encouraging neighborhood-scale transitions;

b. to provide the Public Service Commission with the statutory authority and direction to align utility regulations and planning with the CLCPA climate justice and emission reduction mandates and to require the Public Service Commission to take a proactive role in the timely identification and amendment of such regulations or rulings as may pose an impediment to achieving CLCPA mandates, and to identify any laws that may pose an impediment;

c. to maintain the affordability of services for all utility customers, create good paying, family sustaining jobs, and facilitate achievement of the CLCPA climate justice and emission reduction mandates by enabling gas utilities to minimize the need for new investments in gas infrastructure;

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

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

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

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

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

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

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

1. There shall be in the department of public service a public service commission, which shall possess the powers and duties hereinafter specified, and also all powers necessary or proper to enable it to carry out the purposes of this chapter **and to enable achievement of the climate justice and emission reduction mandates in chapter one hundred six of the laws of two thousand nineteen, and such successors in law and function as may arise from time to time**. The commission shall consist of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12-e. The commission shall review the capital construction plan of each gas corporation and establish a process to examine feasible alternatives to such construction in order to achieve consistency with the climate justice and emission reduction mandates in chapter one hundred six of the laws of two thousand nineteen, and such successors in law and function as may arise from time to time, encouraging neighborhood-scale transitions and the elimination of on-site co-pollutant emissions. Such process shall include thresholds and criteria for the types of projects subject to such examination. The commission shall require participation in such process by each electric corporation with a service area overlapping the service area of the gas corporation; and the commission shall have the power to require any such electric corporation to participate in alternatives to gas capital construction, including participation in financing. Any costs incurred by such electric corporation for such corporation's participation shall be subject to an opportunity for full recovery, as determined by the commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) In order to minimize long-term costs and stranded assets, and maximize savings and benefits for customers, within one year of the effective date of this section the commission shall issue an order requiring each gas corporation, within one hundred eighty days of the issuance of such order, to restructure its plan for addressing the leak-prone gas mains and service lines on its system to facilitate the orderly right-sizing of the gas distribution system to achieve consistency with the climate justice and emission reduction mandates in chapter one hundred six of the laws of two thousand nineteen, and such successors in law and function as may arise from time to time, while maintaining safety and reliability of the gas system, subject to all relevant federal laws and regulations. To accomplish this, the commission shall require each gas corporation, in coordination with any and all electric corporations with overlapping service areas, to pursue programs pursuant to subdivision two of section thirty of this chapter that minimize the replacement of leak-prone gas mains and service lines. The commission shall require each gas corporation, after notice and comment, to establish criteria for evaluating whether specific segments of leak-prone mains and service lines are candidates for such programs and to evaluate their entire inventory of leak-prone pipes to create a strategic decommissioning ranking in which it ranks the segments in terms of the ability to electrify all customers served by the segment and retire the gas distribution infrastructure. The commission shall require each gas corporation to file an annual report that provides a qualitative and quantitative assessment of the reduction of leak-prone pipe inventory and that updates the strategic decommissioning ranking from the prior year. The commission shall establish notice requirements and consumer and affordability protections in accordance with section thirty of this chapter applicable to customers served by segments of the gas distribution system targeted for decommissioning.

(d) In order to maximize the cost savings and benefits of the transition of the electric system for the equitable, orderly, and affordable achievement of consistency with the climate justice and emission

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

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

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

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

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

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

(3) Consideration of the significant uncertainties and risks associated with different scenarios, including the environmental impact of

leaked gas, the prolonged reliance on the gas system that results from long-lived investments in gas infrastructure and gas-consuming equipment, the positive option value associated with measures that can eliminate or defer the need for investments in gas infrastructure and gas-consuming equipment, and potential challenges associated with full electrification.

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

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

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

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

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

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

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

3. For purposes of this section, a covered neighborhood-scale decarbonization project shall not include:

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

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

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

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

4. For purposes of this section, the "fiscal officer" shall be deemed to be the commissioner. The enforcement of any covered neighborhood-scale decarbonization project pursuant to this section shall be subject to the requirements of sections two hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred twenty-three, two hundred twenty-four-b and two hundred twenty-seven of this article and within the jurisdiction of the fiscal officer; provided, however, nothing contained in this section shall be deemed to construe any covered neighborhood-scale decarbonization project as otherwise being considered public work pursuant to this article.

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

§ 16. This act shall take effect immediately.

PART Q

Section 1. Expenditures of moneys appropriated 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 annually, the commissioner of the department of agriculture and markets shall submit an accounting of such expenses, including, but not limited to, expenses in the prior 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 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 pursu-

ant 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 annually, the secretary of state shall submit an accounting of such expenses, including, but not limited to, expenses in the prior 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 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 annually, 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 prior 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.

§ 4. Expenditures of moneys appropriated to the department of environmental conservation from the special revenue funds-other/state operations, environmental conservation special revenue fund-301, utility environmental regulation 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 environmental conservation's participation in state energy policy proceedings, 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 annually, the commissioner of the department of environmental conservation shall submit an accounting of such expenses, including, but not limited to, expenses in the prior 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.

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

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

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

PART R

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

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

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

PART S

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

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

§ 2. This act shall take effect immediately.

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 **other operating** approval pursuant to the state air quality control program **and the rules and regulations adopted by the department thereunder** shall submit to the department a per emission point fee in an amount established as follows:

a. $11,000.00 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~~] **registration** 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 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~~] **registration** to operate.

c. $100.00 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~~] **registration** to operate.

d. $2,000.00 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~~] **registration** to operate. In the event that hours of operation have not been specified on the [~~applications~~] **application,** then maximum possible hours of operation (8760 hours) will be used to calculate actual annual emissions.

e. $160.00 for a process air contamination source, except a gasoline [~~dispencing~~] **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~~] **registration** to operate. In the event that hours of operation have not been specified on the [~~applications~~] **application,** then maximum possible hours of operation (8760 hours) will be used to calculate actual annual emissions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 19-0328. Fee programs.

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

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

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

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

PART U

Intentionally Omitted

PART V

Intentionally Omitted

PART W

Intentionally Omitted

PART X

Intentionally Omitted

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~~] twenty-five, except that:

§ 2. This act shall take effect immediately.

PART Z

Intentionally Omitted

PART AA

Intentionally Omitted

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

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

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

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

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

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

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

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

PART EE

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

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

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

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

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

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

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

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

PART FF

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

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

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

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

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

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

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

PART GG

Intentionally Omitted

PART HH

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

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

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

§ 2. This act shall take effect immediately.

PART II

Intentionally Omitted

PART JJ

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

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

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

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

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

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

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

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

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

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

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

(i) it materially interferes with the ability of a person to understand a term or condition of a product or service; or

(ii) takes unreasonable advantage of:

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

(B) a person's inability to protect such person's interests in selecting or using a product or service; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) the person bringing the action is not represented by an attorney;

(iv) a mailing address for the respondent is not reasonably discernable;

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

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

(vii) the respondent has already received a notice pursuant to paragraph four of this subdivision for substantially similar conduct; or

(viii) there are other exigent circumstances.

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

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

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

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

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

4. In determining whether any advertising concerning a food or food product is false or misleading, factors shall include, but not be limited to:

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

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

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

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

(a) Subject matter;

(b) Visual content;

(c) Use of animated characters or child-oriented activities and incentives;

(d) Music or other audio content;

(e) Age of models;

(f) Presence of child celebrities or celebrities who appeal to children;

(g) Language;

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

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

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

(k) Other similar factors.

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

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

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

1. The program shall be designed to prevent and reduce the incidence and prevalence of obesity in children and adolescents, especially among populations with high rates of obesity and obesity-related health complications including, but not limited to, diabetes, heart disease, cancer, osteoarthritis, asthma, emphysema, chronic bronchitis, other chronic respiratory diseases and other conditions. The program shall use recommendations and goals of the United States departments of agriculture and health and human services, the surgeon general and centers for disease control and prevention in developing and implementing guidelines for nutrition education and physical activity projects as part of obesity prevention efforts. The content and implementation of the program shall stress the benefits of choosing a balanced, healthful diet from the many options available to consumers[~~, without specifically targeting the elimination of any particular food group, food product or food-related industry~~] **while specifically including education on access and the nutritional value of locally grown foods and food products including, but not limited to dairy, fruit and vegetable food products. The program shall cooperate with the department of agriculture and markets to add access to locally grown foods and food products including, but not limited to dairy, fruit and vegetable food products within the guidelines and framework of the program.**

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

applications of this act that can be given effect without the invalid provision or application.

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

PART KK

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

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

(h) if videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony; [**~~and~~**]

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

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

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

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

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

PART LL

Section 1. Paragraph 2 of subsection (f) of section 1308 of the insurance law, as amended by section 2 of chapter 802 of the laws of 1985, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The amount of any class B or class C assessment, except for assessments related to long-term care insurance, shall be allocated for assessment purposes among the accounts in the proportion that the premiums received by the impaired or insolvent insurer on the policies or contracts covered by each account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bears to the premiums received by such insurer for such calendar year on all covered policies. The amount of any class B or class C assessment for long-term care insurance written by the impaired or insolvent insurer shall be allocated according to a methodology included in the plan of operation and approved by the superintendent. The methodology shall provide for fifty percent of the assessment to be allocated to health insurance company member insurers and fifty percent to be allocated to life insurance company member insurers; provided, however, that a property/casualty insurer that writes health insurance shall be considered a health insurance company member for this purpose. Class B and class C assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies covered by each account for the three calendar years preceding the assessment bears to such premiums received on business in this state for such calendar years by all assessed member insurers. **Class B and Class C assessments against member insurers for the health insurance account shall be further reduced for not-for-profit member insurers pursuant to a methodology included in the plan of operation and approved by the superintendent. Such methodology shall offset the assessments imposed on not-for-profit member insurers in a manner that has an equivalent impact as the tax credits applicable to member for-profit insurers pursuant to this article.**

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

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

thousand seven hundred nine of this article, [~~for the purposes of meeting the requirements of this chapter. Each statement, starting with the statement furnished in the year nineteen hundred eighty-six and ending with the statement furnished in the year two thousand, shall show the annual activity for every year commencing from nineteen hundred eighty-five through the most recently completed year. Each statement furnished in each year after the year two thousand shall reflect such assessments paid during the preceding fifteen calendar years. The superintendent shall also furnish a copy of such statement to each such~~] to an insurance company that is required to file a tax return pursuant to article thirty-three of the tax law. The superintendent shall issue such certificates by January thirty-first of the year following the year in which the class A, B, and C assessments are paid or to which they are allocated pursuant to the provisions of subsection (c) of this section. For the purposes of this section, an insurance company's "net class A assessments paid" shall mean its gross class A assessments paid pursuant to the provisions of article seventy-five or section seven thousand seven hundred nine of this article, less any refunds, recoveries, or reimbursements, and an insurance company's "total net class B and class C assessments paid" shall mean its gross class B and class C assessments paid pursuant to the provisions of article seventy-five or section seven thousand seven hundred nine of this article, less any refunds, recoveries, or reimbursements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) agree to provide any additional information required by the superintendent relevant to this section.

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

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

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

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

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

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

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

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

~~(D) With respect to estimated taxes payable under section fifteen hundred fourteen of this article any increase in estimated taxes due to the limitation imposed by this paragraph shall be deemed timely paid if paid on or before the fifteenth day of December next following the date specified in subparagraph (A) of this paragraph.~~] Carryover. The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the minimum fixed by paragraph four of subdivision (a) of section fifteen hundred two of this article or section fifteen hundred two-a of this article, whichever is applicable. However, if the amount of credit allowable under this subdivision for any taxable year reduces the tax to such amount, any amount of credit not deductible in such taxable year may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years.

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

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

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

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

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

to public disclosure or inspection under article six of the public officers law.

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

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

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

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

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

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

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

PART MM

Intentionally Omitted

PART NN

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

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

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

§ 2. This act shall take effect immediately.

PART OO

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

§ 2. This act shall take effect immediately.

PART PP

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

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

SUBPART A

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

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

(a) "Economic development benefits" shall mean:

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

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

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

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

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

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

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

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

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

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

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

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

(a) the ability to search the database by each of the reported information fields;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. To effectuate the purposes of this section, the office may request and shall receive from any department, division, board, bureau, commission or other agency of the state, or any state or local public authority such assistance, information and data as will enable the office to carry out its powers and duties under this section.

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

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

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

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

§ 859-d. Reporting for the local authorities searchable subsidy and economic development benefits database. Notwithstanding any other provision of law to the contrary, an industrial development agency shall

submit to the authorities budget office, and update quarterly, in the form and manner prescribed by the authorities budget office, any and all data and information as necessary for developing, updating, and maintaining the database established in section eight of the public authorities law, regarding economic development benefits, as the term is defined therein, awarded by such industrial development agency. An Industrial Development agency may request and shall receive any data from a person, business, limited liability corporation or any other entity that has applied for and received approval for or is the beneficiary of, any such economic development benefits, as is necessary and required to comply with this section.

§ 4. Paragraph (i) of section 1411 of the not-for-profit corporation law is amended and a new paragraph (j) is added to read as follows:

(i) Effect of section.

Corporations incorporated or reincorporated under this section shall be organized and operated exclusively for the purposes set forth in paragraph (a) of this section, shall have, in addition to the powers otherwise conferred by law, the powers conferred by paragraph (c) of this section and shall be subject to all the restrictions and limitations imposed by paragraph (e) [~~and~~], paragraph (g), and paragraph (j) of this section. In so far as the provisions of this section are inconsistent with the provisions of any other law, general or special, the provisions of this section shall be controlling as to corporations incorporated or reincorporated hereunder.

(j) Public authorities law.

Notwithstanding any other provision of law to the contrary, a corporation incorporated or reincorporated under this section shall be considered a local authority under the public authorities law, and be subject to the provisions of section twenty-eight hundred seven of the public authorities law.

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

SUBPART B

Section 1. Section 104 of the not-for-profit corporation law is amended by adding a new paragraph (h) to read as follows:

(h) The department shall transmit electronically to the authorities budget office a copy of every certificate of incorporation filed or delivered where the incorporator has indicated on the certificate that he or she is filing said certificate on the behalf or at the behest of a municipal corporation, state or local authority, or district.

§ 2. Subparagraph 2-b of paragraph (a) of section 402 of the not-for-profit corporation law, as added by chapter 23 of the laws of 2014, is amended to read as follows:

(2-b) If it is not formed to engage in any activity or for any purpose requiring consent or approval of any state official, department, board, agency or other body, or does not require consent pursuant to paragraph (w) of section 404 (Approvals, notices and consents) of this article a statement that no such consent or approval is required. Such statement shall be deemed conclusive for purposes of filing by the department of state. If subsequent to submitting the certificate of incorporation for filing, the corporation plans to engage in any activity requiring consent or approval pursuant to section 404 [~~(approvals~~] (Approvals, notices and consents) of this [~~chapter~~] article, the corporation shall

obtain such consent or approval and accordingly amend its certificate of incorporation pursuant to article eight of this chapter.

§ 3. Paragraph (a) of section 402 of the not-for-profit corporation law is amended by adding a new subparagraph 9 to read as follows:

(9) A statement whether the corporation is being incorporated on the behalf or at the behest of any municipal corporation, state or local authority, or district. If so, the incorporator shall identify such municipal corporation, state or local authority, or district.

§ 4. Section 404 of the not-for-profit corporation law is amended by adding a new paragraph (w) to read as follows:

(w) Every certificate of incorporation which includes any of the following shall have endorsed thereon or annexed thereto the consent of the director of the authorities budget office:

(1) indicates that one or more individuals who serve as officers or employees of any municipal corporation, state or local authority, or district shall: (i) select either a majority of the corporation's board of directors or the corporation's chief executive officer; (ii) constitute a majority of the voting strength that selects either a majority of the corporation's board of directors or the corporation's chief executive officer; or (iii) serve as: (A) a majority of the corporation's board of directors; or (B) in his or her official capacity, the corporation's chief executive officer; or

(2) indicates that such corporation is being incorporated on the behalf or at the behest of any municipal corporation, state or local authority, or district.

The director shall make such inquiry into the purposes of the proposed corporation as he or she shall deem advisable.

§ 5. Paragraph (a) of section 1411 of the not-for-profit corporation law, as amended by chapter 847 of the laws of 1970, is amended to read as follows:

(a) Purposes.

This section shall provide an additional and alternate method of incorporation or reincorporation of not-for-profit corporations for any of the purposes set forth in this paragraph and shall not be deemed to alter, impair or diminish the purposes, rights, powers or privileges of any corporation heretofore or hereafter incorporated under this section or under the stock or business corporation laws. Corporations may be incorporated or reincorporated under this section as not-for-profit local development corporations operated for the exclusively charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest, and any one or more counties, cities, towns or villages of the state, or any combination thereof, or the New York job development authority in exercising its power under the public authorities law to encourage the organization of local development corporations, may cause such corporations to be incorporated by public officers or private individuals or reincorporated upon compliance with the requirements of this section, and it is hereby found, determined and declared that in carrying out said purposes and in exercising the powers conferred by paragraph (b) such corporations will be performing an essential governmental

function. **A not-for-profit corporation may not incorporate or reincorporate under this section if its sole corporate purpose is for lessening the burdens of government and acting in the public interest.**

§ 6. Subparagraph 2 of paragraph (d) of section 1411 of the not-for-profit corporation law is amended to read as follows:

(2) Notwithstanding the provisions of any general, special or local law, charter or ordinance to the contrary, such sale or lease may be made without appraisal **(except as may be necessary in regard to subparagraph (4) of this paragraph)**, public notice[~~,~~] (except as provided in subparagraph (4) **of this paragraph**)**,** or public bidding for such price or rental and upon such terms as may be agreed upon between the county, city, town or village and said local development corporation; provided, however, that in case of a lease the term may not exceed [~~ninety-nine~~] **twenty-five** years and provided, further, that in cities having a population of one million or more, no such sale or lease shall be made without the approval of a majority of the members of the borough improvement board of the borough in which such real property is located.

§ 7. Subparagraph 4 of paragraph (d) of section 1411 of the not-for-profit corporation law is amended to read as follows:

(4) Notice of such hearing shall be published at least [~~ten~~] **twenty-one** days before the date set for the hearing in such publication and in such manner as may be designated by the local legislative body, or the board of estimate as the case may be. **Such notice shall also include: a description of the property at issue; the value of the proposed consideration to be received from the sale or lease; the estimated fair market value of the asset; and a statement of the intended use or disposition of the property by the local development corporation.**

§ 8. Paragraph (i) of section 1411 of the not-for-profit corporation law, as amended by section 4 of subpart A of this part, is amended to read as follows:

(i) **Contracts between a municipal corporation, public authority, or district and a local development corporation.**

Any contract or other agreement between a local development corporation and a municipal corporation, state authority or local authority, or district for one or more of the purposes enumerated in paragraph (a) of this section shall: (1) cause the local development corporation to be defined as a local authority pursuant to subdivision two of section two of the public authorities law; (2) provide for the municipal corporation, state authority or local authority, or district to receive fair and adequate consideration; (3) be subject to the requirements of article five-A of the general municipal law; and (4) have a term not to exceed twenty-five years, subject to one or more subsequent renewals for a term not to exceed twenty-five years each upon the mutual consent of the parties; provided however that a contract with a municipal corporation shall not be used to finance the municipal corporation's operations or to acquire or improve an asset for use of the municipal corporation.

(k) Effect of section.

Corporations incorporated or reincorporated under this section shall be organized and operated exclusively for the purposes set forth in paragraph (a) of this section, shall have, in addition to the powers otherwise conferred by law, the powers conferred by paragraph (c) of this section and shall be subject to all the restrictions and limitations imposed by [~~paragraph~~] **paragraphs** (e), [~~paragraph~~] (g), **(i)** and [~~paragraph~~] (j) of this section. In so far as the provisions of this section are inconsistent with the provisions of any other law, general

or special, the provisions of this section shall be controlling as to corporations incorporated or reincorporated hereunder.

§ 9. Subdivision 2 of section 2 of the public authorities law, as amended by chapter 257 of the laws of 2011, is amended to read as follows:

2. "local authority" shall mean (a) a public authority or public benefit corporation created by or existing under this chapter or any other law of the state of New York whose members do not hold a civil office of the state, are not appointed by the governor or are appointed by the governor specifically upon the recommendation of the local government or governments; (b) a not-for-profit corporation**, other than a fire corporation, statewide association of local governments or local officials, or business improvement district,** affiliated with, sponsored by, or created by a county, city, town or village government; (c) a local industrial developmental agency or authority or other local public benefit corporation; (d) an affiliate of such local authority; [~~or~~] (e) a land bank corporation created pursuant to article sixteen of the not-for-profit corporation law**; or (f) a not-for-profit corporation, other than a fire corporation or statewide association of local governments or local officials, or business improvement district, that (i) has issued or has the authority to issue tax exempt debt or (ii) provides state or municipal tax exemptions through its participation in a project undertaken in furtherance of its purposes**.

For the purposes of paragraph (b) of the opening paragraph of this subdivision, "affiliated with, sponsored by, or created by a county, city, town or village government" shall also include, but not be limited to, entities: (a) where one or more individuals who serve as officers or employees of any county, city, town, village: (i) select either a majority of the not-for-profit corporation's board of directors or the not-for-profit corporation's chief executive officer; (ii) constitute a majority of the voting strength that selects either a majority of the not-for-profit corporation's board of directors or the corporation's chief executive officer; or (iii) serve as: (1) a majority of the not-for-profit corporation's board of directors; or (2) in his or her official capacity, the not-for-profit corporation's chief executive officer; or (b) which pay staff of a state or local government or state or local authority to provide administrative or operational support.

§ 10. The public authorities law is amended by adding a new section 2829 to read as follows:

§ 2829. State and local authorities subject to the open meetings and freedom of information laws. All state and local authorities, as such terms are defined in section two of this chapter, as well as all subsidiaries and affiliates of such state and local authorities, as such terms are defined in section two of this chapter, shall be subject to the provisions of articles six and seven of the public officers law relating to the freedom of information and open meetings laws respectively. All state and local authorities, as well as all subsidiaries and affiliates of such state and local authorities, shall, to the extent practicable, stream all open meetings and public hearings on its website in real-time, post video recordings of all open meetings and public hearings on its website within five business days of the meeting or hearing and maintain such recordings for a period of not less than five years.

§ 11. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that the provisions of subparagraph 2 of paragraph (d) and paragraph (i) of section 1411 of the not-for-profit corporation law, as amended by sections six and eight of this

act shall not apply retroactively to contracts or agreements between a local development corporation and a municipal corporation, state or local authority, or district entered into prior to the effective date of this act.

SUBPART C

Section 1. The general municipal law is amended by adding a new section 34-b to read as follows:

§ 34-b. Examination of industrial development agencies and not-for-profit corporations by county comptrollers. 1. Examination of industrial development agency projects and actions by county comptrollers. (a) A county comptroller may conduct an audit of a project and/or action of an industrial development agency located within the county.

(b) In counties where there is no county comptroller, the chief elected official of the county shall designate the budget director or finance director to undertake such audits.

(c) For purposes of this section, industrial development agencies include such public authorities defined in paragraph (c) of subdivision two of section two of the public authorities law.

2. Examination of not-for-profit corporations by county comptrollers. (a) A county comptroller may conduct an audit of a not-for-profit corporation affiliated with, sponsored by, or created by a county, city, town or village government, located within the county.

(b) In counties where there is no county comptroller, the chief elected official of the county shall designate the budget director or finance director to undertake such audits.

(c) For purposes of this section, not-for-profit corporations include such public authorities defined in paragraph (b) of subdivision two of section two of the public authorities law.

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

SUBPART D

Section 1. The public authorities law is amended by adding a new section 9 to read as follows:

§ 9. Reports of public authorities by authorities budget office; recommendations for corrective action. Whenever the authorities budget office issues a letter or report regarding the activities and operations of any public authority, the head of the public authority which the letter or report was about shall submit a written response to the letter or report within thirty days of the receipt of the letter or report. If the letter or report makes recommendations for corrective action, such head shall report within one hundred eighty days after receipt thereof to the authorities budget office what steps were taken to implement such recommendations, and, where recommendations were not implemented, the reasons therefor. Failure to comply with the provisions of this section shall make the authority delinquent in its reporting requirements.

§ 2. Subdivision 3 of section 2800 of the public authorities law, as amended by chapter 766 of the laws of 2005, is amended to read as follows:

3. Every financial report submitted under this section shall be approved by the board and shall be certified**, under penalty of perjury,** in writing by the chief executive officer and the chief financial officer of such authority that based on the officer's knowledge (a) the

information provided therein is accurate, correct and does not contain any untrue statement of material fact; (b) does not omit any material fact which, if omitted, would cause the financial statements to be misleading in light of the circumstances under which such statements are made; and (c) fairly presents in all material respects the financial condition and results of operations of the authority as of, and for, the periods presented in the financial statements. **A knowing and willful violation of this section shall constitute perjury in the third degree.**

§ 3. Subdivision 2 of section 2824 of the public authorities law, as added by section 766 of the laws of 2005, is amended to read as follows:

2. **(a)** Individuals appointed to the board of a public authority shall participate in state approved training regarding their legal, fiduciary, financial and ethical responsibilities as directors of an authority within one year of appointment to a board. Board members shall participate in such continuing training as may be required to remain informed of best practices, regulatory and statutory changes relating to the effective oversight of the management and financial activities of public authorities and to adhere to the highest standards of responsible governance.

(b) Except as otherwise provided in this chapter, a member in non-compliance with the requirements set forth in this section shall be subject to the enforcement powers of the authorities budget office, including but not limited to removal from the board of said public authority. If an individual appointed to the board of a public authority does not complete their state approved training pursuant to paragraph (a) of this subdivision the authority budget office shall notify said individual of their official suspension as a board member. The suspension shall be for a period of three months and shall commence with receipt of official notice of the suspension by the authorities budget office. The suspension shall be terminated if such individual completes the required training within the three month suspension period. If such individual fails to complete the required training within the three month suspension period, the authorities budget office may remove the individual from the public authority board.

(c) An individual that has been removed from a public authority board by the authorities budget office pursuant to paragraph (b) of this subdivision, may only be reinstated to that public authority board once they provide the authorities budget office with official notice confirming the training requirements set forth in paragraph (a) of this subdivision have been met.

§ 4. Section 104 of the not-for-profit corporation law is amended by adding a new paragraph (i) to read as follows:

(i) If an instrument which is delivered to the department of state for filing relates to a not-for-profit corporation created pursuant to section fourteen hundred eleven of this chapter or to an entity that may be deemed a local authority as defined by subdivision two of section two of the public authorities law, the department of state shall review, make, certify and transmit electronically a copy of each such instrument relating to local economic development to the authorities budget office.

§ 5. Paragraphs (i) and (j) of subdivision 2 of section 6 of the public authorities law, as added by chapter 506 of the laws of 2009, are amended and a new paragraph (k) is added to read as follows:

(i) compel any authority which is deemed to be in non-compliance with this title and title one of this article or article nine of this chapter to submit to the authorities budget office a detailed explanation of such failure to comply; [~~and~~]

(j) commence a special proceeding in supreme court, when it does not receive from a state or local authority upon request information, books, records or other documentation necessary to perform its duties, seeking an order directing the production of the same[.]; and

(k) commence an action or special proceeding to annul the corporate existence or dissolve a corporation that has acted beyond its capacity or power or to restrain it from carrying on unauthorized activities.

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

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

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

PART QQ

Section 1. The environmental conservation law is amended by adding a new section 9-0115 to read as follows:

§ 9-0115. Catskill park coordinator.

1. The commissioner shall maintain in the department the position of Catskill park coordinator to assist the commissioner in the development and implementation of the public access plan for the Catskill park. The commissioner shall fix the Catskill park coordinator's compensation within the amounts appropriated therefor and prescribe the Catskill park coordinator's powers and duties, which shall be in addition to those contained in this section. The Catskill park coordinator shall build partnerships between the department and other state agencies, municipal governments, businesses and nonprofit entities that will develop a community-based tourism strategy for the forest preserve to help fortify the regional economy by scheduling and organizing forums and following up on future recommendations, actions, or concerns raised at such forums.

2. Duties of the Catskill park coordinator shall include, but not be limited to, the following:

a. coordinating implementation of the public access plan and other approved or adopted Catskill park-wide plans with all public and private stakeholders;

b. enhancing the ability of the department to respond to the needs of the public on a timely basis;

c. coordinating complex management issues and facilitating improved communication between programs within regions three and four of the department and between those regions and the central offices of the department;

d. seeking funding for and tracking implementation of the public access plan, unit management plans, and other approved and adopted Catskill park-wide plans;

e. providing continuity with future planning within the department and other state agencies, including, but not limited to, the Catskill association for tourism services;

f. maintaining a tracking system for department program activities, including facility development and resource management plan preparation and implementation for the Catskill region; and

g. providing for improved communications between the department and the public and building constituency support for departmental initiatives that benefit the Catskill region.

§ 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.

PART RR

Section 1. The executive law is amended by adding a new article 26-A to read as follows:

ARTICLE 26-A

OFFICE OF FLOODING PREVENTION AND MITIGATION

Section 730. Declaration of findings and legislative intent.
731. Office of flooding prevention and mitigation.
732. Functions and duties of the office.
733. Support for counties and municipalities.
734. Government entity coordination; intragovernmental meetings.
735. Public availability of information; reporting.
736. Flooding resiliency.

§ 730. Declaration of findings and legislative intent. 1. The legislature finds that flooding events constitute a significant and ongoing threat to people and property in the state and that the threats of flooding are expected to be exacerbated by the increasing effects of climate change. The legislature further finds that there is a need for better coordination and direction of state and local efforts to prevent and mitigate flooding.

2. The legislature determines that there is a need for a new executive office to manage and coordinate the work of various existing task forces, commissions, and other bodies and programs tasked with examining issues related to flooding, to review and assess best practices and make recommendations regarding flood prevention and mitigation, and to assist municipalities in developing strategies and policies to combat flooding. Accordingly, it is the legislature's intent that a new office of flooding prevention and mitigation be created to accomplish these purposes.

§ 731. Office of flooding prevention and mitigation. There is hereby created an office of flooding prevention and mitigation in the executive department. For the purposes of this article, "the office" shall mean the office of flooding prevention and mitigation. The office shall be headed by a director, who shall be appointed by the governor by and with the advice and consent of the senate and shall hold office during the pleasure of the governor. The director shall have significant professional experience in flooding planning, prevention, mitigation, and resiliency. The director shall receive a salary to be fixed by the governor within the amount appropriated therefor. The director shall appoint staff and perform such other functions to ensure the efficient operation of the office within the amounts made available therefor by appropriation.

§ 732. Functions and duties of the office. The office shall have the following functions and duties:

1. To establish and maintain a principal office and such other offices within the state as it may deem necessary.

2. To appoint a secretary, counsel, clerks and such other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

3. To require that state agencies and any other state or municipal department, agency, public authority, task force, commission, or other state or municipal government body, provide and the same are hereby authorized to provide, such assistance, documents, and data as will enable the office to carry out its functions and duties.

4. To establish and maintain a website which shall facilitate the satisfaction of the functions and duties of the office.

5. To advise and assist the governor in developing policies designed to prevent and mitigate flooding.

6. To coordinate state agencies, programs and activities responsible for or relating to flooding, including, without limitation, the department of environmental conservation, the department of financial services, the division of homeland security and emergency services, the department of state, resilient NY, the disaster preparedness commission, the Rockland-Bergen flood mitigation council, the New York state 2100 commission, the sea level rise task force, the Delaware river basin commission, the New York rising community construction program and the upstate flood mitigation task force, to the extent such entity exists or is presently convened, as applicable, and to require that such entities or programs provide documents to the office.

7. To cooperate with, coordinate, encourage and assist counties and municipalities in the development of local plans and policies for flooding preparedness, prevention, and mitigation, to refer municipalities to the appropriate departments and agencies of the state and federal governments for advice, assistance and available services with respect to flooding, and to advise municipalities in the solution of flooding-related problems.

8. To study the operation of laws and procedures affecting flooding and recommend to the governor and legislature proposals to improve the administration and effectiveness of such laws.

9. To consult with and cooperate with municipalities and officers, organizations, groups and individuals representing them, to the end of more effectively carrying out the functions and duties of the office.

10. To undertake, promote and conduct studies, inquiries, surveys and analyses of issues related to flooding and as necessary for performance of the functions and duties of the office through the personnel of the office or consultants, or in cooperation with any public or private agencies, national associations, academic institutions, and not-for-profit organizations.

11. To serve as a clearinghouse for the benefit of municipalities regarding information relating to flooding prevention and mitigation, including flooding prevention and mitigation project funding programs, and other information relating to their common problems with respect to flooding and the state and federal services available to assist in solving such problems.

12. To render every third year to the governor and to the legislature, on or before December first of each such year, a written report on the office's activities including, but not limited to, specific information on each of the subdivisions of this section. Such report shall also include but not be limited to information regarding significant flooding events during the intervening years and an assessment of the adequacy of

current flooding-related programs, policies, and state and local government bodies.

13. To make publicly available information regarding the progress and effectiveness of government-supported flood prevention and mitigation efforts in the state.

14. To do all other things necessary or convenient to carry out the functions and duties expressly set forth in this article or as may from time to time be confirmed upon the secretary by the legislature of the state.

§ 733. Support for counties and municipalities. In furtherance of the provisions of subdivision nine of section seven hundred thirty-two of this article, the office shall encourage and assist local governments in the development of plans and policies for flood prevention and mitigation. Such assistance shall be available upon request by the local government. In furtherance thereof, the director shall:

1. Establish such programs and processes as are convenient or necessary for:

(a) proactively engaging counties and municipalities in developing flood prevention and mitigation strategies,

(b) providing flooding-related resources, including information regarding financial assistance for flooding projects, and assistance in applying for such financial assistance,

(c) coordinating and facilitating consultation and coordination among local, county, regional, state and federal governmental bodies and community-based groups, and

(d) soliciting input from counties and municipalities regarding flooding-related concerns.

2. Develop and maintain forms of intermunicipal agreements and other documents as may assist in facilitating cooperation between municipalities in addressing flooding issues that involve more than one municipality.

3. Promote flooding prevention and mitigation strategies, including, without limitation, use of living shorelines and other nature-based solutions, permeable surfaces, rain gardens, wetland restoration, wastewater and stormwater infrastructure upgrades, alteration of flood-prone structures, and other flood prevention, mitigation and resiliency projects encompassed by subdivision one of section 54-1523 and subdivision one of section 58-0303 of the environmental conservation law.

4. Communicate and coordinate with the department of financial services regarding flood insurance-related matters affecting municipalities to improve municipal participation and compliance with respect to such relevant flood insurance programs.

§ 734. Government entity coordination; intragovernmental meetings. 1. The office shall regularly consult and coordinate its efforts with such other state government bodies and other state, regional, or local programs as is necessary or convenient to successfully fulfill its functions and duties.

2. The office shall, on a biannual basis, convene a meeting of the executive officers or similar officials or their representatives of the department of environmental conservation, the department of financial services, the division of homeland security and emergency services, the department of state, resilient NY, the disaster preparedness commission, the Rockland-Bergen flood mitigation council, the New York state 2100 commission, the sea level rise task force, the Delaware river basin commission, the New York rising community construction program and the upstate flood mitigation task force, to the extent such entity exists or

is presently convened, as applicable, to evaluate the effectiveness of flooding prevention and mitigation throughout the state, to review and assess the respective contributions of such entities and programs to flooding prevention and mitigation, and to facilitate cooperation amongst such entities and programs.

§ 735. Public availability of information; reporting. 1. In furtherance of the provisions of subdivision thirteen of section seven hundred thirty-two of this article, the office shall collect and make publicly available on its website reports, resources, descriptions of processes and responsibilities of the office and other state governmental agencies, entities and programs tasked with addressing flooding-related issues, analyses regarding the effectiveness of such various governmental entities and programs and other related and relevant information from such governmental agencies, entities and programs. Such governmental agencies, entities and programs shall include, without limitation, the department of environmental conservation, the department of financial services, the division of homeland security and emergency services, the department of state, resilient NY, the disaster preparedness commission, the Rockland-Bergen flood mitigation council, the New York state 2100 commission, the sea level rise task force, the Delaware river basin commission, the New York rising community construction program and the upstate flood mitigation task force, to the extent such entity exists or is presently convened, as applicable.

2. No later than December first, two thousand twenty-five, and by November thirtieth of every third year thereafter, the office shall transmit to the governor, the temporary president of the senate and the speaker of the assembly a report containing:

(a) an assessment of the extent and magnitude of flooding risks, including identifying those regions and populations most affected by flooding;

(b) criteria and guidelines for identifying and prioritizing regions and projects most in need of mitigation;

(c) identification of existing and emerging technologies, strategies and policies which can mitigate the impact of flooding on populations and infrastructure;

(d) identification of potential funding sources to support residential, commercial and public mitigation efforts;

(e) research projects or studies to better understand how flooding affects the geography and the population of this state; and

(f) recommendations to the governor and the state legislature as to the best use of state resources to assist flood-prone counties and municipalities to prevent or mitigate the effects of flooding.

§ 736. Flooding resiliency. In fulfilling the provisions of this article, the office shall incorporate into its policies, processes and decisions consideration for the increased likelihood of flooding due to climate change as compared to historic indicators and the need for long-term resiliency against such increase in flooding. The office is authorized to and shall take actions and make recommendations which exceed current best practices for flooding prevention and mitigation when such current best practices do not sufficiently account for the likelihood of increased flooding due to climate change.

§ 2. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof

directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately.

PART SS

Section 1. This act shall be known and may be cited as the "climate change superfund act".

§ 2. The environmental conservation law is amended by adding a new article 76 to read as follows:

ARTICLE 76

CLIMATE CHANGE ADAPTATION COST RECOVERY PROGRAM

Section 76-0101. Definitions.

76-0103. The climate change adaptation cost recovery program.

76-0105. Labor and job standards and worker protection.

§ 76-0101. Definitions.

For the purposes of this article the following terms shall have the following meanings:

1. "Applicable payment date" means September thirtieth of the second calendar year following the year in which this article is enacted into law.

2. "Climate change adaptive infrastructure project" means an infrastructure project designed to avoid, moderate, repair, or adapt to negative impacts caused by climate change, and to assist communities, households, and businesses in preparing for future climate change-driven disruptions. Such projects include but are not limited to restoring coastal wetlands and developing other nature-based solutions and coastal protections; upgrading storm water drainage systems; making defensive upgrades to roads, bridges, subways, and transit systems; preparing for and recovering from hurricanes and other extreme weather events; undertaking preventive health care programs and providing medical care to treat illness or injury caused by the effects of climate change; relocating, elevating, or retrofitting sewage treatment plants vulnerable to flooding; installing energy efficient cooling systems and other weatherization and energy efficiency upgrades and retrofits in public and private buildings, including schools and public housing; upgrading parts of the electrical grid to increase stability and resilience, including supporting the creation of self-sufficient clean energy microgrids; addressing urban heat island effects through green spaces, urban forestry, and other interventions; and responding to toxic algae blooms, loss of agricultural topsoil, and other climate-driven ecosystem threats to forests, farms, fisheries, and food systems.

3. "Coal" shall have the same definition as in section 1-103 of the energy law.

4. "Controlled group" means two or more entities treated as a single employer under section 52(a) or (b) or section 414(m) or (o) of the Internal Revenue Code. In applying subsections (a) and (b) of section 52, section 1563 of the Internal Revenue Code shall be applied without regard to subsection(b)(2)(C). For purposes of this article, entities in a controlled group are treated as a single entity for purposes of meeting the definition of responsible party and are jointly and severally liable for payment of any cost recovery demand owed by any entity in the controlled group.

5. "Cost recovery demand" means a charge asserted against a responsible party for cost recovery payments under the program for payment to the fund.

6. "Covered greenhouse gas emissions" means, with respect to any entity, the total quantity of greenhouse gases released into the atmosphere during the covered period, expressed in metric tons of carbon dioxide equivalent, as defined in section 75-0101 of this chapter, including but not limited to releases of greenhouse gases resulting from the extraction, storage, production, refinement, transport, manufacture, distribution, sale, and use of fossil fuels or petroleum products extracted, produced, refined, or sold by such entity.

7. "Covered period" means the period that began January first, two thousand and ended on December thirty-first, two thousand eighteen.

8. "Crude oil" means oil or petroleum of any kind and in any form, including bitumen, oil sands, heavy oil, conventional and unconventional oil, shale oil, natural gas liquids, condensates, and related fossil fuels.

9. "Entity" means any individual, trustee, agent, partnership, association, corporation, company, municipality, political subdivision, or other legal organization, including a foreign nation, that holds or held an ownership interest in a fossil fuel business during the covered period.

10. "Fossil fuel" shall have the same definition as in section 1-103 of the energy law.

11. "Fossil fuel business" means a business engaging in the extraction of fossil fuels or the refining of petroleum products.

12. "Fuel gases" shall have the same definition as in section 1-103 of the energy law.

13. "Fund" means the climate change adaptation fund established pursuant to section ninety-seven-m of the state finance law.

14. "Greenhouse gas" shall have the same definition as in section 75-0101 of this chapter.

15. "Nature-based solutions" shall mean projects that utilize or mimic nature or natural processes and functions and that may also offer environmental, economic, and social benefits, while increasing resilience. Nature-based solutions include both green and natural infrastructure.

16. "Notice of cost recovery demand" means the written communication informing a responsible party of the amount of the cost recovery demand payable to the fund.

17. "Petroleum products" shall have the same definition as in section 1-103 of the energy law.

18. "Program" means the climate change adaptation cost recovery program established under section 76-0103 of this article.

19. "Qualifying expenditure" means an authorized payment from the fund in support of a climate change adaptive infrastructure project, including its operation and maintenance, as defined by the department.

20. "Responsible party" means any entity (or a successor in interest to such entity described herein), which, during any part of the covered period, was engaged in the trade or business of extracting fossil fuel or refining crude oil and is determined by the department to be responsible for more than one billion tons of covered greenhouse gas emissions. The term responsible party shall not include any person who lacks sufficient connection with the state to satisfy the nexus requirements of the United States Constitution.

§ 76-0103. The climate change adaptation cost recovery program.

1. There is hereby established a climate change adaptation cost recovery program administered by the department.

2. The purposes of the program shall be the following:

a. To secure compensatory payments from responsible parties based on a standard of strict liability to provide a source of revenue for climate change adaptive infrastructure projects within the state;

b. To determine proportional liability of responsible parties pursuant to subdivision 3 of this section;

c. To impose cost recovery demands on responsible parties and issue notices of cost recovery demands;

d. To accept and collect payment from responsible parties;

e. To identify climate change adaptive infrastructure projects;

f. To disperse funds to climate change adaptive infrastructure projects; and

g. To allocate funds in such a way as to achieve a goal that at least forty percent of the qualified expenditures from the program, but not less than thirty-five percent of such expenditures, shall go to climate change adaptive infrastructure projects that benefit disadvantaged communities as defined in section 75-0101 of this chapter.

3. a. A responsible party shall be strictly liable, without regard to fault, for a share of the costs of climate change adaptive infrastructure projects, including their operation and maintenance, supported by the fund.

b. With respect to each responsible party, the cost recovery demand shall be equal to an amount that bears the same ratio to seventy-five billion dollars as the responsible party's applicable share of covered greenhouse gas emissions bears to the aggregate applicable shares of covered greenhouse gas emissions of all responsible parties.

c. The applicable share of covered greenhouse gas emissions taken into account under this section for any responsible party shall be the amount by which the covered greenhouse gas emissions attributable to such responsible party exceeds one billion metric tons.

d. Where an entity owns a minority interest in another entity of ten percent or more, the calculation of the entity's applicable share of greenhouse gas emissions taken into account under this section shall include the applicable share of greenhouse gas emissions taken into account under this section by the entity in which the responsible party holds a minority interest, multiplied by the percentage of the minority interest held.

e. In determining the amount of greenhouse gas emissions attributable to any entity, an amount equivalent to nine hundred forty-two and one-half metric tons of carbon dioxide equivalent shall be treated as released for every million pounds of coal attributable to such entity; an amount equivalent to four hundred thirty-two thousand one hundred eighty metric tons of carbon dioxide equivalent shall be treated as released for every million barrels of crude oil attributable to such entity; and an amount equivalent to fifty-three thousand four hundred forty metric tons of carbon dioxide equivalent shall be treated as released for every million cubic feet of fuel gases attributable to such entity.

f. The commissioner may adjust the cost recovery demand amount of a responsible party refining petroleum products (or who is a successor in interest to such an entity) if such responsible party establishes to the satisfaction of the commissioner that a portion of the cost recovery demand amount was attributable to the refining of crude oil extracted by another responsible party (or who is a successor in interest to such an

entity) that accounted for such crude oil in determining its cost recovery demand amount.

g. Payment of a cost recovery demand shall be made in full on the applicable payment date unless a responsible party elects to pay in installments pursuant to paragraph h of this subdivision.

h. A responsible party may elect to pay the cost recovery demand amount in twenty-four annual installments, eight percent of the total due in the first installment and four percent of the total due in each of the following twenty-three installments. If an election is made under this paragraph, the first installment shall be paid on the applicable payment date and each subsequent installment shall be paid on the same date as the applicable payment date in each succeeding year.

i. If there is any addition to the original amount of the cost recovery demand for failure to timely pay any installment required under this subdivision, a liquidation or sale of substantially all the assets of the responsible party (including in a proceeding under U.S. Code: Title 11 or similar case), a cessation of business by the responsible party, or any similar circumstance, then the unpaid balance of all remaining installments shall be due on the date of such event (or in the case of a proceeding under U.S. Code: Title 11 or similar case, on the day before the petition is filed). The preceding sentence shall not apply to the sale of substantially all of the assets of a responsible party to a buyer if such buyer enters into an agreement with the department under which such buyer is liable for the remaining installments due under this subdivision in the same manner as if such buyer were the responsible party.

4. a. Within one year of the effective date of this article, the department shall promulgate such regulations as are necessary to carry out this article, including but not limited to:

(i) adopting methodologies using the best available science to determine responsible parties and their applicable share of covered greenhouse gas emissions consistent with the provisions of this article;

(ii) registering entities that are responsible parties under the program;

(iii) issuing notices of cost recovery demand to responsible parties informing them of the cost recovery demand amount; how and where cost recovery demands can be paid; the potential consequences of nonpayment and late payment; and information regarding their rights to contest an assessment;

(iv) accepting payments from, pursuing collection efforts against, and negotiating settlements with responsible parties; and

(v) adopting procedures for identifying and selecting climate change adaptive infrastructure projects eligible to receive qualifying expenditures, including legislative budget appropriations, issuance of requests for proposals from localities and not-for-profit and community organizations, grants to private individuals, or other methods as determined by the department, and for dispersing moneys from the fund for qualifying expenditures. When considering projects intended to stabilize tidal shorelines, the department shall encourage the use of nature-based solutions. Total qualifying expenditures shall be allocated in such a way as to achieve a goal that at least forty percent of the qualified expenditures from the program, but not less than thirty-five percent of such expenditures, shall go to climate change adaptive infrastructure projects that benefit disadvantaged communities as defined in section 75-0101 of this chapter.

b. The department shall hold at least two public hearings, one in-person and one virtual, on proposed regulations, with a minimum of thirty days' public notice in compliance with the provisions of article seven of the public officers law.

5. Within two years of the effective date of this article, the department shall complete a statewide climate change adaptation master plan for the purpose of guiding the dispersal of funds in a timely, efficient, and equitable manner to all regions of the state in accordance with the provisions of this chapter. In completing such plan, the department shall:

a. collaborate with the department of state, empire state development, the department of agriculture and markets, the New York state energy research and development authority, the department of public service, and the New York independent systems operator;

b. assess the adaptation needs and vulnerabilities of various areas vital to the state's economy, normal functioning, and the health and well-being of New Yorkers, including but not limited to: agriculture, biodiversity, ecosystem services, education, finance, healthcare, manufacturing, housing and real estate, retail, tourism (including state and municipal parks), transportation, and municipal and local government;

c. identify major potential, proposed, and ongoing climate change adaptive infrastructure projects throughout the state;

d. identify opportunities for alignment with existing federal, state, and local funding streams;

e. consult with stakeholders, including local governments, businesses, environmental advocates, relevant subject area experts, and representatives of disadvantaged communities; and

f. provide opportunities for public engagement in all regions of the state.

6. The department, the department of taxation and finance, and the attorney general are hereby authorized to enforce the provisions of this article.

7. The department or the department of taxation and finance shall provide an opportunity to be heard to any responsible parties that seek to contest a cost recovery demand. Determinations made in favor of a petitioner after such hearing shall be final and conclusive. A determination in favor of the state may be appealed under article seventy-eight of the civil practice law and rules.

8. Moneys received from cost recovery demands shall be deposited in the climate change adaptation fund established pursuant to section ninety-seven-m of the state finance law.

9. a. The department shall conduct an independent evaluation of the climate change adaptation cost recovery program. The purpose of this evaluation is to determine the effectiveness of the program in achieving its purposes as defined in subdivision 2 of this section.

b. Such evaluation shall be provided to the governor, the temporary president of the senate and the speaker of the assembly on or before January first of the second calendar year following the year in which this article is enacted into law, and annually on or before September thirtieth thereafter.

c. Any entity contracted by the department to conduct such evaluation shall receive prompt payment of all moneys due upon completion of such evaluation.

§ 76-0105. Labor and job standards and worker protection.

1. All public entities involved in implementing projects funded through the climate change adaptation cost recovery program shall assess

and implement strategies to increase employment opportunities and improve job quality. Within one hundred twenty days of the effective date of this section, the governor shall publish a report, accessible on the state's website, which provides:

a. steps that will be taken to ensure compliance with this section, including the department or office, or combination thereof, charged with implementation of the provisions of this section;

b. regulations necessary to ensure the prioritization of the statewide goal of creating good jobs and increasing employment opportunities; and

c. steps that will be taken with all public entities, including local and county level governments, to implement a system to track compliance, accept reports of non-compliance for enforcement action, and report annually on the adoption of these standards to the legislature starting one year from the effective date of this section.

2. For purposes of this section, "public entity" shall include the state and all of its political subdivisions, including but not limited to counties, municipalities, agencies, authorities, public benefit corporations, public trusts, and local development corporations as defined in subdivision eight of section eighteen hundred one of the public authorities law or section fourteen hundred eleven of the not-for-profit corporation law, a municipal corporation as defined in section one hundred nineteen-n of the general municipal law, an industrial development agency formed pursuant to article eighteen-A of the general municipal law or industrial development authorities formed pursuant to article eight of the public authorities law, and any state, local or interstate or international authorities as defined in section two of the public authorities law; and shall include any trust created by any such entities.

3. In considering and issuing permits, licenses, regulations, contracts and other administrative approvals and decisions necessary for implementation of projects funded in whole, or in part, through the climate change adaptation cost recovery program, all public entities shall apply the following standards:

a. For any construction work, the payment of no less than prevailing wages for all employees of any contractors and subcontractors, consistent with sections two hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred twenty-i, two hundred twenty-three, and two hundred twenty-four-b of the labor law, and building services, consistent with article nine of the labor law; where a recipient of financial assistance contracts building service work or operations and maintenance work to a building service contractor, the contractor is held to the same obligations with respect to prevailing wages as the recipient. The recipient must include terms establishing this obligation within any contract signed with a contractor.

b. (i) Any public entity receiving at least five million dollars from funds allocated pursuant to the climate change adaptation cost recovery program for a project which involves the construction, reconstruction, alteration, maintenance, moving, demolition, excavation, development or other improvement of any building, structure or land, shall be subject to section two hundred twenty-two of the labor law.

(ii) Any privately owned project receiving funds allocated pursuant to the climate change adaptation cost recovery program which utilizes a project labor agreement on such project shall not be subject to article eight of the labor law.

c. The inclusion of contract language requiring contractors to establish labor harmony policies. The public entity may require a private

owner, or a third party acting on such owner's behalf, as a condition of receiving funds pursuant to the climate change adaptation cost recovery program, to stipulate to the public entity that it will enter into a labor peace agreement with at least one bona fide labor organization either where such bona fide labor organization is actively representing employees in such job-type or, upon notice, by a bona fide labor organization that is attempting to represent employees in such job-type. For purposes of this section "labor peace agreement" means an agreement between an entity and labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in work stoppages, boycotts, and any other economic interference with the relevant project or program.

d. (i) The inclusion of contract language with a provision that the iron, steel, aluminum, glass, copper, manufactured products, and construction products, including without limitation, vehicles, omnibuses, school buses, trucks, construction equipment, earth moving equipment, cranes, drilling equipment, rolling stock, train control equipment, communication equipment, traction power equipment, rolling stock prototypes, rolling stock frames, rolling stock car shells, batteries, charging equipment, fuel cells, fueling equipment, turbines, nacelles, blades, rotors, generators, motors, hubs, cable, conduit, controllers, towers, photovoltaic cells, solar panels, meters, inverters, pipe, tubing, fittings, tanks, flanges, valves, concrete, rebar, brick, aggregate, concrete block, cement, timber, lumber, tile, and drywall used or supplied in the performance of the contract or any subcontract thereto, shall be produced or made in whole or substantial part in the United States, its territories or possessions. In the case of an iron, steel, or aluminum product, all manufacturing must take place in the United States, from the initial melting stage through the application of coatings, except metallurgical processes involving the refinement of steel additives.

(ii) The provisions of subparagraph (i) of this paragraph shall not apply in any case or category of cases in which the head of the contracting public entity finds that: (1) applying subparagraph (i) of this paragraph would be inconsistent with the public interest; (2) products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of products produced in the United States will increase the cost of the overall project by more than twenty-five percent. If the head of the contracting public entity receives a request for a waiver under this subdivision, he or she shall make available to the public on an informal basis a copy of the request and information available to him or her concerning the request, and shall allow for informal public input on the request for at least fifteen days prior to making a finding based on the request. The head of the contracting public entity shall make the request and accompanying information available by electronic means, including on the official public website of the public entity. The provisions of subparagraph (i) of this paragraph shall not apply for products purchased prior to the effective date of this article.

(iii) The head of the contracting public entity may, at his or her sole discretion, provide for a solicitation of a request for proposal, invitation for bid, or solicitation of proposal, or any other method provided for by law or regulation for soliciting a response from offerors intending to result in a contract pursuant to this paragraph involving a competitive process in which the evaluation of competing bids gives significant consideration in the evaluation process to the

procurement of equipment and supplies from businesses located in New York state.

e. Apprenticeship and workforce development utilization: (i) wherever possible, contractors and subcontractors should be required to participate in apprenticeship programs, registered in accordance with article twenty-three of the labor law, in the trades in which they are performing work; (ii) for industries without apprenticeship programs, the use of workforce training, preferably in conjunction with a bona fide labor organization, shall be required; and (iii) encouragement of registered pre-apprenticeship direct entry programs for the recruitment of local and/or disadvantaged workers.

f. Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing public employees shall be preserved and protected. Nothing in this section shall result in the: (i) displacement of any currently employed worker or loss of position (including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits) or result in the impairment of existing collective bargaining agreements; (ii) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (iii) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

4. a. Any public entity requesting bids or awarding contracts for renewable energy projects, energy efficiency projects, or other projects funded by the climate change adaptation cost recovery program, except for construction projects, shall require any applicant, bidder, or responder to submit a New York jobs plan as part of its application, bid or response. The department of environmental conservation, in consultation with the department of labor, shall develop all forms, procedures, evaluation and scoring criteria, and guidance, necessary for the implementation of the New York jobs plan. To the extent feasible, the department of environmental conservation, in consultation with the department of labor, shall consider the input and recommendations of relevant public entities on the development of the New York jobs plan.

b. The New York jobs plan shall require applicants, bidders, and responders to provide information on jobs that would result from being awarded the bid or contract for such projects. At a minimum, this shall include the following information for nonsupervisory positions, broken down by classification:

(i) The number of full-time non-temporary jobs retained, and the number to be created.

(ii) The number of positions classified as employees, as defined in section seven hundred forty of the labor law, and positions classified as independent contractors.

(iii) The number of jobs to be specifically reserved for individuals facing barriers to employment and the number to be reserved for individuals from disadvantaged communities.

(iv) The minimum wages and fringe benefits amounts to be paid.

(v) The proposed amounts for worker training and information about any existing apprenticeship program registered with the department or a federally recognized state apprenticeship agency that complies with the requirements under Parts 29 and 30 of title 29, code of federal regulations.

(vi) In the event that a federal authority specifically authorizes use of a geographic preference or when covered public contracts are funded exclusively through state or local funds, the New York jobs plan shall require information on the number of local jobs to be created.

c. Awarding public entities shall require the same New York jobs plan information to be submitted from all known subcontractors at the time of the solicitation or bid for the project is released.

d. New York jobs plan commitments shall be included in the contract awarded by the public entity or its contractors as a material term.

e. For non-competitive public contracts awarded under this article, applicants, bidders, or responders shall create a New York jobs plan as set forth in this section. For competitive public contracts, public entities shall award contracts using a competitive best-value bid procurement process. The applicants', bidders', or responders' New York jobs plan shall be scored as a part of the overall application for the public contract, awarding additional consideration to applicants, bidders, or responders who do any of the following:

(i) Have the greatest beneficial economic impact on the state and local economies as a result of receiving the public contract, based on the priority criteria outlined in its New York jobs plan.

(ii) Enhance the state's commitment to energy conservation, pollution and greenhouse gas emissions reduction, and transportation efficiency.

(iii) Retain the greatest number of full-time, non-temporary employees compensated at a wage rate for the project jurisdiction as established in the living wage calculator published by the Massachusetts Institute of Technology, using the living wage rate for a household of two working adults with two children in the jurisdiction of the project.

(iv) Make concrete commitments to creating the greatest number of full-time, non-temporary jobs compensating employees at a wage rate at or above the living wage rate for the project jurisdiction as established in the living wage calculator published by the Massachusetts Institute of Technology, using the living wage rate for a household of two working adults with two children in the jurisdiction of the project.

(v) Commit to at least ninety percent of the labor on the contract being performed by workers classified as employees.

(vi) Offer targeted training and opportunities for individuals facing barriers to employment and workers from disadvantaged communities.

f. The department, in consultation with the department of labor, shall develop a web-based portal to track New York jobs plan commitments and compliance.

(i) All New York jobs plan commitments and compliance reporting shall be viewable by the public, through the web-based portal.

(ii) Recipients of public contracts shall, on an annual basis, be required to upload progress reports on each of the commitments included in their New York jobs plan application, for the duration of the covered public contract.

g. Noncompliance with New York jobs plan commitments would violate the terms of the public contract. At a minimum these commitments would be enforceable through standard breach of contract remedies, including but not limited to, termination of the public contract.

5. Nothing set forth in this section shall be construed to impede, infringe, or diminish the rights and benefits which accrue to employees through bona fide collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.

6. Nothing set forth in this section shall preclude a public entity from setting additional requirements or standards in addition to those set forth in this article.

§ 3. The state finance law is amended by adding a new section 97-m to read as follows:

§ 97-m. Climate change adaptation fund. 1. There is hereby established in the custody of the comptroller and the commissioner of taxation and finance a special revolving fund to be known as the "climate change adaptation fund" for the purpose of receiving moneys through cost recovery demands and issuing funds for qualifying expenditures pursuant to the climate change adaptation cost recovery program established in article seventy-six of the environmental conservation law.

2. No monies shall be expended from the fund for any project except qualifying expenditures pursuant to the program, including their operation and maintenance.

3. Revenues in the fund shall be kept separate and shall not be commingled with any other moneys in the custody of the comptroller or the commissioner of taxation and finance. All deposits of such revenues shall, if required by the comptroller, be secured by obligations of the United States or of the state having a market value equal at all times to the amount of such deposits and all banks and trust companies are authorized to give security for such deposits. Any such revenues in such fund may, upon the discretion of the comptroller, be invested in obligations in which the comptroller is authorized to invest pursuant to section ninety-eight-a of this article.

4. All payments of moneys from the fund shall be made on the audit and warrant of the comptroller.

§ 4. Availability of additional remedies. Nothing in this act shall be deemed to preclude the pursuit of a civil action or other remedy by any person. The remedies provided in this act are in addition to those provided by existing statutory or common law.

§ 5. Severability. If any word, phrase, clause, sentence, paragraph, section, or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 6. Construction. This act, being necessary for the general health, safety, and welfare of the people of this state, shall be liberally construed to effect its purpose.

§ 7. This act shall take effect immediately.

PART TT

Section 1. Subdivision 20 of section 16-e of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new paragraph (f) to read as follows:

(f) Each regional economic development council awardee shall certify in writing to such regional economic development council that they maintain internship opportunities for individuals between sixteen and twenty-four years of age, along with the number of opportunities, a description of the work the interns will engage in, and descriptions of any supplementary programming offered to the interns.

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

PART UU

Section 1. Subdivisions b and c of section 5 of chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, as amended by section 22-b of part A of chapter 56 of the laws of 2022, are amended to read as follows:

b. Notwithstanding any monetary limitations with respect to school lunch programs contained in any law or regulation, for school lunch meals served in the school year commencing July 1, 2022 and each July 1 thereafter, a school food authority shall be eligible for a lunch meal State subsidy of **an additional** twenty-five cents, which shall include any annual State subsidy received by such school food authority under any other provision of State law, for any school lunch meal served by such school food authority; provided that the school food authority certifies to the Department of Agriculture and Markets through the application submitted pursuant to subdivision c of this section that such food authority has purchased at least thirty percent of its total cost of food products for its school lunch service program from New York state farmers, growers, producers or processors in the preceding school year. **Commencing July 1, 2024, and each July 1 thereafter, a school food authority shall be allowed to attribute moneys spent on purchases of food products from New York state farmers, growers, producers or processors made for its school breakfast program and school snack programs to the thirty percent of costs for school breakfast and lunch service programs.**

c. The Department of Agriculture and Markets in cooperation with the State Education Department, shall develop an application for school food authorities to seek an additional State subsidy pursuant to this section in a timeline and format prescribed by the commissioner of agriculture and markets. Such application shall include, but not be limited to, documentation demonstrating the school food authority's total food purchases for its school **breakfast, snack and** lunch service program, and documentation demonstrating its total food purchases and percentages for such program**, permitted to be counted under this section,** from New York State farmers, growers, producers or processors in the preceding school year. The application shall also include an attestation from the school food authority's chief operating officer that it purchased at least thirty percent of its total cost of food products**, permitted to be counted under this section,** for its school **breakfast, snack and** lunch service program from New York State farmers, growers, producers or processors in the preceding school year in order to meet the requirements for this additional State subsidy. School food authorities shall be required to annually apply for this subsidy. After reviewing school food authorities' completed applications for an additional State subsidy pursuant to this section, the Department of Agriculture and Markets shall certify to the State Education Department the school food authorities approved for such additional State subsidy and the State Education Department shall pay such additional State subsidy to such school food authorities.

§ 2. This act shall take effect immediately.

PART VV

Section 1. Short title. This act shall be known and may be cited as the "Farebox Assistance to Relieve Essential Straphangers Act" or the "FARES Act".

§ 2. This act enacts into law major components of legislation necessary to implement the FARES Act. Each component is wholly contained within a Subpart identified as Subparts A through C. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section four of this act sets forth the general effective date of this act.

SUBPART A

Section 1. Legislative findings. The New York state legislature finds that the City of New York's "Fair Fares" program, which provides reduced fares on New York City Transit Authority subways and buses for individuals earning under one hundred twenty percent of the poverty level, is a tool that can help ensure that mass transit remains affordable for all New Yorkers. However, Fair Fares does not currently apply to intracity commuter rail trips taken in the City, and the legislature finds that expanding this discount to include commuter rail could provide significant affordability benefits for New Yorkers below or near the poverty level and improve the quality of life for many outer borough New Yorkers lacking easy access to subways.

§ 2. Section 1266 of the public authorities law is amended by adding a new subdivision 16-a to read as follows:

16-a. (a) Notwithstanding any other provisions of law or the terms of any contract, the authority, in consultation with the city of New York, shall expand the Fair Fares NYC program to permit individuals who are eligible for the program to receive a fifty percent discount on trips using the Long Island Rail Road or Metro-North Railroad within the city of New York.

(b) For purposes of this subdivision, "Fair Fares NYC program" shall have the same meaning and eligibility standards as set forth in chapter twelve of title sixty-eight of the rules of the city of New York, which provides a fifty percent fare discount for designated transit options.

(c) Additionally, the authority shall consult with the city of New York in conducting a public outreach campaign to increase public awareness and expand usage of the Fair Fares NYC program by eligible individuals.

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

SUBPART B

Section 1. Legislative findings. The New York state legislature finds that the Metropolitan Transportation Authority's "City Ticket" which provides reduced fares on commuter rail trips within New York City, has been incredibly successful in promoting New Yorkers' use of the commuter rail system, and has particularly helped the MTA fill seats during off-peak trips. City Ticket is an important tool for ensuring that mass transit remains affordable for New Yorkers, as well as improving the

quality of life for many outer borough New Yorkers lacking easy access to subways. Additional analysis since City Ticket's implementation and expansion has found that providing a weekly ticket option, similar to a previous Atlantic Ticket option, could assist riders with financial planning, ensure greater access to transit, and increase commuter rail ridership.

§ 2. Section 1266 of the public authorities law is amended by adding a new subdivision 16-b to read as follows:

16-b. Notwithstanding any other provisions of law or the terms of any contract, the authority, in consultation with the Long Island Rail Road and Metro-North Railroad shall offer a weekly ticket at a reduced rate, including free transfers to metropolitan transportation authority subway and bus service, for trips within the city of New York.

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

SUBPART C

Section 1. Legislative findings. The New York state legislature finds that the Metropolitan Transportation Authority's reduced commuter rail fares for seniors and individuals with disabilities during off-peak and evening peak hours have been successful in promoting mass transit affordability and accessibility for some of the New Yorkers who rely on the public transportation system the most. The state legislature additionally finds that it has been nearly thirty-five years since passage of the Americans with Disabilities Act or "ADA". Finally, the state legislature finds that it is an appropriate time for extending morning peak fare discounts to seniors and individuals with disabilities, demonstrating its respect and appreciation for their contributions to the workforce and our communities.

§ 2. Section 1266 of the public authorities law is amended by adding a new subdivision 16-c to read as follows:

16-c. (a) Notwithstanding any other provisions of law or the terms of any contract, the authority, in consultation with the Long Island Rail Road and Metro-North Railroad, shall implement a half fare rate program for eligible individuals during morning peak fare time periods across the metropolitan transportation authority's commuter rail system.

(b) For purposes of this subdivision, "eligible individuals" shall include customers who are sixty-five years of age or older, have a disability, or are Medicare recipients who are currently eligible for the authority's half-fare programs on trips other than weekday morning inbound peak trains.

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

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

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

PART WW

Section 1. Legislative intent. In 2019, New York enacted the Climate Leadership and Community Protection Act to reduce the state's volume of greenhouse gas emissions by at least 85% as compared to 1990 levels by the year 2050. According to the Climate Action Council Scoping Plan, the transportation sector is responsible for approximately 28% of New York's total greenhouse gas emissions. Statewide conversion of public transit bus fleets is an important undertaking required to meet this emission reduction mandate.

The legislature recognizes that such a conversion will entail fiscal obligations on the part of transit systems and utility providers in order to purchase new buses, renovate or replace bus depots, expand utility infrastructure and generation capacity, and other necessary investments to ensure reliable delivery of zero-emission bus services. Furthermore, the legislature recognizes that there are existing revenue sources which currently fund public transit that rely on the consumption of fossil fuels and which will diminish as the number of gas-powered cars decreases.

It is the expectation of the legislature that there will be sufficient funding to support a statewide conversion of public transit bus fleets to zero-emission buses, including continued federal support such as what has been provided in the Inflation Reduction Act, the Bipartisan Infrastructure Law, the Low or No Emission Vehicle Program, the Diesel Emissions Reduction Act, and other federal funding programs, as well as state and miscellaneous funding such as the New York Truck Voucher Incentive Program and the Volkswagen Clean Air Act Civil Settlement.

Additionally, the legislature recognizes that current zero-emission bus technology is still developing, particularly with respect to travel range, cold weather performance, and bus availability. Technological advances will continue accelerating leading up to and during the covered period for zero-emission bus fleet conversion. Finally, one of the greatest harms to local communities are localized emissions which have an acutely negative impact, particularly to disadvantaged communities as defined in the Climate Leadership and Community Protection Act. Therefore a coordinated statewide effort to purchase, manufacture, and utilize zero-emission buses and paratransit vehicles will help facilitate technological advancement, reduce overall costs, and help reduce harm to our local communities.

§ 2. The transportation law is amended by adding a new section 17-c to read as follows:

§ 17-c. Zero-emission buses. 1. No later than January first, two thousand twenty-nine, every public transportation system eligible to receive operating assistance under the provisions of section eighteen-b of this article shall be required to purchase only zero-emission buses and related equipment and facilities as part of the normal replacement of its fleet. No later than January first, two thousand thirty-five, any hydrogen fuel cell zero-emission bus shall be powered by hydrogen derived from zero-emission electricity.

2. For purposes of this section "zero-emission bus" shall mean a motor vehicle that has a seating capacity of fifteen or more passengers in addition to the driver and used for the transportation of persons; is

propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants. Provided, however, that for purposes of this section, zero-emission buses shall include paratransit vehicles specifically designated by public transportation systems to serve the needs of persons who cannot use fixed route transit buses, subways or rapid transit.

3. (a) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized entities shall be preserved and protected. Nothing in this section shall result in the: (i) displacement of any currently employed worker or loss of position (including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits) or result in the impairment of existing collective bargaining agreements; (ii) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (iii) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

(b) Upon the effective date of this section, the transit authority, agency or municipality shall create and implement a workforce development report that (i) forecasts the number of jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the transit provider by the proposed purchase over a six-year period from the date of the publication of the workforce development report, (ii) identifies gaps in skills needed to operate and maintain the new zero-emission buses, rolling stock, vehicles or related equipment, (iii) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase, and (iv) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase.

(c) Nothing contained herein shall be construed to affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization. Prior to beginning the procurement process for new zero-emission buses, rolling stock, vehicles or related equipment, the transit authority, agency or municipality shall inform the respective collective bargaining agent of any potential jobs that may be affected, altered, or eliminated as a result of the purchase, and it shall be a mandatory subject for collective bargaining.

4. (a) (i) Within six months of the effective date of this section, the department and the New York State Energy Research and Development Authority ("NYSERDA"), shall convene a working group made up of transit agencies, other relevant public agencies, the department, the New York power authority, educational institutions, relevant community organizations, and other necessary parties, to create a zero-emission roadmap for the state which shall identify the actions needed to meet the transition goals established in subdivision one of this section. The roadmap shall include, but not be limited to:

(1) financial and technical guidance related to the purchasing, retrofitting, operation, and maintenance of zero-emission buses;

(2) an identification and siting plan for charging and fueling infrastructure;

(3) an identification of the necessary investments in the electric transmission and distribution grid;

(4) an identification of how to ensure related facility upgrades are coordinated to maximize the cost effectiveness and overall system reliability;

(5) the available federal, state, and local funding to purchase or lease zero-emission buses or convert existing buses to zero-emissions;

(6) an identification of new incentives and programs to advance the deployment and adoption of zero-emission buses;

(7) streamlining actions to facilitate the conversion of public transportation systems and bus fleets;

(8) strategies consistent with the Climate Leadership and Community Protection Act enacted by chapter one hundred six of the laws of two thousand nineteen, that ensure the deployment of zero-emission buses are prioritized in disadvantaged communities, as defined in subdivision five of section 75-0101 of the environmental conservation law;

(9) in consultation with the environmental justice working group and the climate action council, shall, to the extent practicable, invest or direct available and relevant programmatic resources in a manner designed to achieve a goal for disadvantaged communities to receive forty percent of overall benefits of spending consistent with section 75-0117 of the environmental conservation law;

(10) an estimation of the number of public operations and maintenance jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed by the transition goals established in subdivision one of this section;

(11) identifies gaps in skills needed to operate and maintain the new electric-powered omnibuses, rolling stock, vehicles or related equipment; and

(12) development of a comprehensive plan to transition, train, or retrain public transportation system employees impacted by the transition goals established in subdivision one of this section, including an estimated budget for implementing this plan and the identification of funding streams to fund this transition.

(ii) The department and NYSERDA shall convene a technical advisory group made up of diverse stakeholders to provide the department and NYSERDA with relevant technical, policy, and market expertise. The department and NYSERDA shall further develop a stakeholder engagement process to solicit feedback on the roadmap and raise consumer awareness and education across the state.

(b) No later than one year after the convening of the working group established by subparagraph (i) of paragraph (a) of this subdivision, the department and NYSERDA shall report its findings and recommendations to the governor, the temporary president of the senate, and the speaker of the assembly. This report may be combined with the report required under section eighteen hundred eighty-four of the public authorities law.

(c) Following the submission of the report as required by paragraph (b) of this subdivision, the department and NYSERDA shall solicit public comment for thirty days in developing the roadmap, and are authorized to hold public hearings and meetings in accordance with article seven of the public officers law, and consult with any organization, educational

institution, or other government entity or person, to enable them to accomplish their duties.

(d) No later than fifteen months after the convening of the working group established by subparagraph (i) of paragraph (a) of this subdivision, DOT and NYSERDA shall publish a formalized roadmap along with all necessary policies and procedures for implementation, to ensure public transportation systems will be able to meet the transition goals established in subdivision one of this section. DOT and NYSERDA shall publish the roadmap, policies, and procedures, on either of their publicly accessible websites, thirty days prior to the plans being finalized.

(e) No later than one year after the publication and implementation of the roadmap established pursuant to paragraph (d) of this subdivision, public transportation systems eligible to receive operating assistance under the provisions of section eighteen-b of this article, must develop and implement their own transition plans, incorporating the findings, policies, and procedures produced by the working group and identifying possible barriers to implementing this transition, unless granted an extension under subdivision five of this section. Public transportation systems shall solicit public comment in developing transition plans, and are authorized to hold public hearings and meetings in accordance with article seven of the public officers law, and consult with any organization, educational institution, or other government entity or person, to enable them to accomplish their duties. The department shall publish transition plans on their publicly accessible website within thirty days of the plans being finalized with the department. Transition plans shall be updated every three years after the date they are first published and updated plans shall be updated on the department's website within thirty days of the updated plans being finalized.

(f) The working group shall provide technical assistance to public transportation systems upon request, and shall provide assistance to public transportation systems upon request for assistance in pursuing state and federal grants and other funding opportunities. The working group shall prioritize funding opportunity assistance to public transportation systems implementing a zero-emissions purchase requirement prior to January first, two thousand twenty-nine. The department shall also facilitate the coordination of purchasing, installation and sharing services between public transportation systems serving primarily outside of cities with a population of one million or more.

5. (a) In order to obtain an extension of the attainment date beyond the statutory date of January first, two thousand twenty-nine pursuant to subdivision one of this section, the transportation system shall:

(i) apply for an extension and submit a complete application for such extension attainment date by December thirty-first, two thousand twenty-eight; and

(ii) demonstrate that the transition plan required pursuant to subdivision four of this section contains all of the required components of a transition plan and includes a request for extension of the attainment date.

(b) The department shall determine if the transportation system qualifies for an attainment date extension based on:

(i) whether the transportation system conducted at least a request for information, request for proposal, or combination of both for paratransit vehicles within three years of two thousand twenty-nine, proven that such zero-emission paratransit technology is not attainable by two thousand twenty-nine, and the department has determined that a good faith effort has been made by the transportation system; and

(ii) whether the transportation system:

(1) purchased or installed equipment within the last ten years for the purpose of reducing emissions and where buses reliant on such infrastructure constitute a majority of the in-use fleet; or

(2) has already received funds for such equipment and such equipment has not yet reached the end of its useful life or through the lifetime of any existing federal funding obligations for such infrastructure, whichever comes first; and where buses reliant on such infrastructure constitute a majority of the in-use fleet; or

(3) is an intercity bus service or bus service intended to satisfy longer distance travel demand between cities, villages and unincorporated urban places and proven that such zero-emission transition is not attainable by two thousand twenty-nine due to technology or infrastructure and the department has determined that a good faith effort has been made.

(c) In order to obtain an exemption from the attainment date requirement pursuant to subdivision one of this section, the transition plan shall include:

(i) a timeline for attainment demonstration;

(ii) efforts to maximize zero-emission bus purchases and purchase only zero-emission buses prior to two thousand thirty-five;

(iii) year-by-year targets for zero-emission bus procurements and infrastructure installation;

(iv) contingency measure provisions; and

(v) a detailed justification for nonattainment of zero-emission equipment review plan provisions.

(d) Based on the department's assessment of the transportation system's transition plan and extension request, the department may deny the extension if it determines that an adequate attempt was not made or that technology and infrastructure is available for the transportation system to transition to zero-emission buses. Any determination by the department to deny or grant an extension request shall be subject to public notification and comment. Any applications for attainment date extensions shall be subject to the freedom of information law and published on the department's public website.

(e) Transportation systems that qualify for an extension pursuant to this subdivision shall procure only zero-emission buses starting January first, two thousand thirty-five or sooner once the exemption no longer applies.

§ 3. The transportation law is amended by adding a new section 18-c to read as follows:

§ 18-c. Capital plan requirements. In formulating the five-year department of transportation capital plans, the department shall: (a) consider the requirement of section seventeen-c of this article in its disbursement of payment for the costs of mass transportation capital projects and facilities and give preference in the form of payments to public transportation systems eligible to receive operating assistance under the provisions of section eighteen-b of this article that are able to demonstrate commitments made towards purchasing and retrofitting zero-emission buses and related equipment and facilities; and (b) facilitate for purposes of meeting the requirement of section seventeen-c of this article the coordination of purchasing, installation and sharing services between public transportation systems serving primarily outside the city of New York.

§ 4. Section 2878-a of the public authorities law is amended by adding a new subdivision 3 to read as follows:

3. (a) A transportation authority established under this chapter may, by resolution approved by a two-thirds vote of its members then in office, or by a declaration that competitive bidding is impractical or inappropriate with respect to electric-powered omnibuses, rolling stock, vehicles or other related equipment because the item is available through an existing contract between a vendor and (i) another public authority provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts, or (ii) the state of New York, or (iii) a political subdivision of the state of New York, provided that in any case when under this subdivision the authority determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. The authority shall accept sole responsibility for any payment due the vendor as a result of the authority's order. In each case where the authority declares competitive bidding impractical or inappropriate, it shall state the reason therefor in writing and summarize any negotiations that have been conducted. The authority shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the authority declares that competitive bidding is impractical or inappropriate. All procurements approved pursuant to this subdivision shall be subject to audit and inspection by the department of audit and control or any successor agencies. For purposes of this subdivision, "transportation authority" shall not include transportation authorities governed under titles nine, nine-A and eleven of article five of this chapter or title three of article three of this chapter. For the purposes of this subdivision, "electric-powered omnibuses" shall include any bus owned, leased, rented or otherwise controlled by the authority that otherwise meets the definition of bus provided in section five hundred nine-a of the vehicle and traffic law that is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants.

(b) (i) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized entities shall be preserved and protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (3) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

(ii) At least one year prior to the beginning of the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the authority shall create and implement a workforce development report that (1) forecasts the number of jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the authority by the proposed purchase over a six-year period from the date of the publication of the

workforce development report, (2) identifies gaps in skills needed to operate and maintain the new electric-powered omnibuses, rolling stock, vehicles or related equipment, (3) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase, and (4) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase.

(c) Nothing contained herein shall be construed to affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization. Prior to beginning the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall inform the respective collective bargaining agent of any potential jobs that may be affected, altered, or eliminated as a result of the purchase, and it shall be a mandatory subject for collective bargaining.

§ 5. Section 104 of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. (a) Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any chief executive officer of a political subdivision or agency which operates a public transportation system is authorized to make purchases of electric-powered omnibuses or other related equipment upon a resolution approved by a two-thirds vote of its board then in office because the item is available through an existing contract between a vendor and (i) a public authority of the state provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts, or (ii) the state of New York, or (iii) a political subdivision of the state of New York, provided that in any case when under this subdivision the political subdivision determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. The political subdivision shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the political subdivision declares that competitive bidding is impractical or inappropriate. All purchases shall be subject to audit and inspection by the political subdivision for which made, in addition to the department of audit and control of New York state. For purposes of this subdivision, "political subdivision or agency which operates a public transportation system" shall not include transportation authorities governed under titles nine, nine-A and eleven of article five of the public authorities law or title three of article three of the public authorities law. For the purposes of this subdivision, "electric-powered omnibuses" shall include any bus owned, leased, rented or otherwise controlled by the political subdivision that otherwise meets the definition of bus provided in section five hundred nine-a of the vehicle and traffic law that is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants.

(b) (i) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized entities shall be preserved and

protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (3) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

(ii) At least one year prior to the beginning of the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall create and implement a workforce development report that (1) forecasts the number of jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the transit provider by the proposed purchase over a six-year period from the date of the publication of the workforce development report, (2) identifies gaps in skills needed to operate and maintain the new electric-powered omnibuses, rolling stock, vehicles or related equipment, (3) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase, and (4) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase.

(c) Nothing contained herein shall be construed to affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization. Prior to beginning the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall inform the respective collective bargaining agent of any potential jobs that may be affected, altered, or eliminated as a result of the purchase, and it shall be a mandatory subject for collective bargaining.

§ 6. Section 104 of the general municipal law, as amended by section 27 of part L of chapter 55 of the laws of 2012, is amended to read as follows:

§ 104. Purchase through office of general services. 1. Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any officer, board or agency of a political subdivision, of a district therein, of a fire company or of a voluntary ambulance service is authorized to make purchases of commodities and services available pursuant to section one hundred sixty-three of the state finance law, may make such purchases through the office of general services subject to such rules as may be established from time to time pursuant to section one hundred sixty-three of the state finance law or through the general services administration pursuant to section 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355; provided that any such purchase shall exceed five hundred dollars and that the political subdivision, district, fire company or voluntary ambulance service for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor. All purchases shall be subject to audit and inspection by the political subdivision, district, fire company or voluntary ambulance service for which made. No officer, board or agency of a political subdivision, or a district therein, of a fire company or of a voluntary ambulance service shall make

any purchase through such office when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through such office. Two or more fire companies or voluntary ambulance services may join in making purchases pursuant to this section, and for the purposes of this section such groups shall be deemed "fire companies or voluntary ambulance services."

2. (a) Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any chief executive officer of a political subdivision or agency which operates a public transportation system is authorized to make purchases of electric-powered omnibuses or other related equipment upon a resolution approved by a two-thirds vote of its board then in office because the item is available through an existing contract between a vendor and (a) a public authority of the state provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts, or (b) the state of New York, or (c) a political subdivision of the state of New York, provided that in any case when under this subdivision the political subdivision determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. The political subdivision shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the political subdivision declares that competitive bidding is impractical or inappropriate. All purchases shall be subject to audit and inspection by the political subdivision for which made, in addition to the department of audit and control of New York state. For purposes of this subdivision, "political subdivision or agency which operates a public transportation system" shall not include transportation authorities governed under titles nine, nine-A and eleven of article five of the public authorities law or title three of article three of the public authorities law. For the purposes of this subdivision, "electric-powered omnibuses" shall include any bus owned, leased, rented or otherwise controlled by the political subdivision that otherwise meets the definition of bus provided in section five hundred nine-a of the vehicle and traffic law that is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants.

(b) (i) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized entities shall be preserved and protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (3) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

(ii) At least one year prior to the beginning of the procurement process for new electric-powered omnibuses, rolling stock, vehicles or

related equipment, the transit agency or municipality shall create and implement a workforce development report that (1) forecasts the number of jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the transit provider by the proposed purchase over a six-year period from the date of the publication of the workforce development report, (2) identifies gaps in skills needed to operate and maintain the new electric-powered omnibuses, rolling stock, vehicles or related equipment, (3) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase, and (4) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase.

(c) Nothing contained herein shall be construed to affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization. Prior to beginning the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall inform the respective collective bargaining agent of any potential jobs that may be affected, altered, or eliminated as a result of the purchase, and it shall be a mandatory subject for collective bargaining.

§ 7. The transportation law is amended by adding a new section 18-d to read as follows:

§ 18-d. Zero-emission bus procurement contract proposals. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Displaced worker" means any employee whose most recent separation from active service was due to lack of business, a reduction in force, or other economic, nondisciplinary reason related to the transition from the fossil-fuel reliant buses to zero-emission buses.

(b) "Individual facing barriers to employment" means either of the following:

(i) An individual facing barriers to employment as defined by the commissioner or, otherwise

(ii) An individual from a demographic group that represents less than thirty percent of their relevant industry workforce according to the United States Bureau of Labor Statistics.

(c) "Non-temporary job" means a job other than those classified as "temporary" as defined in article eleven of the general business law.

2. (a) Beginning January first, two thousand twenty-five, every public transportation system eligible to receive operating assistance pursuant to section eighteen-b of this article shall award contracts for zero-emission buses and related equipment using a competitive best-value procurement process; and shall require bidders to submit a United States Jobs Plan as part of their solicitation responses.

(b) The United States Jobs Plan shall include the following information:

(i) The number of full-time non-temporary jobs proposed to be retained and created, including an accounting of the positions classified as employees, as defined in section seven hundred forty of the labor law, and positions classified as independent contractors;

(ii) The number of jobs specifically reserved for individuals facing barriers to employment and the number reserved for displaced workers and workers from disadvantaged communities;

(iii) The minimum wage levels by job classification for non-supervisory workers;

(iv) Proposed amounts to be paid for fringe benefits by job classification and the proposed amounts for worker training by job classification;

(v) In the event that a federal authority specifically authorizes use of a geographic preference or when state or local funds are used to fund a contract, proposed local jobs created in the state or within an existing facility in the state that are related to the manufacturing of zero-emission buses and related equipment; and

(vi) Information on what steps have been taken and will be taken to implement the workforce development report with respect to training and retraining of existing maintenance, drivers and other identified purchasing agency employees.

3. The requests for proposals established by subdivision two of this section shall include notice to bidders stating that:

(a) the content of United States Jobs Plans shall be incorporated as material terms of the final contract;

(b) the content of United States Jobs Plans and reports required by this section shall be subject to disclosure under the Freedom of Information Law; and

(c) the final contract and compliance documents shall be made available to the public.

4. The department shall promulgate regulations to establish the forms, procedures, and processes necessary for impacted transit agencies to implement the requirements of this section. This shall include a standard and consistent method, such as a workbook or worksheet, to track the quantifiable information required in paragraph (b) of subdivision two of this section and procedures to annually assess contracting entities compliance with the United States Jobs Plan.

5. Contracting entities shall be required to submit annual United States Jobs Plan reports to contracting public agencies demonstrating compliance with their United States Jobs Plan commitments. The terms of the final contract as well as all compliance reporting shall be made available to the public online, either via the contracting agency's website or the department's website, at the election of the contracting agency.

6. The provisions of this section shall not apply to: (a) A contract awarded before January first, two thousand twenty-five; or

(b) A contract awarded based on a solicitation issued before January first, two thousand twenty-five.

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

§ 66-x. Public transportation systems zero-emission electricity infrastructure. Every electric corporation which provides electric service to a public transportation system, as defined in section eighteen-b of the transportation law, shall ensure that such corporation has the requisite and appropriate infrastructure, capacity, facilities, and transmission and distribution systems needed to supply power for the electric charging of zero-emission buses of a public transportation system at the locations designated for charging by such public transportation systems. Within one year of the publication of the roadmap required under subdivision four of section seventeen-c of the transportation law, an electric corporation shall have adopted finalized plans and agreements to construct, install or upgrade the infrastructure necessary to support to the deployment and operation of zero-emission

buses by a public transportation system by providing the required electric service to the locations designated for charging buses by such public transportation system. All costs associated with the mandates of this section shall be borne by an electric corporation. The commission shall not approve any increases in rates or charges for services of an electric corporation which has not complied with this section by the date set forth herein or pursuant to the roadmap under section seventeen-c of the transportation law.

§ 9. Section 66-s of the public service law is amended by adding a new subdivision 7 to read as follows:

7. The commission shall establish a separate tariff under this section for public transportation systems as defined in section eighteen-b of the transportation law for separately metered utilities for the purpose of charging zero-emission buses as defined in section seventeen-c of such law. The tariff shall provide a waiver of all secondary demand charges for charging zero-emission buses between the hours of ten o'clock p.m. and eight o'clock a.m., as well as low tension service for winter and summer months.

§ 10. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section or part of this act or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 11. This act shall take effect immediately, provided, however, that section seven of this act shall take effect on the ninetieth day after it shall have become a law; provided, further, that the amendments to section 104 of the general municipal law made by section five of this act shall be subject to the expiration and reversion of such section pursuant to section 9 of subpart A of part C of chapter 97 of the laws of 2011, as amended, when upon such date the provisions of section six of this act shall take effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART XX

Section 1. Short title. This act shall be known and may be cited as the "harmful algal bloom monitoring and prevention act".

§ 2. Legislative findings and declarations. The legislature finds that the state of New York has a responsibility to maintain the health and safety of its abundant clean water resources, upon which the residents of New York state, as well as its many visitors, rely on for drinking, agriculture, tourism, recreation, and their livelihoods. Because the waters of the state are under threat by harmful algal blooms, which are known to be toxic and even fatal to humans, pets, and wildlife, the state has a responsibility to provide coordinated, statewide monitoring, evaluation, prevention and mitigation, going beyond water body-specific data collection and isolated mitigation efforts. While the causes of harmful algal blooms are complex and varied, with a coordinated and

standardized approach to monitoring and evaluation, patterns can more readily be identified to isolate the combination of relevant causes specific to different bodies of water across the state and determine the most effective targeted interventions. To address this threat, the state must develop and maintain a comprehensive state clearinghouse to bring together existing and new available statewide cross-sectional and longitudinal data and information on harmful algal blooms, potential and known causes, best practice interventions, expertise, and funding resources. This data and subsequent report will enable the state to effectively and efficiently administer a central grant program supporting data-driven best practices in prevention and mitigation of harmful algal blooms.

§ 3. The environmental conservation law is amended by adding a new section 15-0519 to read as follows:

§ 15-0519. Harmful algal bloom monitoring and prevention program.

1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

a. "Harmful algal blooms" shall mean growths of blooms of algal species present in fresh or salt water that can produce toxins that are harmful to public health, the economy, or recreational enjoyment, or that can impair water quality and the natural ecology therein.

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

2. Comprehensive statewide data collection consolidation and analysis; report. a. The commissioner shall develop a program to further the comprehensive and consistent collection, consolidation, analysis and meta-analysis of statewide data relating to the monitoring, evaluation, prevention, and mitigation of harmful algal bloom outbreaks. The commissioner shall provide guidelines for the submission of existing and historical harmful algal bloom monitoring, evaluation, mitigation, and prevention data and strategies from relevant institutions, organizations, and individuals with experience in peer-reviewed research, grantmaking, or other like activities in the area of water quality relating to the monitoring, evaluation, prevention, and mitigation of harmful algal bloom outbreaks, including but not limited to research programs, clinics, labs, and project management.

b. The data collected, consolidated, and analyzed shall consist of elements including but not limited to longitudinal data on the incidence of harmful algal blooms, contextual factors thought to be associated with the incidence of harmful algal blooms such as water temperature, turbidity, flow rate, salinity, nutrient levels for phosphorus and nitrogen, acidity (pH), dissolved oxygen levels, monitoring and evaluation of waters of the state that do not contain harmful algal blooms, and results of harmful algal bloom interventions in New York state.

c. The data collected, consolidated, and analyzed shall meet a standard that is consistent with the practices and expertise of institutions, organizations, or individuals with experience in peer-reviewed research, grantmaking, or other like activities in the area of water quality relating to the monitoring, evaluation, prevention, and mitigation of harmful algal bloom outbreaks, including but not limited to research programs, clinics, labs, and project management.

d. The department shall annually publish and update a list of vetted best practice strategies for harmful algal bloom monitoring, evaluation, prevention, and mitigation, which shall be differentiated by region or water body with unique confirmed causal pathways for the related harmful algal bloom outbreak trends. Such strategies shall be supported by findings of the harmful algal bloom database created pursuant to subdivision

three of this section, as well as external evaluation, including but not limited to strategies approved by the federal environmental protection agency, certification that such strategies meet or exceed the American National Standards for health effects of drinking water treatment chemicals (NSF/ANSI/CAN-60), or testing for efficacy by center of excellence in healthy water solutions. The department shall publish such list and findings supporting the strategies on such list on the department's website.

e. No later than five years after the effective date of this section, the commissioner, in consultation with the commissioner of agriculture and markets, shall prepare a report providing comprehensive analysis and meta-analysis of the data collected pursuant to this section, including findings and recommendations for establishing, maintaining, and improving upon a coordinated system of monitoring, evaluation, prevention, and mitigation of harmful algal bloom outbreaks across New York state. The department shall:

i. update the report at least once every five years after the initial completion of the report;

ii. make the report publicly available on the department's website;

iii. hold at least six regional public comment hearings on the draft report and subsequent updates to the report, including three meetings in the upstate region and three meetings in the downstate region, and shall allow at least one hundred twenty days for the submission of public comment;

iv. provide meaningful opportunities for public comment from all segments of the populations that live near, or are reliant upon for drinking, recreation, or economic activity, the waters of the state included in the report;

v. seek out input from institutions or organizations with relevant expertise, citizen scientists, and labs testing water quality in relation to harmful algal blooms;

vi. identify the magnitude of harmful algal blooms across the state and make recommendations on regulatory measures and other state or local actions to monitor, evaluate, prevent, or mitigate harmful algal blooms, including existing opportunities for coordination of federal, state, municipal, and non-governmental organizations;

vii. identify best practices, technology, and available federal, state, municipal, or private funding for and existing efforts in monitoring, evaluating, preventing, and mitigating harmful algal blooms; and

viii. identify the current need in specific bodies of water for the establishment of programs or organizations to further the monitoring, evaluation, prevention, and mitigation of harmful algal blooms, and the costs therefor.

3. Harmful algal bloom database. a. The commissioner shall establish and maintain a website providing public access to a harmful algal bloom database which shall contain all relevant data, research, and reporting required pursuant to subdivision two of this section.

b. Such database, and analysis of the comprehensive statewide data therein, shall support the coordination of efforts across the state to monitor, evaluate, prevent, and mitigate harmful algal blooms, and shall include, but not be limited to:

i. the geolocation of harmful algal bloom outbreaks, and efforts to monitor, evaluate, prevent, and mitigate such outbreaks;

ii. existing research, analysis, or reports relating to outbreaks of harmful algal blooms in the waters of the state and the causes of such outbreaks;

iii. known or developing strategies and best practices of state, municipal, and non-governmental organizations that monitor, evaluate, prevent, or mitigate harmful algal bloom outbreaks, the respective waters of the state in which such strategies and best practices have been conducted, and the geolocations of such waters;

iv. available sources of financing for algal bloom monitoring, evaluation, prevention, and mitigation, including federal, state, municipal, and/or private funding, grants, or other monies; and

v. information on institutions with expertise in peer-reviewed grant-making and research in the area of water quality and/or harmful algal blooms, including but not limited to the New York sea grant at Stony Brook University, the New York water resource institute at Cornell University, the center of excellence in healthy water solutions, the bureau of water supply protection, the New York city department of environmental protection, the department of agriculture and markets, community-based nonprofit organizations with missions that specifically involve monitoring, evaluating, mitigating, or preventing harmful algal blooms, and any other institution or organization providing data compiled pursuant to this section, and the contact information, relevant research programs, clinics, labs, staff, and published research of such institutions.

4. Rules and regulations. The commissioner shall, in a manner which is coordinated with and supports efforts by federal, state, municipal, and non-governmental organizations, promulgate rules and regulations to:

a. limit and eliminate the causes of harmful algal bloom outbreaks; and

b. monitor and mitigate harmful algal bloom outbreaks.

5. Program development. The commissioner shall establish and support new and existing programs and organizations relevant to the health of waters of the state that have not implemented strategies to monitor, evaluate, prevent, or mitigate harmful algal bloom outbreaks.

6. Harmful algal bloom grant program. In addition to the financing to be identified pursuant to subparagraph iv of paragraph b of subdivision three of this section:

a. The commissioner, in consultation with the commissioner of agriculture and markets, the commissioner of health, and the president of the empire state development corporation, shall establish a harmful algal bloom grant program which shall provide funding to municipalities, intermunicipal organizations, community-based nonprofits, or academic institutions for the deployment of harmful algal bloom monitoring, evaluation, prevention, and mitigation strategies and best practices.

b. The program shall require that applicants for the harmful algal bloom grant program conduct and submit a study, as part of their application, assessing the most appropriate mitigation and prevention strategies for relevant waters of the state and best practices therefor, as informed by the harmful algal bloom database created pursuant to subdivision three of this section.

c. In determining which applicants shall be awarded grants pursuant to this subdivision, first preference shall be given to applicants who propose strategies that incorporate principles of least harm and greatest safety to applicators, the public, and the environment, and utilize passive or non-chemical physical controls, including but not limited to:

i. aeration;

ii. hydrological manipulations;

iii. mechanical mixing;

iv. reservoir drawdown or desiccation;

v. surface skimming;
vi. ultrasound; or
vii. other emerging technologies, as approved by the department.
d. In determining which applicants shall be awarded grants pursuant to this subdivision, second preference shall be given to applicants who demonstrate expertise with previous experience treating water bodies in the United States larger than one thousand acres, with proven success using accepted strategies, including but not limited to strategies that:
i. are aimed at reducing cyanotoxins in the water to less than harmful levels;
ii. employ ready-to-use technology that is means tested, reproducible, and generalizable, without limitation of size or shape of the water body;
iii. employ technology which allows for application under emergency situations and within less than ninety-six hours from approval;
iv. utilize products that are modular and can be used as a preventative measure;
v. utilize products that are quick and easy to apply and are generally recognized as safe to the applicator, public, and environment;
vi. utilize products that float on the surface of the water and do not sink immediately to the bottom of the water column;
vii. utilize products that are distributed autonomously across the water body after a localized application;
viii. utilize products with a time-release mechanism that applies constant and prolonged oxidative stress of the cyanobacteria triggered by the programmed cell death signaling cascade, resulting in their collapse; and
ix. utilize products manufactured in the United States.
e. The commissioner shall make monies available from the harmful algal bloom monitoring and prevention fund, as established pursuant to section ninety-nine-rr of the state finance law, within amounts appropriated therefor, pursuant to this section.

§ 4. The state finance law is amended by adding a new section 99-rr to read as follows:

§ 99-rr. Harmful algal bloom monitoring and prevention fund. 1. There is hereby established in the joint custody of the state comptroller and commissioner of taxation and finance a special fund to be known as the "harmful algal bloom monitoring and prevention fund".
2. Such fund shall consist of all revenues received by the comptroller and all other moneys appropriated, credited, or transferred thereto from the general fund or any other fund or source pursuant to law. Nothing contained in this section shall prevent the state from receiving grants, gifts, or bequests for the purposes of such fund and depositing them into such fund according to law.
3. Moneys shall be paid out of the fund on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of environmental conservation or his or her designee.
4. Moneys of the fund shall be available to the commissioner of environmental conservation for the harmful algal bloom monitoring and prevention program established pursuant to section 15-0519 of the environmental conservation law.

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

PART YY

Section 1. The insurance law is amended by adding a new section 7013 to read as follows:

§ 7013. Captive insurance program for commuter vans, pre-arranged for-hire vehicles, and accessible vehicles. (a) The superintendent shall utilize and implement a captive insurance program for commuter vans, pre-arranged for-hire vehicles, and accessible vehicles that are engaged in the business of carrying or transporting passengers for hire. The program shall include, but shall not be limited to:

(1) identifying and licensing a captive insurance company or companies to provide necessary insurance coverage to commuter vans, pre-arranged for-hire vehicles, and accessible vehicles;

(2) standards for enrollment of eligible commuter vans, pre-arranged for-hire vehicles, and accessible vehicles including mechanisms for determining eligibility; and

(3) standards for monitoring the performance of such captive insurance company or companies in providing affordable insurance coverage to commuter vans, pre-arranged for-hire vehicles, and accessible vehicles participating in the program pursuant to subsection (c) of this section.

(b) For the purposes of this section, the following terms shall have the following meanings:

(1) "commuter van" shall mean a commuter van service having a seating capacity of nine passengers but not more than twenty-four passengers or such greater capacity as the superintendent may establish by rule and carrying passengers for hire. The term "commuter van" shall include, but not be limited to, shuttles and transportation vans.

(2) "pre-arranged for-hire vehicle" shall mean a motor vehicle that is used in the business of transporting passengers for compensation on a pre-arranged basis, and operated in such business under a license or permit issued by a licensing jurisdiction. Such term shall include, but not be limited to, small school buses pursuant to section one hundred forty-two or sixteen hundred forty-two-a of the vehicle and traffic law. The term "pre-arranged for-hire vehicle" shall apply to vehicles as defined in this paragraph regardless of any other provision of local law or rule defining or describing such vehicles by any other terms such as school bus, charter bus, livery, taxi, black car, or luxury limousine.

(3) "accessible vehicle" shall mean a vehicle that:

(A) complies with the accessibility requirements of the Americans with Disabilities Act of 1990, as amended, and the regulations promulgated thereunder;

(B) is equipped with a lift, ramp or any other device, arrangement or alteration, so it is capable of transporting individuals who use wheel-chairs, scooters, or other mobility aids while they remain seated in their wheelchairs, scooters, or other mobility aids;

(C) is equipped with an assistive listening system for persons with hearing impairments that is connected with any intercom, video or audio system, when such a system is installed or designed and approved to provide service to persons with disabilities;

(D) is equipped with standardized signs printed in: (i) braille; and (ii) large-print text so that such signs are visible to persons with low vision;

(E) provides sufficient floor space to accommodate a service animal;

(F) if powered by a hybrid-electric motor, is equipped with an appro-priate device to enable persons who are blind to hear the approach of

the vehicle as readily as they can hear a conventional gasoline-powered vehicle;

(G) shall include, but not be limited to, "ambulette" which shall have the same meaning set forth in 17 NYCRR Part 720.8 or "paratransit" vehicle which means a special-purpose vehicle, designed and equipped to provide nonemergency transport, that has wheelchair-carrying capacity, stretcher-carrying capacity, or the ability to carry disabled persons as defined in section fifteen-b of the transportation law.

(c) Insurance companies shall maintain requirements in accordance with section three hundred seventy of the vehicle and traffic law. In addition, all no fault insurance related to commuter vans, pre-arranged for-hire vehicles, and accessible vehicles insured in this program will rely on the medical treatment guidelines promulgated in existing workers' compensation law.

§ 2. This act shall take effect immediately.

PART ZZ

Section 1. Section 1292 of the tax law, as added by section 18 of part AAA of chapter 59 of the laws of 2017, is amended to read as follows:

§ 1292. Imposition. (a) There is hereby imposed on every TNC a state assessment fee of 4% of the gross trip fare of every TNC prearranged trip provided by such TNC that originates anywhere in the state outside the city and terminates anywhere in this state.

(b) There is additionally imposed on every TNC a supplemental state assessment fee of one dollar on every TNC prearranged trip provided by such TNC that originates anywhere in the state outside the metropolitan commuter transportation district established by section twelve hundred sixty-two of the public authorities law and terminates anywhere in this state.

§ 2. Section 1298 of the tax law, as added by section 18 of part AAA of chapter 59 of the laws of 2017, is amended to read as follows:

§ 1298. Deposit and disposition of revenue. (a) All taxes, fees, interest and penalties collected or received by the commissioner under paragraph (a) of section twelve hundred ninety-two of this article shall be deposited and disposed of pursuant to the provisions of section one hundred seventy-one-a of this chapter.

(b) All taxes, fees, interest and penalties collected or received by the commissioner under paragraph (b) of section twelve hundred ninety-two of this article for every TNC prearranged trip provided by such TNC that originates anywhere in the state outside the metropolitan commuter transportation district as established by section twelve hundred sixty-two of the public authorities law shall be deposited and disposed into the public transportation systems operating assistance account established by section eighty-eight-a of the state finance law.

§ 3. Paragraph (a) of subdivision 5 of section 88-a of the state finance law, as added by chapter 481 of the laws of 1981, is amended to read as follows:

(a) The "public transportation systems operating assistance account" shall consist of revenues required to be deposited therein pursuant to the provisions of section one hundred eighty-two-a of the tax law, section twelve hundred ninety-two of the tax law, and all other moneys credited or transferred thereto from any other fund or source pursuant to law.

§ 4. This act shall take effect the first of June next succeeding the date on which it shall have become a law and shall apply to prearranged trips provided by TNCs on or after such date.

PART AAA

Section 1. Subdivisions 1 and 2 of section 71-0211 of the environmental conservation law, subdivision 1 as amended by chapter 60 of the laws of 1993, subdivision 2 as amended by chapter 460 of the laws of 1991, are amended to read as follows:

1. Notwithstanding any other provisions of law to the contrary, all fines and penalties collected pursuant to title nineteen of this article, except amounts required to be paid into the conservation fund pursuant to subdivision two of section 71-1929 of such title; title twenty-one of this article; title twenty-seven of this article, except amounts required to be paid into the hazardous waste remedial fund pursuant to subdivision two of section 71-2725 of such title; and title forty-one of this article shall be paid into the [~~general fund to the credit of the state purposes account~~] **conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law**.

2. Unless otherwise provided in this chapter, not later than the tenth day of each month, all fines, penalties and forfeitures collected for violations of this chapter or rules, regulations, local laws or ordinances adopted thereunder under judgment of any town or village court, shall be paid over by such court to the comptroller of the state, with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fines and penalty imposed. The comptroller shall pay these funds into the [~~general fund of the state~~] **conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law**.

§ 2. Section 83 of the state finance law is amended by adding a new subdivision (k) to read as follows:

(k) All moneys, revenue, and interest thereon received and collected pursuant to titles nineteen, twenty-one and twenty-seven of article seventy-one of the environmental conservation law, and pursuant to section 71-0211 of the environmental conservation law, other than those amounts prescribed by law to be directed into other funds, shall be deposited in a special account within the conservation fund to be known as the conservation enforcement account. All of such moneys, revenues and interest shall be available to the department of environmental conservation, pursuant to appropriation, exclusively for funding the enforcement of the environmental conservation law, including funding for scientists, environmental law enforcement officers, attorneys, administrative support, and such other expenses the commissioner deems necessary for such enforcement. Such money shall be used to supplement and not supplant funding for the enforcement of the environmental conservation law as of the effective date of this subdivision.

§ 3. Subdivision 1 of section 71-0213 of the environmental conservation law, as added by section 1 of part DDD of chapter 59 of the laws of 2009, is amended to read as follows:

1. Whenever proceedings result in a conviction for an offense under this chapter there shall be levied, in addition to any sentence required or permitted by law, the following mandatory surcharges: (a) in the

amount of twenty-five dollars for violations of sportfishing regulations set forth in 6 NYCRR 10; (b) in the amount of [~~seventy-five dollars~~] **one hundred twelve dollars and fifty cents** for all other offenses under this chapter provided, however, that convictions for offenses under articles seventeen, nineteen or twenty-seven of this chapter shall be subject to a mandatory surcharge equal to the greater of [~~seventy-five dollars~~] **one hundred twelve dollars and fifty cents** or [~~six~~] **nine** percent of any penalty or fine imposed. The mandatory surcharge shall be paid to the clerk of the court who shall remit such mandatory surcharge to the state comptroller provided, however, that in cases where the conviction was rendered by a town or a village justice court, the clerk of such court shall pay twenty-five dollars of such surcharge to the chief fiscal officer of the town or village in the case of surcharges resulting from paragraph (b) of this subdivision and ten dollars in the case of surcharges resulting from paragraph (a) of this subdivision and shall pay the remaining amounts of such mandatory surcharges to the state comptroller in the same manner as provided in section 71-0211 of this article. The comptroller shall pay such monies into the state treasury to the [~~credit of the general fund~~] **conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law**.

§ 4. Section 71-0301 of the environmental conservation law, as amended by chapter 400 of the law of 1973, is amended to read as follows:

§ 71-0301. Summary abatement.

Notwithstanding any inconsistent provisions of law, whenever the commissioner finds, after investigation, that any person is causing, engaging in or maintaining a condition or activity which, in [~~his~~] **the** judgment **of the commissioner**, presents an imminent danger to the health or welfare of the people of the state or results in or is likely to result in irreversible or irreparable damage to natural resources, and relates to the prevention and abatement powers of the commissioner and it therefore appears to be prejudicial to the interests of the people of the state to delay action until an opportunity for a hearing can be provided, the commissioner may, without prior hearing, order such person by notice, in writing wherever practicable or in such other form as in the commissioner's judgment will reasonably notify such person whose practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity. As promptly as possible thereafter, not to exceed fifteen days, the commissioner shall provide the person an opportunity to be heard and to present proof that such condition or activity does not violate the provisions of this section. The commissioner shall adopt any other appropriate rules and regulations prescribing the procedure to be followed in the issuance of such orders. Any person who violates any of the provisions of, or who fails to perform any duty imposed by this section, or any rule, regulation or order promulgated by the commissioner hereunder, shall be liable to a civil penalty of not more than [~~twenty-five hundred~~] **three thousand seven hundred fifty** dollars for each such violation and an additional penalty of not more than [~~five~~] **seven** hundred **fifty** dollars for each day during which such violation continues, and, in addition thereto, such person may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the attorney general at the request and in the name of the commissioner.

§ 5. Subdivisions 3 and 4 of section 71-0507 of the environmental conservation law, subdivision 3 as amended by chapter 400 of the laws of 1973, are amended to read as follows:

3. Moneys received by a town justice or a village justice in any action for a penalty brought under the provisions of this chapter listed in section 71-0501 of titles 5 through 15 inclusive and title 33 or upon the settlement or compromise thereof, or a fine for a violation of the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article shall be paid to the State Comptroller as provided in section 27 of the Town Law and section 4-410 of the village law. From the moneys so received, the State Comptroller shall pay all lawful fees for services rendered in such actions when instituted by order of the department or upon information of a conservation officer, regional and assistant regional conservation officer, special game protector, district ranger, forest ranger, or member of the state police. The balance of such moneys arising from penalties under articles 11 or 13 or title 9 of this article or upon the settlement or compromise thereof or from fines for violations of any of the provisions of articles 11 or 13 or title 9 of this article after the payment of lawful fees shall be credited by the Comptroller to the conservation fund. The Comptroller shall adjust and settle [~~his~~] **their** account with the conservation fund in the manner provided by section 99-a of the State Finance Law. The balance of all other such moneys after payment of lawful fees shall be credited by the Comptroller to the [~~general fund~~] **conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law**.

4. All moneys received by any other person or court in an action for a penalty brought under the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article or upon the settlement or compromise thereof, or a fine for a violation of the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article, shall be paid by such person or court to the department within thirty days after receipt thereof. The department shall pay the expenses of collection and the lawful fees of magistrates and constables for services performed in criminal actions brought upon information of a conservation officer, regional and assistant regional conservation officer, special game protector, district ranger, forest ranger, or member of the state police. Such moneys derived from fines or penalties for violations of articles 11 or 13 or title 9 of this article or from the settlement or compromise thereof shall be paid by the department to the Commissioner of Taxation and Finance and credited to the conservation fund. All other moneys so received by the department shall be paid to the Commissioner of Taxation and Finance and credited to the [~~general fund~~] **conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law**.

§ 6. Subdivisions 1, 2, 6, 9 and 10 of section 71-0703 of the environmental conservation law, subdivisions 1, 2 and 6 as amended by chapter 602 of the laws of 2003, subdivision 9 as added by chapter 267 of the laws of 2012 and subdivision 10 as added by chapter 330 of the laws of 2014, are amended to read as follows:

1. Except as otherwise provided in subdivision 4, 5, 6 or 7 of this section, any person who violates any provision of article 9 or the rules, regulations or orders promulgated pursuant thereto or the terms of any permit issued thereunder, or who fails to perform any duty

imposed by any provision thereof shall be guilty of a violation, and, upon conviction, shall be punished by a fine of not more than [~~two hundred fifty~~] three hundred seventy-five dollars, or by imprisonment for not more than fifteen days, or by both such fine and imprisonment, and in addition thereto shall be liable to a civil penalty of not less than ten nor more than one hundred fifty dollars.

2. The violation of any of the provisions of the following sections shall subject the person guilty thereof to the following civil penalties in addition to the liability prescribed in subdivision 1 of this section:

a. Section 9-1113 of this chapter, [~~two~~] three dollars per tree;

b. Subdivision 3 of section 9-1105 of this chapter, [~~twenty-five~~] thirty-seven dollars and fifty cents per day;

c. Subdivision 4 of section 9-1105 of this chapter, and subdivision 1 of section 9-1117 of this chapter, [~~ten~~] fifteen dollars per mile per day;

d. Section 9-1115 of this chapter, [~~ten~~] fifteen dollars per mile;

e. Subdivision 2 of section 9-1117 of this chapter, one hundred fifty dollars per each offense; and

f. Section 9-1119 of this chapter, one hundred fifty dollars per day per locomotive.

With respect to the penalty for violation of subdivision 4 of section 9-1105 of this chapter, the owner and every person engaged in such cutting shall be liable therefor; however, the liability for penalty shall not arise until the expiration of twenty days after service, personally or by mail upon the alleged violator at [~~his~~] their last known place of residence of a written notice of failure to comply with the requirements of subdivision 4 of section 9-1105 of this chapter.

6. (a) In addition to any other penalty provided by law, any person who violates subdivision 1 of section 9-0303 of this chapter shall be liable to a civil penalty of [~~two hundred fifty~~] three hundred seventy-five dollars per tree or treble damages, based on the stumpage value of such tree or both. Where the order or decision finds that the defendant established by clear and convincing evidence, that when such defendant committed the violation, [~~he or she~~] they had cause to believe that the land was [~~his or her~~] their own, or that [~~he or she~~] such defendant had an easement or right of way across such land which permitted such action, damages shall be awarded on the basis of the stumpage value of such tree or trees in the market as if they were privately owned. Notwithstanding the foregoing, this section shall not be construed to authorize the cutting of timber or removal of trees where such action would otherwise be violative of any provision of the state constitution or law.

(b) In addition to any other penalty provided by law, a person who violates section 9-1501 of this chapter shall be liable for a civil penalty of [~~two hundred fifty~~] three hundred seventy-five dollars per tree or treble damages or both, based on the stumpage value of such tree or trees. Where the order or decision finds that the defendant established by clear and convincing evidence, that when such defendant committed the violation, [~~he or she~~] they had cause to believe that the land was [~~his or her~~] their own or that [~~he or she~~] such defendant had an easement or right of way across such land which permitted such action, damages shall be awarded on the basis of the stumpage value of such tree or trees. Notwithstanding the foregoing, this section shall not be construed to authorize the cutting of timber or removal of trees

where such action would otherwise be violative of any provision of the state constitution or law.

(c) For purposes of this subdivision, "stumpage value" shall mean the current fair market value of a tree as it stands prior to the time of sale, cutting, or removal. Stumpage value shall be determined by one or more of the following methods: the sale price of the tree in an arm's-length sale, a review of solicited bids, the stumpage price report prepared by the department of environmental conservation, comparison with like sales on trees on state or private lands, or other appropriate means to assure that a fair market value is established within an acceptable range based on the appropriate geographic area.

9. a. Any person who transports, sells, imports or introduces invasive species, in violation of the regulations promulgated pursuant to section 9-1709 of this chapter shall be subject to the following:

For any first violation in lieu of a penalty there may be issued a written warning by the department and there may also be issued education materials at the discretion of the department regarding requirements related to invasive species. Such person shall, however, for any subsequent violation thereafter be subject to a fine of no less than [~~two hundred fifty~~] **three hundred seventy-five** dollars.

b. Any nursery grower licensed pursuant to article fourteen of the agriculture and markets law, any person who owns or operates a public vessel as such term is defined in paragraph (a) of subdivision six of section two of the navigation law, or any person who owns or operates a commercial fishing vessel who transports, sells, imports or introduces invasive species in violation of the regulations promulgated pursuant to section 9-1709 of this chapter, shall be subject to a fine of not less than [~~six~~] **nine** hundred dollars upon the first penalty. Upon the second penalty such person shall be subject to a fine of not less than [~~two~~] **three** thousand dollars. Upon a subsequent penalty and after a hearing or opportunity to be heard upon due notice the following penalties may apply: (i) such nursery grower may be subject to the revocation procedures of section one hundred sixty-three-c of the agriculture and markets law (ii) such person's vessel registration may be suspended or (iii) such person's fishing permit may be revoked by the department.

10. Any person who violates section 9-1710 of this chapter shall be guilty of a violation and shall be punishable and liable to a civil penalty as provided in subdivision one of this section, provided, however, that for any first violation in lieu of a penalty there shall be issued a written warning by the department and there shall also be issued education materials at the discretion of the department regarding requirements related to invasive species. Such person shall be subject to a fine of up to [~~one hundred fifty~~] **two hundred seventy-five** dollars for a second offense, up to [~~two hundred fifty~~] **three hundred seventy-five** dollars for a third offense, and no less than [~~two hundred fifty~~] **three hundred seventy-five** dollars nor more than [~~one thousand~~] **five hundred** dollars for a fourth or subsequent offense.

§ 7. Section 71-0707 of the environmental conservation law is amended to read as follows:

§ 71-0707. Resisting or obstructing departmental agent or employee.

Any person who resists or obstructs an authorized agent or employee of the department while [~~he~~] **such agent or employee** is engaged in carrying out any provision of section 9-0305 shall be guilty of a violation which shall be punishable by a fine not exceeding one hundred **fifty** dollars and by an additional fine [~~of~~] not exceeding [~~twenty-five~~] **thirty-seven**

dollars **and fifty cents** for each additional day of such resistance or obstruction.

§ 8. Section 71-0709 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-0709. Injury to state lands.

Any person who intentionally or negligently causes a fire which burns on or over state lands shall be liable to the state for treble damages and, in addition, to a civil penalty of [~~ten~~] **fifteen** dollars for every tree killed or destroyed by such fire. Damages to state lands and timber shall be ascertained and determined at the same rate of value as if such property were privately owned.

§ 9. Section 71-0711 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-0711. Injury to municipal or private lands.

Any person who causes a fire which burns on or over lands belonging to another person or to a municipality shall be liable to the party injured (a) for actual damages in case of fire negligently caused or (b) for the higher of actual damages or damages at the rate of [~~five~~] **seven** dollars **and fifty cents** for each tree killed or destroyed in case of fire wilfully caused.

§ 10. Section 71-1105 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, is amended to read as follows:

§ 71-1105. Enforcement of subdivision 4 of section 15-0313.

Any violation of subdivision 4 of section 15-0313 shall be a violation, punishable by a fine of not more than [~~one thousand eight~~] **two thousand seven** hundred dollars, and in addition thereto, by a civil penalty of not more than [~~one thousand eight~~] **two thousand seven** hundred dollars.

§ 11. Section 71-1107 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-1107. Punishment for violations of title 5 of article 15.

1. A violation of section 15-0501, 15-0503 or 15-0505, shall constitute a misdemeanor, punishable by a fine of not to exceed [~~ten~~] **fifteen** thousand dollars, or by imprisonment not to exceed one year or by both such fine and imprisonment and, in addition thereto, by a civil penalty of not more than [~~five thousand~~] **seven thousand five hundred** dollars.

2. A subcontractor, employee or agent of such person or public corporation, or of a state department who knowingly and intentionally acts, or a prime contractor of such person, public corporation or state department who acts with or without an intention to violate the provisions of title 5 of article 15, in disregard of specifications provided in a construction contract protecting against stream damage, shall be guilty of a violation punishable by a fine of not less than [~~twenty-five~~] **thirty-seven** dollars **and fifty cents**, nor more than [~~two hundred fifty~~] **three hundred seventy-five** dollars, or by imprisonment for not more than fifteen days, or by both such fine and imprisonment, and, in addition, thereto, by a civil penalty of not more than [~~five thousand~~] **seven thousand five hundred** dollars.

§ 12. Section 71-1109 of the environmental conservation law, as amended by chapter 364 of the laws of 1999, is amended to read as follows:

§ 71-1109. Enforcement of subdivisions 1 and 4 of section 15-0507.

1. Any owner violating subdivision 1 of section 15-0507 or any regulations promulgated pursuant thereto may be liable for a penalty not to

exceed [~~five~~] seven hundred fifty dollars for each and every offense; every violation of such subdivision shall be a separate and distinct offense; and in case of a continuing violation, every day's continuance thereof shall be deemed a separate and distinct offense.

2. Any owner violating subdivision 4 of section 15-0507 may be liable for a penalty not to exceed [~~five thousand~~] seven thousand five hundred dollars for each and every offense; every violation of an order referred to in such subdivision shall be a separate and distinct offense; and in case of a continuing violation, every day's continuance thereof shall be deemed a separate and distinct offense.

§ 13. Section 71-1111 of the environmental conservation law, as amended by chapter 364 of the laws of 1999, is amended to read as follows:

§ 71-1111. Enforcement of subdivision 3 of section 15-0511.

Any person or local public corporation violating subdivision 3 of section 15-0511 may be liable for a penalty not to exceed [~~five thousand~~] seven thousand five hundred dollars for each and every offense; every violation of an order referred to in such subdivision shall be a separate and distinct offense; and in case of a continuing violation, every day's continuance thereof shall be deemed a separate and distinct offense.

§ 14. Subdivision 2 of section 71-1113 of the environmental conservation law, as added by chapter 356 of the laws of 1985, is amended to read as follows:

2. Any person who violates the provisions of section 15-1506 of this chapter or the rules, regulations, orders or determinations of the commissioner promulgated thereto or the terms of any permit issued thereunder, shall be liable for a civil penalty not less than [~~twenty-five~~] three thousand seven hundred fifty dollars nor more than [~~ten~~] fifteen thousand dollars per day of such violation.

§ 15. Section 71-1115 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-1115. Enforcement of section 15-1525.

Any person violating the provisions of section 15-1525 shall be guilty of a violation punishable by a fine of not more than one thousand five hundred dollars, and in addition thereto, shall be liable for a civil penalty of not more than [~~fifteen hundred~~] two thousand two hundred fifty dollars.

§ 16. Subdivisions 1 and 2 of section 71-1117 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, are amended to read as follows:

1. Any person or public corporation violating subdivision 1 of section 15-1745, shall be guilty of a violation punishable by a fine of not more than [~~five thousand~~] seven thousand five hundred dollars.

2. In addition, the department may, in an action instituted by it in any court of competent jurisdiction, recover from any such person or public corporation the sum of [~~one hundred fifty~~] two hundred twenty-five dollars per day for each day that such person or public corporation continues to take, draw, divert or make use of any part or portion of such waters.

§ 17. Section 71-1121 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-1121. Enforcement of subdivision 2 of section 15-1947.

Violation of subdivision 2 of section 15-1947 shall constitute a violation, punishable by a fine of not more than one thousand **five hundred** dollars, and in addition thereto, a civil penalty of not more than [~~**fifteen hundred**~~] **two thousand two hundred fifty** dollars.

§ 18. Section 71-1123 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-1123. Enforcement of section 15-2133.

1. Any neglect of the provisions of section 15-2133 by any officer or person in charge of any reservoir shall be a violation punishable by a fine of not more than one thousand **five hundred** dollars, and in addition thereto, by a civil penalty of not more than [~~**fifteen hundred**~~] **two thousand two hundred fifty** dollars.

2. Any person violating the provisions of subdivision 3 of section 15-2133 shall be guilty of a violation punishable by a fine of not more than one thousand **five hundred** dollars, and in addition thereto, shall be liable for a civil penalty of not more than [~~**fifteen hundred**~~] **two thousand two hundred fifty** dollars.

§ 19. Section 71-1125 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-1125. Enforcement of section 15-2315.

Any person who violates the provisions of the first sentence of section 15-2315 shall be guilty of a violation punishable by a fine of not more than one thousand **five hundred** dollars, and in addition thereto, shall be liable for a civil penalty of not more than [~~**fifteen hundred**~~] **two thousand two hundred fifty** dollars.

§ 20. Subdivision 1 of section 71-1127 of the environmental conservation law, as amended by chapter 401 of the laws of 2011, is amended to read as follows:

1. Any person who violates any of the provisions of, or who fails to perform any duty imposed by article 15 except section 15-1713, or who violates or who fails to comply with any rule, regulation, determination or order of the department heretofore or hereafter promulgated pursuant to article 15 except section 15-1713, or any condition of a permit issued pursuant to article 15 of this chapter, or any determination or order of the former water resources commission or the department heretofore promulgated pursuant to former article 5 of the Conservation Law, shall be liable for a civil penalty of not more than [~~**two thousand five**~~] **three thousand seven** hundred **fifty** dollars for such violation and an additional civil penalty of not more than [~~**five**~~] **seven** hundred **fifty** dollars for each day during which such violation continues, and, in addition thereto, such person may be enjoined from continuing such violation as otherwise provided in article 15 except section 15-1713.

§ 21. Section 71-1131 of the environmental conservation law, as added by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-1131. Violations; criminal liability.

Except as otherwise specifically provided, any person who violates any of the provisions of article 15 of this chapter, or any rule, regulation or order promulgated pursuant thereto, or the terms of any permit issued thereunder shall be guilty of a violation punishable by a fine of not more than [~~**five**~~] **seven** hundred **fifty** dollars.

§ 22. Section 71-1203 of the environmental conservation law, as added by chapter 384 of the laws of 1983, is amended to read as follows:

§ 71-1203. Penalties.

Any person who violates the provisions of article twenty-two of this chapter shall be subject to a civil penalty not to exceed [~~ten~~] **fifteen** thousand dollars for each day during which such violation occurred; provided, however, that the total penalty to be imposed shall not exceed one million **five hundred thousand** dollars.

§ 23. Subdivisions 1 and 3 of section 71-1307 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, are amended to read as follows:

1. Administrative sanctions. Any person who violates any provision of article 23 of this chapter or commits any offense described in section 71-1305 of this title shall be liable to the people of the state for a civil penalty not to exceed [~~eight~~] **twelve** thousand dollars and an additional penalty of [~~two~~] **three** thousand dollars for each day during which such violation continues, to be assessed by the commissioner after a hearing or opportunity to be heard. The commissioner, acting by the attorney general, may bring suit for collection of such assessed civil penalty in any court of competent jurisdiction. Such civil penalty may be released or compromised by the commissioner before the matter has been referred to the attorney general; and where such matter has been referred to the attorney general, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the attorney general with the consent of the commissioner. In addition, the commissioner shall have the power, following a hearing conducted pursuant to rules and regulations adopted by the department, to direct the violator to cease the violation and reclaim and repair the affected site to a condition acceptable to the commissioner, to the extent possible within a reasonable time and under the direction and supervision of the commissioner. Any such order of the commissioner shall be enforceable in any action brought by the commissioner in any court of competent jurisdiction. Any civil penalty or order issued by the commissioner under this subdivision shall be reviewable in a proceeding under article seventy-eight of the civil practice law and rules.

3. Criminal sanctions. Any person who, having any of the culpable mental states defined in sections 15.05 and 20.20 of the penal law, violates any provision of article 23 of this chapter or commits any offense described in section 71-1305 of this title shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for a subsequent offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed [~~eight~~] **twelve** thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment.

§ 24. Subdivision 1 of section 71-1707 of the environmental conservation law is amended to read as follows:

1. Any person who violates, disobeys or disregards any term or provision of this chapter listed in section 71-1701, or of titles 17 through 21 inclusive of this article or of any lawful notice, order or regulation pursuant thereto for which a civil penalty is not otherwise expressly prescribed by law, shall be liable to the people of the state for a civil penalty of not to exceed one thousand **five hundred** dollars for every such violation.

§ 25. Section 71-1711 of the environmental conservation law is amended to read as follows:

§ 71-1711. Willful violation of health laws.

1. A person who willfully violates or refuses or omits to comply with any lawful order or regulation prescribed by any local board of health or local health officer, is guilty of a misdemeanor; except, however, that where such order or regulation applies to a tenant with respect to [~~his~~] **such tenant's** own dwelling unit or to an owner occupied one or two family dwelling, such person is guilty of an offense for the first violation punishable by a fine not to exceed [~~fifty~~] **seventy-five** dollars and for a second or subsequent violation is guilty of a misdemeanor punishable by a fine not to exceed [~~five~~] **seven** hundred **fifty** dollars or by imprisonment not to exceed six months or by both such fine and imprisonment.

2. A person who willfully violates any provision of this chapter listed in section 71-1701, or of titles 17 through 21 inclusive of this article, or any regulation lawfully made or established by any public officer or board under authority of such provisions, the punishment for violating which is not otherwise prescribed by such provisions or any other law, is punishable by imprisonment not exceeding one year, or by a fine not exceeding [~~two~~] **three** thousand dollars or by both.

§ 26. Section 71-1725 of the environmental conservation law, as amended by chapter 400 of the laws of 1973, is amended to read as follows:

§ 71-1725. Assessment of Penalties.

The commissioner may assess any penalty prescribed for a violation of or a failure to comply with any provision contained in this title or listed in section 71-1701, or any lawful notice, order or regulation prescribed by the commissioner under any such provision, one thousand **five hundred** dollars for every such violation or failure, which penalty may be assessed after a hearing or an opportunity to be heard.

§ 27. Section 71-1905 of the environmental conservation law is amended to read as follows:

§ 71-1905. Enforcement of section 17-1705.

Any person violating any provision of section 17-1705 shall forfeit to the county where the violation occurred the sum of [~~fifty~~] **seventy-five** dollars for every such violation.

§ 28. Subdivision 1 of section 71-1907 of the environmental conservation law is amended to read as follows:

1. Every person violating any provision of section 17-1707 shall forfeit to the municipality having a local board of health where the violation occurs the sum of [~~twenty-five~~] **thirty-seven** dollars **and fifty cents** for the first day when the violation takes place, and the sum of [~~ten~~] **fifteen** dollars for every subsequent day that such violation is repeated or continued.

§ 29. Subdivision 2 of section 71-1909 of the environmental conservation law, as amended by section 35 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

2. Any person violating any provision of section 17-1709 shall be guilty of a misdemeanor, and punishable by a fine of not more than [~~seven hundred fifty~~] **one thousand one hundred twenty-five** dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

§ 30. Section 71-1911 of the environmental conservation law, as amended by section 36 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

§ 71-1911. Enforcement of section 17-1711.

Any person violating any provision of section 17-1711 shall be guilty of an offense, and punishable by a fine of not more than [~~seventy-five~~] one hundred twelve dollars and fifty cents.

§ 31. Subdivision 2 of section 71-1913 of the environmental conservation law is amended to read as follows:

2. Any person violating any provision of section 17-1713 shall be guilty of a misdemeanor, and punishable by a fine of not more than [~~five~~] seven hundred fifty dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

§ 32. Subdivision 1 of section 71-1915 of the environmental conservation law is amended to read as follows:

1. Any person violating any provision of section 17-1715 shall be guilty of a misdemeanor, and punishable by a fine of not more than [~~five~~] seven hundred fifty dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

§ 33. Subdivision 1 of section 71-1921 of the environmental conservation law is amended to read as follows:

1. Any person putting in or constructing or maintaining a conduit, discharge pipe or other means of discharging or casting any refuse or waste matter in violation of section 17-1729 shall forfeit to the people of the state [~~five~~] seven dollars and fifty cents a day for each day the same is used or maintained for such purpose, to be collected in an action brought by the commissioner.

§ 34. Subdivision 1 of section 71-1929 of the environmental conservation law, as amended by section 37 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

1. A person who violates any of the provisions of, or who fails to perform any duty imposed by titles 1 through 11 inclusive and title 19 of article 17, or the rules, regulations, orders or determinations of the commissioner promulgated thereto or the terms of any permit issued thereunder, shall be liable to a penalty of not to exceed [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars per day for each violation, and, in addition thereto, such person may be enjoined from continuing such violation as hereinafter provided. Violation of a permit condition shall constitute grounds for revocation of such permit, which revocation may be accomplished either as provided in paragraph f of subdivision 4 of section 17-0303 or by order of judgment of the supreme court as an alternate or additional civil penalty in an action brought pursuant to subdivision 3 of this section.

§ 35. Subdivision 1 and subparagraphs i, ii, iii and iv of paragraph b of subdivision 8 of section 71-1933 of the environmental conservation law, subdivision 1 as amended by section 38 and subparagraphs i, ii, iii and iv of paragraph b of subdivision 8 as amended by section 39 of part C of chapter 62 of the laws of 2003, are amended to read as follows:

1. Any person who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of titles 1 through 5, 9 through 11 and 19 of article 17 or the rules, regulations, orders or determinations of the commissioner promulgated thereto, or the terms of any permit issued thereunder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-five dollars nor more than [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars per day of violation or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for an offense

committed after a first conviction of such person under this subdivision, punishment shall be by a fine of not more than [~~seventy-five thousand~~] one hundred twelve thousand five hundred dollars per day of violation, or by imprisonment for not more than two years, or by both.

i. [~~$750,000~~] $1,125,000 for a class C felony committed by an organization as defined in section 71-1932 of this title;

ii. [~~$375,000~~] $562,500 for a class C felony;

iii. [~~$75,000~~] $112,500 per day of continuing violation for a class E felony defined under subdivision four of this section but in no event less than [~~$7,500~~] $11,250; and [~~$15,000~~] $22,500 for a class E felony defined under subdivision seven of this section;

iv. [~~$37,500~~] $56,250 per day of continuing violation for a class A misdemeanor but in no event less than [~~$3,750~~] $5,625.

§ 36. Paragraph b of subdivision 3 of section 71-1939 of the environmental conservation law, as added by chapter 543 of the laws of 2010, is amended to read as follows:

b. All fines and penalties collected pursuant to this subdivision shall be paid to the district or county, provided, however, that one-quarter of such fines and penalties received shall be paid to the [~~general fund to the credit of the state purposes account~~] conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law.

§ 37. Subdivision 1 of section 71-1941 of the environmental conservation law, as amended by section 40 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

1. Except where the owner of or a person in actual or constructive possession or control of more than one thousand one hundred gallons, in bulk, of any liquid including petroleum which, if released, would or would be likely to pollute the lands or waters of the state including the groundwaters thereof can prove that the entry or presence of any part of such liquid onto such lands or into or in such waters causing or contributing to a condition therein in contravention of the standards adopted or deemed adopted by the water pollution control board or any of its legal successors was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States or New York State Government or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or person shall be liable for a penalty of not more than [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-five dollars for an initial incident resulting in or contributing to such a contravention and for an additional penalty not to exceed [~~seven hundred fifty~~] one thousand one hundred twenty-five dollars for each day during which such contravention or contribution thereto continues, and in addition shall be liable to the people of the state of New York for the actual costs incurred by or on behalf of the people of the state for the removal or neutralization of such liquid and for any and all reasonable measures taken or attempted to reduce, limit or diminish the extent or effect of such contravention.

§ 38. Section 71-1943 of the environmental conservation law, as amended by section 41 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

§ 71-1943. Enforcement of section 17-1743.

Any person who fails to so notify the department of such release, discharge or spill into the waters of the state as described in section

17-1743 of this chapter shall, upon conviction, be fined not more than [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-five dollars or imprisoned for not more than one year, or both.

§ 39. Section 71-1945 of the environmental conservation law, as added by chapter 205 of the laws of 2010, is amended to read as follows:

§ 71-1945. Enforcement of title 21 of article 17.

1. Except as otherwise provided in this section, any person who violates any provision of title 21 of article 17 of this chapter or any rule, regulation or order issued thereunder shall be liable to the people of the state for a civil penalty not to exceed [~~five~~] seven hundred fifty dollars for a first violation, and not to exceed one thousand five hundred dollars for each subsequent violation, to be assessed by the commissioner after a hearing or opportunity to be heard.

2. Any owner or owner's agent, or occupant of a household who violates any provision of title 21 of article 17 of this chapter or any rule, regulation or order issued thereunder shall, for a first violation be issued a written warning and be provided educational materials. Upon a second violation, the owner or owner's agent, or occupant of a household shall be liable to the people of the state for a civil penalty not to exceed one hundred fifty dollars, and for any subsequent violations shall be liable to the people of the state for a civil penalty not to exceed [~~two hundred fifty~~] three hundred twenty-five dollars. No owner or owner's agent of a household shall be held liable for any violation by an occupant. Such penalties may be assessed by the commissioner after a hearing or opportunity to be heard.

§ 40. Subdivision 1 of section 71-2103 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, is amended to read as follows:

1. Except as provided in section 71-2113, any person who violates any provision of article nineteen or any code, rule or regulation which was promulgated pursuant thereto; or any order except an order directing such person to pay a penalty by a specified date issued by the commissioner pursuant thereto, shall be liable, in the case of a first violation, for a penalty not less than [~~five~~] seven hundred fifty dollars nor more than [~~eighteen~~] twenty-seven thousand dollars for said violation and an additional penalty of not to exceed [~~fifteen thousand~~] twenty thousand five hundred dollars for each day during which such violation continues. In the case of a second or any further violation, the liability shall be for a penalty not to exceed [~~twenty-six~~] thirty-nine thousand dollars for said violation and an additional penalty not to exceed [~~twenty-two thousand five hundred~~] thirty-three thousand seven hundred fifty dollars for each day during which such violation continues. In addition thereto, such person may be enjoined from continuing such violation as hereinafter provided.

§ 41. Subdivision 1 of section 71-2105 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, is amended to read as follows:

1. Except as provided in section 71-2113, any person who shall wilfully violate any of the provisions of article 19 or any code, rule or regulation promulgated pursuant thereto or any final determination or order of the commissioner made pursuant to article 19 shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine, in the case of a first conviction, of not less than [~~five~~] seven hundred fifty dollars nor more than [~~eighteen~~] twenty-seven thousand dollars or by imprisonment for a term of not more than one year, or by both such fine and imprisonment, for each separate violation. If the

conviction is for an offense committed after the first conviction of such person under this subdivision, such person shall be punished by a fine not to exceed [~~twenty-six~~] thirty-nine thousand dollars, or by imprisonment, or by both such fine and imprisonment. Each day on which such violation occurs shall constitute a separate violation.

§ 42. Section 71-2111 of the environmental conservation law, as added by chapter 400 of the laws of 1973, is amended to read as follows:

§ 71-2111. Enforcement of air pollution emergency rules and regulations.

Any person who violates any of the provisions of any regulation promulgated by the commissioner under authority of paragraph y of subdivision one of section 3-0301 shall be liable for a civil penalty of not more than [~~twenty-five~~] three thousand seven hundred fifty dollars for each such violation and an additional penalty of not more than [~~five~~] seven hundred fifty dollars for each day during which such violation continues, and, in addition thereto, such persons may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the attorney general at the request and in the name of the commissioner.

§ 43. Section 71-2113 of the environmental conservation law, as added by chapter 942 of the laws of 1984, subdivision 1 as amended by section 23 and subdivision 2 as amended by section 24 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

§ 71-2113. Violations of section 19-0304 of article 19 of this chapter.

1. Civil and administrative sanctions. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 19-0304 of this chapter, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to article 19 of this chapter concerning a violation of section 19-0304 of this chapter shall be liable in the case of a first violation, for a civil penalty not to exceed [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars and an additional penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2107 of this title, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied. In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars for each such violation and an additional penalty not to exceed seventy-five thousand dollars for each day during which such violation continues.

2. Criminal sanctions. Any person who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of or who fails to perform any duty imposed by section 19-0304 of this chapter, or any rules and regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to article 19 of this chapter concerning a violation of section 19-0304 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall for a first conviction be punished by a fine not to exceed [~~thirty-seven thousand five hundred~~]

fifty-six thousand two hundred fifty dollars per day of violation or by imprisonment for a term of not more than one year, or both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars per day of violation, or by imprisonment for not more than two years or by both such fine and imprisonment.

§ 44. Section 71-2201 of the environmental conservation law, as added by chapter 740 of the laws of 1978, the opening paragraph and subdivision 1 as amended and subdivision 3 as added by chapter 901 of the laws of 1983, subdivision 4 as added by chapter 294 of the laws of 1991, is amended to read as follows:

§ 71-2201. Enforcement of title 23 of article 23 of this chapter.

Administrative and civil sanctions. 1. Any person who violates any of the provisions of, or who fails to perform any duty imposed by title 23 of article 23 except the duty to accept used oil pursuant to section 23-2307 or any person subject to section 23-2308 or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this section shall be liable for a civil penalty not to exceed one thousand five hundred dollars for each such violation and an additional penalty of not more than [~~five~~] seven hundred fifty dollars for each day during which such violation continues, to be assessed by the commissioner after a hearing or opportunity to be heard pursuant to the provisions of section 71-1709 of this chapter, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied.

2. Any person who refuses to accept used oil as required pursuant to subdivision two of section 23-2307 shall be liable for a civil penalty not to exceed one hundred fifty dollars.

3. Any person who violates any provision of section 23-2308 of this chapter shall be subject to a civil penalty not to exceed [~~two hundred fifty~~] three hundred seventy-five dollars for each violation.

4. Notwithstanding any other provision of law, any person who shall violate the provisions of paragraph (c) of subdivision one of section 23-2307 or paragraph (d) of subdivision two of section 23-2307 of this chapter shall be liable for a civil penalty of not more than [~~five~~] seven hundred fifty dollars, and an additional civil penalty of not more than [~~five~~] seven hundred fifty dollars for each day during which such violation continues, not to exceed [~~ten~~] fifteen thousand dollars.

§ 45. Section 71-2303 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, subdivisions 1 and 2 as amended by section 15 of part QQ of chapter 58 of the laws of 2022, is amended to read as follows:

§ 71-2303. Violation; penalties.

1. Civil sanctions. a. Any person who violates, disobeys or disregards any provision of article twenty-four, including title five and section 24-0507 thereof or any rule or regulation, local law or ordinance, permit or order issued pursuant thereto, shall be liable to the people of the state for a civil penalty of not to exceed [~~eleven~~] sixteen thousand five hundred dollars for every such violation, to be assessed, after a hearing or opportunity to be heard upon due notice and with the rights to specification of the charges and representation by counsel at such hearing, by the commissioner or local government or in an action

initiated by the attorney general pursuant to section 71-2305 of this title or on the attorney general's own initiative. Each violation shall be a separate and distinct violation and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty assessed by the commissioner or local government may be recovered in an action brought by the attorney general at the request and in the name of the commissioner or local government in any court of competent jurisdiction. Such civil penalty may be released or compromised by the commissioner or local government before the matter has been referred to the attorney general; and where such matter has been referred to the attorney general, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the attorney general with the consent of the commissioner or local government. In addition, the commissioner or local government shall have power, following a hearing held in conformance with the procedures set forth in section 71-1709 of this article, to direct the violator to cease violating the act and to restore the affected freshwater wetland to its condition prior to the violation, insofar as that is possible within a reasonable time and under the supervision of the commissioner or local government. Any such order of the commissioner or local government shall be enforceable in an action brought by the attorney general at the request and in the name of the commissioner or local government in any court of competent jurisdiction. Any civil penalty or order issued by the commissioner or local government pursuant to this subdivision shall be reviewable in a proceeding pursuant to article seventy-eight of the civil practice law and rules.

b. Upon determining that significant damage to the functions and benefits of a freshwater wetland is occurring or is imminent as a result of any violation of article twenty-four of this chapter, including but not limited to (i) activity taking place requiring a permit under article twenty-four of this chapter but for which no permit has been granted or (ii) failure on the part of a permittee to adhere to permit conditions, the commissioner or local government shall have power to direct the violator to cease and desist from violating the act. In such cases the violator shall be provided an opportunity to be heard within ten days of receipt of the notice to cease and desist.

2. Criminal sanctions. Any person who violates any provision of article twenty-four of this chapter, including any rule or regulation, local law or ordinance, permit or order issued pursuant thereto, shall, in addition, for the first offense, be guilty of a violation punishable by a fine of not less than [~~two~~] three thousand nor more than [~~five~~] seven thousand five hundred dollars; for a second and each subsequent offense [~~he~~] such person shall be guilty of a misdemeanor punishable by a fine of not less than [~~four~~] six thousand nor more than [~~ten~~] fifteen thousand dollars or a term of imprisonment of not less than fifteen days nor more than six months or both. In addition to these punishments, any offender may be punishable by being ordered by the court to restore the affected freshwater wetland or adjacent area to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the commissioner or local government. Each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

3. All fines collected pursuant to this section shall be paid into the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

§ 46. Paragraph a of subdivision 1 and subdivision 2 of section 71-2503 of the environmental conservation law, as amended by chapter 666 of the laws of 1989, are amended to read as follows:

a. Any person who violates, disobeys or disregards any provision of article twenty-five shall be liable to the people of the state for a civil penalty of not to exceed [~~ten~~] fifteen thousand dollars for every such violation, to be assessed, after a hearing or opportunity to be heard, by the commissioner. Each violation shall be a separate and distinct violation and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. The penalty may be recovered in an action brought by the commissioner in any court of competent jurisdiction. Such civil penalty may be released or compromised by the commissioner before the matter has been referred to the attorney general; and where such matter has been referred to the attorney general, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the attorney general with the consent of the commissioner.

2. Criminal sanctions. Any person who violates any provision of article twenty-five shall, in addition, for the first offense, be guilty of a violation punishable by a fine of not less than [~~five~~] seven hundred fifty nor more than [~~five~~] seven thousand five hundred dollars; for a second and each subsequent offense such person shall be guilty of a misdemeanor punishable by a fine of not less than one thousand nor more than [~~ten~~] fifteen thousand dollars or a term of imprisonment of not less than fifteen days nor more than six months or both. In addition to or instead of these punishments, any offender shall be punishable by being ordered by the court to restore the affected tidal wetland or area immediately adjacent thereto to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of the restoration, which shall be effected under the supervision of the commissioner. Each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

§ 47. Section 71-2505 of the environmental conservation law, as amended by chapter 249 of the laws of 1997, is amended to read as follows:

§ 71-2505. Enforcement.

The attorney general, on [~~his~~] their own initiative or at the request of the commissioner, shall prosecute persons who violate article twenty-five. In addition the attorney general, on [~~his~~] their own initiative or at the request of the commissioner, shall have the right to recover a civil penalty of up to [~~ten~~] fifteen thousand dollars for every violation of any provision of such article, and to seek equitable relief to restrain any violation or threatened violation of such article and to require the restoration of any affected tidal wetland or area immediately adjacent thereto to its condition prior to the violation, insofar as that is possible, within a reasonable time and under the supervision of the commissioner. In the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation.

§ 48. Subdivisions 1, 2 and 3 of section 71-2703 of the environmental conservation law, subdivisions 1 and 2 as amended by chapter 508 of the

laws of 1995, paragraph a of subdivision 1 as amended by section 25, subparagraphs i and ii of paragraph b of subdivision 1 as amended by section 26, paragraph a and subparagraphs i and ii of paragraph b of subdivision 2 as amended by section 27, subparagraphs i and ii of paragraph c of subdivision 2 as amended by section 28 and subdivision 3 as amended by section 29 of part C of chapter 62 of the laws of 2003, are amended to read as follows:

1. Civil and administrative sanctions. a. Any person who violates any of the provisions of, or who fails to perform any duty imposed by title 3 or 7 of article 27 of this chapter or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be liable for a civil penalty not to exceed [~~seven thousand five hundred~~] eleven thousand two hundred fifty dollars for each such violation and an additional penalty of not more than [~~one thousand five hundred~~] two thousand two hundred fifty dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2727 of this title, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied.

b. i. Any person who violates any of the provisions of, or who fails to perform any duty imposed by, title 3 or 7 of article 27 of this chapter, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto and thereby causes the release of solid waste into the environment, shall be liable for a civil penalty not to exceed [~~eleven thousand two hundred fifty~~] sixteen thousand eight hundred seventy-five dollars for each such violation and an additional penalty of not more than [~~eleven thousand two hundred fifty~~] sixteen thousand eight hundred seventy-five dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2727 of this title, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied.

ii. Any person who violates any of the provisions of, or who fails to perform any duty imposed by, title 3 or 7 of article 27 of this chapter, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto and thereby causes the release of more than ten cubic yards of solid waste into the environment, shall be liable for a civil penalty not to exceed [~~twenty-two thousand five hundred~~] thirty-three thousand seven hundred fifty dollars for each such violation and an additional penalty of not more than [~~twenty-two thousand five hundred~~] thirty-three thousand seven hundred fifty dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2727 of this title, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate

issued to such person may be revoked or suspended or a pending renewal application denied.

c. The court in any action or proceeding pursuant to section 71-2727 of this chapter may exercise all powers exercisable by the commissioner.

2. Criminal sanctions. a. Any person who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of or who fails to perform any duty imposed by title 3 or 7 of article 27 of this chapter, or any rules and regulations promulgated pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine of not less than [~~one thousand five hundred~~] two thousand two hundred fifty dollars nor more than [~~fifteen~~] twenty-two thousand five hundred dollars per day of violation or by imprisonment for not more than fifteen days or by both such fine and imprisonment.

b. i. Any person who shall violate paragraph a of this subdivision and thereby causes or attempts to cause the release of more than ten cubic yards of solid waste into the environment shall be guilty of a class B misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-five dollars per day nor more than [~~twenty-two thousand five hundred~~] thirty-three thousand seven hundred fifty dollars per day of violation, or by imprisonment for a term in accordance with the penal law, or by both such fine and imprisonment.

ii. Any person who shall violate paragraph a of this subdivision and thereby causes or attempts to cause the release of more than ten cubic yards of solid waste into the environment, after having been convicted of a violation of this subdivision within the preceding five years, shall be guilty of a class A misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-five dollars per day nor more than [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars per day of violation, or by imprisonment for a term in accordance with the penal law, or by both such fine and imprisonment.

c. i. Any person who shall violate paragraph a of this subdivision and thereby causes or attempts to cause the release of more than seventy cubic yards of solid waste into the environment shall be guilty of a class A misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-five dollars per day nor more than [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars per day of violation, or by imprisonment for a term in accordance with the penal law, or by both such fine and imprisonment.

ii. Any person who shall violate paragraph a of this subdivision and thereby causes or attempts to cause the release of more than seventy cubic yards of solid waste into the environment, after having been convicted of a violation of this subdivision within the preceding five years, shall be guilty of a class E felony and, upon conviction thereof, shall be punished by a fine of not less than [~~seven thousand five hundred~~] eleven thousand two hundred fifty dollars per day nor more than [~~seventy-five~~] one hundred twelve thousand five hundred dollars per day of violation, or by imprisonment for a term in accordance with the penal law, or by both such fine and imprisonment.

3. Additional sanctions. Any person who violates any of the provisions of, or who fails to perform any duty imposed by title 7 of article 27,

with regard to the construction and operation of facilities for the disposal of construction and demolition debris or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto or any final determination or order of the commissioner made pursuant to this title shall be liable for a civil penalty not to exceed [~~fifteen~~] twenty-two thousand five hundred dollars and each day of such deposition shall constitute a separate violation and said civil penalty is in addition to any other fines or penalties which may be applied pursuant to this title.

§ 49. Section 71-2705 of the environmental conservation law, as added by chapter 550 of the laws of 1980, subdivision 1 as amended by section 30 and subdivision 2 as amended by section 31 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

§ 71-2705. Violations of titles 9, 11 and 13 of article 27 of this chapter.

1. Civil and administrative sanctions. Any person who violates any of the provisions of, or who fails to perform any duty imposed by titles 9, 11 and 13 of article 27 or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be liable in the case of a first violation, for a civil penalty not to exceed [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars and an additional penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2727 of this title, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied. In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars for each such violation and an additional penalty not to exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars for each day during which such violation continues.

2. Criminal sanctions. Any person who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of or who fails to perform any duty imposed by titles 9, 11 and 13 of article 27 or any rules and regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be guilty of a misdemeanor and, upon conviction thereof, shall for a first conviction be punished by a fine not to exceed [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars per day of violation or by imprisonment for a term of not more than one year, or both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars per day of violation, or by imprisonment for not more than two years or by both such fine and imprisonment.

§ 50. Subdivision 2 of section 71-2721 of the environmental conservation law, as amended by section 32 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

2. Fines. A sentence to pay a fine shall be a sentence to pay an amount fixed by the court, not exceeding the higher of:

(a) [~~Three~~] Four hundred fifty thousand dollars for a class C felony;

(b) [~~Two hundred twenty-five thousand~~] Three hundred thirty-seven thousand five hundred dollars for a class D felony;

(c) [~~One hundred fifty thousand~~] Twenty-two thousand five hundred dollars for a class E felony;

(d) [~~Thirty-seven thousand five hundred~~] Fifty-six thousand two hundred fifty dollars for a class A misdemeanor;

(e) [~~Fifteen~~] Twenty-two thousand five hundred dollars for a class B misdemeanor; or

(f) Double the amount of the defendant's gain from the commission of the crime.

§ 51. Subdivisions 1, 2 and 5 of section 71-2722 of the environmental conservation law, subdivision 1 as amended by section 33 and subdivision 2 as amended by section 34 of part C of chapter 62 of the laws of 2003, and subdivision 5 as added by chapter 152 of the laws of 1990, are amended to read as follows:

1. Any person who knowingly or intentionally violates any of the provisions or fails to perform any duty imposed by section 27-1701 of this chapter, except the duty to accept a lead-acid battery pursuant to subdivision four of such section, shall be liable for a civil penalty not to exceed [~~seventy-five~~] one hundred twelve dollars and fifty cents for each violation, provided that such civil penalty shall be in addition to any other penalties authorized under other state or local laws governing the illegal disposal of lead-acid batteries.

2. Any retailer or distributor who refuses to accept a lead-acid battery as required pursuant to subdivision four of section 27-1701 of this chapter shall be liable for a civil penalty not to exceed [~~seven hundred fifty~~] one thousand one hundred twenty-five dollars.

5. All civil penalties and fines collected for any violation of such title seventeen shall be paid over to the commissioner for deposit in the [~~general fund~~] conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law; provided however, that all civil penalties collected for any violation of such title seventeen which have been imposed by the environmental control board of the city of New York, or a local adjudicatory body pursuant to subdivision four of this section, shall be paid into an environmental fund of such city or locality.

§ 52. Subdivisions 1 and 2 of section 71-2724 of the environmental conservation law, as amended by chapter 30 of the laws of 2020, are amended to read as follows:

1. Any person who knowingly or intentionally violates any provision of or fails to perform any duty pursuant to title twenty-one of article twenty-seven of this chapter, except subdivision one of section 27-2105 of this chapter, shall upon the first finding of such a violation be liable for a civil penalty not to exceed one hundred fifty dollars. Any person convicted of a second or subsequent violation shall be liable for a civil penalty not to exceed [~~five~~] seven hundred fifty dollars for each violation.

2. Any person who knowingly or intentionally violates or fails to perform any duty imposed by subdivision one of section 27-2105 of this chapter shall upon the first finding of such a violation be provided with educational materials describing the requirements for mercury disposal and the effects of improper mercury disposal, and be warned

that future violations shall result in the imposition of a fine. Any person convicted of a second violation shall be liable for a civil penalty not to exceed [~~fifty~~] seventy-five dollars. Any person convicted of a third violation shall be liable for a civil penalty not to exceed [~~seventy-five~~] one hundred twelve dollars and fifty cents. Any person convicted of a fourth or subsequent violation shall be liable for a civil penalty not to exceed one hundred dollars for each violation.

§ 53. Subdivision 1 of section 71-2728 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended to read as follows:

1. Any person who knowingly or intentionally violates any provision of or fails to perform any duty imposed pursuant to title 27 of article 27 of this chapter shall upon the first finding of such a violation be provided with a warning that future violations shall result in the imposition of a fine. Any person convicted of a second violation shall be liable for a civil penalty not to exceed one hundred fifty dollars. Any person convicted of a third or subsequent violation shall be liable for a civil penalty not to exceed [~~five~~] seven hundred fifty dollars.

§ 54. Section 71-2729 of the environmental conservation law, as added by chapter 99 of the laws of 2010, is amended to read as follows:

§ 71-2729. Enforcement of title 26 of article 27 of this chapter.

1. a. Any consumer, as defined in title twenty-six of article twenty-seven of this chapter, who violates any provision of, or fails to perform any duty imposed by, section 27-2611 of this chapter, shall be liable for a civil penalty not to exceed one hundred fifty dollars for each violation.

b. Any person, except a consumer, manufacturer, or an owner or operator of an electronic waste collection site, electronic waste consolidation facility, or electronic waste recycling facility as these terms are defined in title twenty-six of article twenty-seven of this chapter, who violates any provision, or fails to perform any duty imposed by section 27-2611 of this chapter, shall be liable for a civil penalty not to exceed [~~two hundred fifty~~] three hundred seventy-five dollars for each violation.

c. Any manufacturer, or any person operating an electronic waste collection site, an electronic waste consolidation facility, or an electronic waste recycling facility as those terms are defined in title twenty-six of article twenty-seven of this chapter, who:

i. fails to submit any report, registration, fee, or surcharge to the department as required by title twenty-six of article twenty-seven of this chapter shall be liable for a civil penalty not to exceed one thousand five hundred dollars for each day such report, registration, fee, or surcharge is not submitted; and

ii. violates any other provision of title twenty-six of article twenty-seven of this chapter or fails to perform any duty imposed by such title, except for subdivision four of section 27-2603 of this chapter, shall be liable for a civil penalty for each violation not to exceed one thousand five hundred dollars for the first violation, [~~two thousand five hundred~~] three thousand seven hundred fifty dollars for the second violation and [~~five~~] seven thousand five hundred dollars for the third and subsequent violations of this title within a twelve-month period.

d. Any retailer, as defined by section 27-2601 of this chapter, who violates any provision of title twenty-six of article twenty-seven of this chapter or fails to perform any duty imposed by such title, shall be liable for a civil penalty for each violation not to exceed [~~two hundred fifty~~] three hundred seventy-five dollars for the first

violation, [~~five~~] **seven** hundred **fifty** dollars for the second violation and one thousand **five hundred** dollars for the third and subsequent violations of this title in a twelve-month period.

e. Civil penalties under this section shall be assessed by the commissioner after a hearing or opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to this section, and, in addition thereto, such person may by similar process be enjoined from continuing such violation.

2. All penalties collected pursuant to this section shall be paid over to the commissioner for deposit to the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

§ 55. Subdivisions 1 and 3 of section 71-2907 of the environmental conservation law, as amended by chapter 285 of the laws of 2000, are amended to read as follows:

1. Administrative sanctions. Except as otherwise provided in this subdivision, any person who violates any provision of article 33 of this chapter or any rule, regulation or order issued thereunder or commits any offense described in section 33-1301 of this chapter shall be liable to the people of the state for a civil penalty not to exceed [~~five~~] **seven** thousand **five hundred** dollars for a first violation, and not to exceed [~~ten~~] **fifteen** thousand dollars for a subsequent offense, to be assessed by the commissioner after a hearing or opportunity to be heard. Notwithstanding any provision of law to the contrary, an owner or owner's agent of a multiple dwelling or owner, owner's agent or a person in a position of authority for all other types of premises, as such terms are defined in paragraph d of subdivision five of section 33-0905 of this chapter, who violates any provision of a local law adopted pursuant to subdivision one of section 33-1004 of this chapter relating to paragraph b of such subdivision, and a person, who violates any provision of a local law adopted pursuant to subdivision one of section 33-1004 of this chapter relating to paragraph c of such subdivision, and a person who violates the provisions of subdivision three of section three hundred ninety-c of the social services law shall, for a first such violation, in lieu of a penalty, be issued a written warning and shall also be issued educational materials pursuant to subdivision two of section 33-1005 of this chapter. Such person shall, however, for a second violation, be liable to the people of the state for a civil penalty not to exceed one hundred **fifty** dollars, and not to exceed [~~two hundred fifty~~] **three hundred seventy-five** dollars for any subsequent violation, such penalties to be assessed by the commissioner after a hearing or opportunity to be heard.

Notwithstanding any provision of law to the contrary, any person who violates the provisions of a local law adopted pursuant to subdivision one of section 33-1004 of this chapter relating to paragraph a of such subdivision, shall be issued a warning for the first violation and shall be provided seven days to correct such violation; and shall be liable to the people of the state for a civil penalty not to exceed one hundred **fifty** dollars for a second violation, and not to exceed [~~two hundred fifty~~] **three hundred seventy-five** dollars for a subsequent violation, to be assessed by the commissioner after a hearing or opportunity to be heard. The commissioner, acting by the attorney general, may bring suit for collection of such assessed civil penalty in any court of competent jurisdiction. Such civil penalty may be released or compromised by the commissioner before the matter has been referred to the attorney general; and where such matter has been referred to the attorney general, any

such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the attorney general with the consent of the commissioner. Any civil penalty assessed by the commissioner under this subdivision shall be reviewable in a proceeding under article 78 of the civil practice law and rules.

3. Criminal sanctions. Any person who, having the culpable mental states defined in subdivision one or two of section 15.05 or in section 20.20 of the penal law, violates any provision of article 33 of this chapter or any rule, regulation thereunder or commits any offense described in section 33-1301 of this chapter, except an offense relating to the application of a general use pesticide shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed [~~five~~] seven thousand five hundred dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for a subsequent offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed [~~ten~~] fifteen thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. When a violation consists of the manufacture or production of any prohibited article, each day during which or any part of which such manufacture or production is carried on or continued, shall be deemed a separate violation. Any person who violates any provision of article 33 of this chapter or any rule or regulation thereunder or commits any offense described in section 33-1301 of this chapter relating to the use of a general use pesticide shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed [~~twenty-five hundred~~] three thousand seven hundred fifty dollars. If the conviction is for a subsequent offense committed after the first such conviction of such person under this subdivision, punishment shall be by a fine not to exceed [~~five~~] seven thousand five hundred dollars. Prosecution hereunder may be conducted by either the attorney general or the district attorney consistent with section 71-0403 of this article. With respect to violations of section 33-1004 of this chapter, penalties imposed pursuant to this subdivision may be assessed only against a person providing a commercial lawn application.

§ 56. Section 71-3103 of the environmental conservation law is amended to read as follows:

§ 71-3103. Enforcement of article 35.

Any person who violates any of the provisions of, or who fails to perform any duties imposed by article 35 or any regulation promulgated by the commissioner thereunder, shall be liable to a civil penalty of not more than [~~twenty-five hundred~~] three thousand seven hundred fifty dollars for each such violation and an additional penalty of not more than [~~five~~] seven hundred fifty dollars for each day during which such violation continues, and, in addition thereto, such person may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the Attorney General at the request and in the name of the commissioner.

§ 57. Subdivision 1 of section 71-3303 of the environmental conservation law, as added by chapter 617 of the laws of 1987, is amended to read as follows:

1. Any person who violates any provision of, or fails to perform any duty imposed by article forty-three of this chapter or any rule or regulation promulgated pursuant thereto, or any term or condition of any

certificate or permit issued pursuant thereto, or any final determination or order of the Lake George park commission made pursuant to article forty-three of this chapter shall be liable for a civil penalty not to exceed [~~five~~] **seven** hundred **fifty** dollars for each such violation and an additional penalty of [~~five~~] **seven** hundred **fifty** dollars for each day during which such violation continues, to be assessed by the Lake George park commission after an opportunity to be heard, or by the court in any action or proceeding initiated by the attorney general in the name of the Lake George park commission. In addition thereto, such person may, by similar process, be enjoined from continuing such violation, and any permit or certificate issued to such person may be revoked or suspended, or a pending renewal application denied based upon such violation.

§ 58. Section 71-3307 of the environmental conservation law, as added by chapter 617 of the laws of 1987, is amended to read as follows:

§ 71-3307. Criminal sanctions.

Any person who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of or who fails to perform any duty imposed by article forty-three of this chapter or any rules or regulations promulgated thereto, or any final determination or order of the Lake George park commission shall be guilty of a violation, and, upon conviction thereof, shall be punished by a fine not to exceed [~~five~~] **seven** hundred **fifty** dollars for each violation and [~~five~~] **seven** hundred **fifty** dollars for each day such violation shall continue.

§ 59. Section 71-3501 of the environmental conservation law is amended to read as follows:

§ 71-3501. Putting noisome or unwholesome substances or maintaining noisome business on or near highway.

A person, who deposits, leaves or keeps, on or near a highway or route of public travel, either on the land or on the water, any noisome or unwholesome substance, or establishes, maintains or carries on, upon or near a public highway or route of public travel, either on the land or on the water, any business, trade or manufacture which is noisome or detrimental to public health, is guilty of a misdemeanor, punishable by a fine of not less than one hundred **fifty** dollars, or by imprisonment not less than three nor more than six months, or both.

§ 60. Section 71-3703 of the environmental conservation law, as amended by chapter 259 of the laws of 2011, subdivision 4 as amended by chapter 44 of the laws of 2020, subdivision 5 as added by chapter 829 of the laws of 2021, and subdivision 6 as added by chapter 111 of the laws of 2023, is amended to read as follows:

§ 71-3703. Enforcement of article 37.

1. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 37-0107 or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed [~~two thousand five hundred~~] **three thousand seven hundred fifty** dollars for each such violation and an additional penalty of not more than [~~five~~] **seven** hundred **fifty** dollars for each day during which such violation continues, and, in addition thereto, such person may be enjoined from continuing such violation.

2. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 37-0505 or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed one thousand **five hundred** dollars for each day during which such violation continues, and in addition thereto, such person may be

enjoined from continuing such violation. Such person shall for a second violation be liable to the people of the state for a civil penalty not to exceed [~~two thousand five hundred~~] **three thousand seven hundred fifty** dollars for each day during which such violation continues.

3. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 37-0705 or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed one thousand **five hundred** dollars for each day during which such violation continues, and in addition thereto, such person may be enjoined from continuing such violation. Such person shall for a second violation be liable to the people of the state for a civil penalty not to exceed [~~two thousand five hundred~~] **three thousand seven hundred fifty** dollars for each day during which such violation continues.

4. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 37-0117 or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed one thousand **five hundred** dollars for each day during which such violation continues, and in addition thereto, such person may be enjoined from continuing such violation. Such person shall for a second violation be liable to the people of the state for a civil penalty not to exceed [~~two thousand five hundred~~] **three thousand seven hundred fifty** dollars for each day during which such violation continues.

5. Any person who violates any of the provisions of or who fails to perform any duty imposed by sections 37-1003 and 37-1007 of this chapter or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed one thousand **five hundred** dollars for each day during which such violation continues, and in addition thereto, such person may be enjoined from continuing such violation. Such person shall for a second violation be liable to the people of the state for a civil penalty not to exceed [~~two thousand five hundred~~] **three thousand seven hundred fifty** dollars for each day during which such violation continues.

6. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 37-0121 of this chapter or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed one thousand **five hundred** dollars for each day during which such violation continues, and in addition thereto, such person may be enjoined from continuing such violation. Such person shall for a second violation be liable to the people of the state for a civil penalty not to exceed [~~two thousand five hundred~~] **three thousand seven hundred fifty** dollars for each day during which such violation continues.

§ 61. Section 71-3803 of the environmental conservation law, as added by chapter 713 of the laws of 1975, is amended to read as follows:

§ 71-3803. Enforcement of article thirty-eight.

Any person who violates any of the provisions of, or who fails to perform any duty imposed by article thirty-eight or any regulation promulgated by the commissioner thereunder, shall be liable to a civil penalty of not more than [~~twenty-five hundred~~] **three thousand seven hundred fifty** dollars for each such violation and an additional penalty of not more than [~~five~~] **seven** hundred **fifty** dollars for each day during which such violation continues, and, in addition thereto, such person may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the attorney general acting alone or at the request of the commissioner.

§ 62. Section 71-3903 of the environmental conservation law, as added by chapter 732 of the laws of 1980, is amended to read as follows:

§ 71-3903. Violations; penalties.

1. Administrative sanctions. Any person who violates, disobeys or disregards any provision of article thirty-nine shall be liable to the people of the state for a civil penalty of not to exceed [~~three~~] four thousand five hundred dollars for every such violation, to be assessed by the commissioner after a hearing or opportunity to be heard. The penalty may be recovered in an action brought by the commissioner in any court of competent jurisdiction. Such civil penalty may be released or [~~comprised~~] compromised by the commissioner before the matter has been referred to the attorney general; and where such matter has been referred to the attorney general, any such penalty may be released or [~~comprised~~] compromised and any action commenced to recover the same may be settled and discontinued by the attorney general with the consent of the commissioner. In addition, the commissioner shall have power, following a hearing, to direct the violator to cease [~~his~~] their violation of article thirty-nine and, where appropriate, to recall any sewage system cleaners or additives sold or distributed in violation of said article. Any such order of the commissioner shall be enforceable in an action brought by the commissioner in any court of competent jurisdiction. Any civil penalty or order issued by the commissioner under this subdivision shall be reviewable in a proceeding under article seventy-eight of the civil practice law and rules commenced within thirty days of such penalty or order.

2. Criminal sanctions. Any person who knowingly violates any provision of section 39-0105 of this chapter shall, in addition to the sanctions provided in subdivision one of this section, for the first offense, be guilty of a violation punishable by a fine of not less than [~~five~~] seven hundred fifty nor more than one thousand five hundred dollars; for a second and each subsequent offense [~~he~~] such person shall be guilty of a misdemeanor punishable by a fine of not less than one thousand five hundred nor more than [~~three~~] four thousand five hundred dollars or a term of imprisonment of not more than six months or both. In addition to or instead of these sanctions, any offender shall be punishable by being ordered by the court to recall any sewage system cleaners or additives sold or distributed in violation of article thirty-nine. The court shall specify a reasonable time for the completion of the recall. Each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

§ 63. Section 71-3905 of the environmental conservation law, as added by chapter 732 of the laws of 1980, is amended to read as follows:

§ 71-3905. Enforcement.

The attorney general or a district attorney, at the request of the attorney general or the commissioner, may prosecute persons who violate article thirty-nine. In addition the attorney general, on [~~his~~] their own initiative or at the request of the commissioner, shall have the right to recover a civil penalty of not to exceed [~~three~~] four thousand five hundred dollars for every violation of any provision of said article, and to seek equitable relief to restrain any violation or threatened violation of such article and to require the recall of any sewage system cleaners or additives sold or distributed in violation of said article.

§ 64. Section 71-4001 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, is amended to read as follows:

§ 71-4001. General criminal penalty.

Except as otherwise specifically provided elsewhere in this chapter or in the penal law, (a) a person who violates any provision of this chapter, or any rule, regulation or order promulgated pursuant thereto, or the terms or conditions of any permit issued thereunder, shall be guilty of a violation; (b) each day on which such violation occurs shall constitute a separate violation; and (c) for each such violation the person shall be subject upon conviction to imprisonment for not more than fifteen days or to a fine of not more than [~~nine~~] **one thousand three** hundred **fifty** dollars, or to both such imprisonment and such fine.

§ 65. Section 71-4003 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, is amended to read as follows:

§ 71-4003. General civil penalty.

Except as otherwise specifically provided elsewhere in this chapter, a person who violates any provision of this chapter, or any rule, regulation or order promulgated pursuant thereto, or the terms or conditions of any permit issued thereunder, shall be liable to a civil penalty of not more than one thousand **five hundred** dollars, and an additional civil penalty of not more than one thousand **five hundred** dollars for each day during which each such violation continues. Any civil penalty provided for by this chapter may be assessed following a hearing or opportunity to be heard.

§ 66. Section 71-4103 of the environmental conservation law, as amended by chapter 608 of the laws of 1993, is amended to read as follows:

§ 71-4103. Enforcement of article seventy-two.

Any person who violates any of the provisions of article seventy-two of this chapter or the regulations promulgated thereunder shall be liable for a civil penalty of up to one thousand **five hundred** dollars in addition to any amount assessed as a penalty pursuant to subdivision five of section 72-0201 of this chapter, except that any person who fails to pay fees required pursuant to section 72-0303 of this chapter shall be subject to penalty provisions pursuant to subdivision twelve of section 72-0201 of this chapter.

§ 67. Section 71-4303 of the environmental conservation law, as added by chapter 672 of the laws of 1986, is amended to read as follows:

§ 71-4303. Violations of article forty of this chapter.

1. Civil and administrative sanctions. Any person who violates any of the provisions of, or who fails to perform any duty imposed by, article forty of this chapter or any rule or regulation promulgated thereunder, or any terms or conditions of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title, shall be liable in the case of a civil penalty not to exceed twenty-five thousand dollars and an additional penalty of not more than twenty-five thousand dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article or by a court in any action or proceeding pursuant to this title, and, in addition thereto such person may by similar process be enjoined from continuing such violation. In addition, upon the provision of notice stating the grounds for its action and giving an opportunity for hearing, the commissioner may revoke, suspend or deny a certificate

or a renewal of a certificate issued pursuant to article forty of this chapter. In the case of a second violation, the liability shall be for a civil penalty not to exceed [~~fifty~~] seventy-five thousand dollars for such violation and an additional penalty not to exceed [~~fifty~~] seventy-five thousand dollars for each day during which such violation continues.

2. Criminal sanctions. Any person who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of or who fails to perform any duty imposed by article forty of this chapter or any rules or regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be guilty of a misdemeanor and, upon conviction thereof, shall for a first conviction be punished by a fine not to exceed [~~twenty-five~~] thirty-seven thousand five hundred dollars per day of violation or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed [~~fifty~~] seventy-five thousand dollars per day of violation, or by imprisonment for not more than two years or by both such fine and imprisonment.

§ 68. Section 71-4402 of the environmental conservation law, as added by chapter 180 of the laws of 1989, is amended to read as follows:

§ 71-4402. Violations of title 15 of article 27 of this chapter.

1. Civil and administrative sanctions.

Any person who violates any of the provisions of, or who fails to perform any duty imposed by title 15 of article 27 of this chapter, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be liable in the case of a first violation, for a civil penalty not to exceed [~~twenty-five~~] thirty-seven thousand five hundred dollars and an additional penalty of not more than [~~twenty-five~~] thirty-seven thousand five hundred dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this chapter, or by the court in any action or proceeding pursuant to section 71-2727 of this chapter, and, in addition thereto, such persons may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied. In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed [~~fifty~~] seventy-five thousand dollars for each such violation and an additional penalty not to exceed [~~fifty~~] seventy-five thousand dollars for each day during which such violation continues.

2. Criminal sanctions.

a. Any person who violates any of the provisions of or who fails to perform any duty imposed by title 15 of article 27 of this chapter or any rules and regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed [~~five~~] seven thousand five hundred dollars per day of violation, or by imprisonment for a term of not more than fifteen days, or by both such fine and imprisonment.

b. Any person who, intentionally, knowingly, or recklessly shall violate any of the provisions of or who fails to perform any duty imposed by title 15 of article 27 of this chapter or any rules and regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be guilty of a class B misdemeanor and, upon conviction thereof, shall for a first conviction be punished by a fine not to exceed [~~fifteen~~] twenty-two thousand five hundred dollars per day of violation or by imprisonment for a term of not more than ninety days, or both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this paragraph, within the preceding five years, such person shall be guilty of a class A misdemeanor and upon conviction, punishment shall be by a fine not to exceed [~~fifty~~] seventy-five thousand five hundred dollars per day of violation, or by imprisonment for not more than one year or by both such fine and imprisonment.

§ 69. Subdivision 2 of section 71-4411 of the environmental conservation law, as added by chapter 180 of the laws of 1989, is amended to read as follows:

2. Fines. A sentence to pay a fine shall be a sentence to pay any amount fixed by the court, not exceeding the higher of:

(a) [~~one hundred fifty~~] two hundred twenty-five thousand dollars for a class D felony;

(b) one hundred thousand dollars for a class E felony;

(c) [~~fifty~~] seventy-five thousand dollars for a class A misdemeanor;

(d) [~~fifteen~~] twenty-two thousand five hundred dollars for a class B misdemeanor; or

(e) double the amount of the defendant's gain from the commission of the crime.

§ 70. This act shall take effect immediately.

PART BBB

Section 1. Paragraph 1 of subdivision 14 of section 341 of the highway law, as amended by chapter 639 of the laws of 1987, is amended to read as follows:

1. Beginning at a state highway in or near the hamlet of Collins, thence running generally easterly through or near the village of Springville to a state highway in or near the hamlet of Sardinia; beginning at a state highway in or near the village of Farnham, thence running generally easterly through or near the village of North Collins to a state highway in or near the hamlet of Langford; beginning at state highway two, thence running generally easterly through or near the villages of Orchard Park and East Aurora and the hamlet of Wales Center to the Erie-Wyoming county line; beginning at a state highway in or near the hamlet of Wales Center, thence running generally southeasterly to the Erie-Wyoming county line; Mile Strip road, beginning at a state highway in or near the hamlet of Woodlawn, thence running generally easterly to state highway nine thousand two hundred sixty-nine; beginning at the eastern city line of Buffalo near Seneca street, thence running generally southeasterly to state highway nine thousand three hundred eighty-one; beginning at the eastern city line of Buffalo near Clinton street, thence running generally easterly through or near the hamlet of Marilla to the Erie-Wyoming county line; beginning at the eastern city line of Buffalo near Broadway, thence running generally easterly through or near the

villages of Depew, Lancaster and Alden to the Erie-Genesee county line; beginning at the eastern city line of Buffalo near Genesee street, thence running generally easterly through or near the hamlets of Bowmansville, Millgrove and Crittendon to the Erie-Genesee county line; beginning at the eastern city line of Buffalo at the Kensington avenue arterial, thence running generally easterly through or near the village of Depew to a state highway in or near the hamlet of Millgrove, said highway to be built with control of access as determined by the commissioner; beginning at the northern city line of Buffalo near Main street, thence running generally easterly through or near the village of Williamsville to the Erie-Genesee county line near the village of Akron; beginning at state highway one hundred twenty-nine near the Grand Island bridge, thence running generally southeasterly and easterly to state highway one hundred thirty; beginning at a point on state highway five thousand one hundred seventy-two near Ellicott creek, thence running generally easterly to a state highway in or near the hamlet of Getzville; beginning at the West River parkway near Staley road, thence running generally easterly to state highway nine hundred ninety-one; beginning at state highway five thousand four hundred fifty-two in the Cattaraugus Indian reservation, thence running generally northerly and northeasterly through or near the villages of Farnham and Angola and the hamlet of Athol Springs to the southern city line of Lackawanna; beginning at the Erie-Chautauqua county line in the Cattaraugus Indian reservation, thence running generally northeasterly to state highway nine thousand two hundred seventeen; beginning at the Grand Island terminus of the South Grand Island bridge, thence running generally northwesterly to the Grand Island terminus of the North Grand Island bridge; beginning at the Erie-Cattaraugus county line in or near the village of Gowanda, thence running generally northerly, northeasterly and northwesterly to a state highway in or near the hamlet of Athol Springs; beginning at state highway one thousand sixty-seven, thence running generally northeasterly to state highway one thousand eight hundred fifty-six in or near the hamlet of Athol Springs; beginning at a state highway in or near the hamlet of Collins Center, thence running generally northerly to a state highway in or near the village of Hamburg; beginning at a state highway in or near the village of Hamburg, thence running generally northerly to the southern city line of the city of Lackawanna; beginning at a state highway known as Mile Strip road, thence running generally northerly to the southern city line of Lackawanna; **that portion of South Park Avenue beginning at the town line of the city of Buffalo south nine thousand nine hundred twenty feet to the southern city line of the city of Lackawanna;** beginning at the northwesterly city line of Buffalo, thence running generally northwesterly and northeasterly to the western city line of Tonawanda; beginning at state highway twenty-three northwest of the city of Buffalo, thence running generally northeasterly to state highway nine thousand two hundred sixteen; beginning at the northern city line of Buffalo, thence running generally northerly to the southern city line of Tonawanda near Military road; beginning at state highway nine thousand two hundred twenty-one, Military road, thence running generally easterly to state highway nine thousand two hundred twenty, Delaware avenue; beginning at the northern city line of Buffalo, near Delaware avenue, thence running generally northerly to the southern city line of Tonawanda; beginning at a point south of the city of Tonawanda near an interchange with an interstate highway, thence running generally northerly to the southern city line of Tonawanda near Eggert road; beginning at the northern city line of Buffalo near Niagara Falls boule-

vard, thence running generally northerly to the Erie-Niagara county line; beginning at a point on the northern city line of Buffalo, thence running generally northeasterly to a state highway in or near the hamlet of Millersport; beginning at a state highway south of the hamlet of Getzville near Campbell boulevard, thence running generally northerly to the Erie-Niagara county line; beginning at state highway sixty-seven or state highway nine thousand two hundred nineteen near Slade avenue, thence running generally northerly near the easterly city line of Buffalo to state highway nine thousand two hundred sixteen; Southern expressway, beginning at state highway one thousand three hundred thirty-three near the village of Springville, thence running generally northerly to the New York state thruway, Erie section, near the city of Lackawanna, said highway to be built with control of access; beginning at the Erie-Cattaraugus county line in or near the village of Springville, thence running generally northerly to a state highway in or near the village of Hamburg; beginning at a state highway in or near the hamlet of North Boston, thence running generally northeasterly, northerly and northwesterly through or near the village of Orchard Park to the eastern city line of Buffalo; beginning at state highway sixty-seven north of the village of Orchard Park, thence running generally northerly to state highway nine thousand two hundred sixteen, near Sheridan drive; beginning at state highway one thousand sixty-six near the village of Orchard Park, thence running generally northerly through the village of Depew to the Erie-Niagara county line in or near the hamlet of Millersport; beginning at the Ontario section of the New York state thruway near William street, thence running generally easterly to state highway five hundred twenty-nine in or near the hamlet of Town Line; Aurora expressway, beginning at the Seneca street interchange of the Erie section of the New York state thruway, thence running generally easterly and southeasterly, through or near the village of East Aurora to state highway five thousand three hundred seventeen in or near the hamlet of South Wales, said highway to be built with control of access; beginning at a state highway in the village of East Aurora, thence running generally northerly to a state highway; beginning in or near the hamlet of Glenwood, thence running generally northwesterly to a state highway in or near the village of Orchard Park near Duells Corners; beginning at the Erie-Cattaraugus county line in or near the hamlet of Chaffee, thence running generally northwesterly through or near the hamlets of Holland and South Wales to a state highway in the village of East Aurora; beginning at a state highway west of the hamlet of Wales Center, thence running generally northerly to state highway five hundred twenty-nine; beginning at a state highway south of the village of Akron, thence running generally northerly, westerly and northerly to the Erie-Niagara county line west of the Tonawanda Indian reservation; beginning at a point on the eastern city line of Buffalo at or near Walden avenue, thence running generally easterly through or near the villages of Depew and Lancaster to a point on a state highway northwest of the village of Alden; beginning at or near Maple avenue in the town of Amherst, thence running generally northerly to a point on state highway one thousand four hundred ninety-two; beginning at or near the Southern expressway, thence running generally easterly to state highway one thousand six hundred sixty-five**; beginning at the western line of the town of West Seneca, thence running generally westerly on or near Ridge road through the city of Lackawanna to a point on state highway five**.

§ 2. This act shall take effect immediately.

PART CCC

Section 1. Short title. This act shall be known and may be cited as the "small water utility transparency act".

§ 2. The public service law is amended by adding a new section 89-q to read as follows:

§ 89-q. Powers of the commission with respect to private water companies. 1. The commission, in coordination with the comptroller, shall conduct full audits of regulated private water companies with gross annual revenues below two hundred fifty thousand dollars on a three- to five-year cycle, as determined by the commission. Such audits shall focus on capital investment in the private water company, compliance with state and federal water safety regulations and laws, financial capacity of the private water company, management ability and function of the private water company, water adequacy and sufficiency of the private water system and affordability.

2. The commission shall require that any regulated private water company with gross annual revenues below two hundred fifty thousand dollars which is under investigation either by motion of the commission, pursuant to section eighty-nine-i of this article, or pursuant to an order to show cause shall file regular public updates on the status of compliance with such order. The commission shall promulgate rules and regulations regarding such requirement including, but not limited to, determining how often such public updates shall be provided and the manner in which such public updates shall be provided to the public. The commission shall be authorized to establish and collect fines for non-compliance with this subdivision. Such fines may be set at increased rates for repeated non-compliance.

3. The commission shall cooperate with the department of environmental conservation and shall provide any information or data compiled by or in the possession of the commission to the department of environmental conservation for the purposes of aiding the department of environmental conservation in carrying out audits of regulated private water companies with gross annual revenues below two hundred fifty thousand dollars. The commission shall coordinate such audits with the department of environmental conservation and shall issue joint audit reports that merge the separate audits of the commission and the department of environmental conservation.

§ 3. The environmental conservation law is amended by adding a new section 15-0319 to read as follows:

§ 15-0319. Powers and duties with respect to private water companies.

The department shall conduct full audits of private water companies with gross annual revenues below two hundred fifty thousand dollars which are regulated by the public service commission on a three- to five-year cycle, as determined by the department. Such audits shall focus on, but shall not be limited to, compliance with state and federal water safety regulations and laws, water quality, water adequacy, sufficiency of testing performed by the private water company. The department may seek the assistance of the public service commission in conducting such audits and may rely on information and data complied or provided by the public service commission in the completion of such audits. The department shall coordinate such audits with the public service commission and shall assist the commission in issuing joint audit reports that merge the separate audits of the department and the public service commission.

§ 4. Section 8 of the state finance law is amended by adding a new subdivision 21 to read as follows:

21. Notwithstanding any inconsistent provision of law, audit regulated private water companies with gross annual revenues below two hundred fifty thousand dollars in accordance with section eighty-nine-q of the public service law.

§ 5. This act shall take effect immediately.

PART DDD

Section 1. A temporary state commission, to be known as the New York state commission on establishing a bank owned by New York state, hereinafter referred to as the commission, is hereby established to hire a consultant to study the feasibility of establishing a bank owned by the state of New York or by a public authority constituted by the state of New York for the public interest.

§ 2. (a) The commission shall consist of eleven members, to be appointed as follows:(i) five members shall be appointed by the governor, one of whom shall be a representative of the New York state department of financial services, one shall be a representative from the New York state department of taxation and finance, the remaining three governor's appointees shall not be employees of the executive branch and at least one member shall represent the banking and financial industries of the state including, but not limited to, the New York bankers association, at least one member shall represent community banking, and no more than one member may be a representative of any financial services firm located within the state, including, but not limited to, the New York state small business development center;

(ii) three members shall be appointed by the temporary president of the senate, one of whom shall be a member of the senate;

(iii) three members shall be appointed by the speaker of the assembly, one of whom shall be a member of the assembly.

(b) The majority of the members of the entire commission shall designate one of the commissioners to serve as the chair of the commission.

(c) The members of the commission shall be appointed no later than ninety days after the effective date of this act.

(d) The commission is directed to hire a reputable consultant that has the capacity, capability, and experience to conduct a feasibility study to evaluate and make recommendations concerning the formation and control of a state public bank. Consultants that have conducted a previous feasibility study of a public bank at the request of a government entity in the United States will be given preference. Such study shall make recommendations, with the advice of the department of financial services, including but not limited to, on the feasibility of establishing a state bank in New York and may recommend legislation for the legislature to consider in order to create a state public bank for New York.

§ 3. The scope of such study shall include, but shall not be limited to:

(a) the purposes of such public bank in the public interest;

(b) an analysis of cost savings, impacts on the state's finances, economic development and infrastructure, housing and additional needs of the state, including but not limited to:

(i) appropriate governance structures;

(ii) minimum capitalization requirements;

(iii) appropriate insurance and risk management tools;

(iv) charter requirements;
(v) financial and operations framework;
(vi) deposits;
(vii) permitted activities;
(viii) benefits;
(ix) potential challenges that such public banks may encounter;
(x) how the lack of accessible financial services contributes to the cycle of poverty;
(xi) barriers to small business formation and growth;
(xii) impacts of such public banks on small businesses, including minority- and women-owned business enterprises;
(xiii) impacts of such public banks on the unbanked, the underbanked and banking deserts; and
(xiv) how a state public bank may provide banking to the cannabis industry;
(c) a fiscal analysis of costs associated with formation;
(d) an analysis that considers the effects of an economic recession on the financial results of such public banks;
(e) a legal analysis of whether the proposed structure and operation of such public bank complies with the New York state constitution;
(f) an analysis of how the proposed governance structure of such public bank would protect such public bank from unlawful insider transactions and apparent conflicts of interest;
(g) a fiscal analysis of the benefits associated with the creation of such public bank, including, but not limited to, cost savings, jobs created, jobs retained, economic activity generated and private capital leveraged;
(h) a qualitative assessment of social and environmental benefits of such public bank;
(i) a review of feasibility studies on public banking, including the city of Philadelphia public bank feasibility study and the city of San Francisco public bank feasibility study; and
(j) a review of AB-857 (2019 Cal. Stats. Ch. 442).

§ 4. No earlier than six months and no later than seven months after the effective date of this act, the commission shall submit a report to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate banks committee and the chair of the assembly banks committee on the findings and conclusions of the study conducted pursuant to sections two and three of this act and shall submit any legislative recommendations deemed to be necessary. Such report shall be contemporaneously published on the official website of the department of financial services.

§ 5. This act shall take effect immediately and shall expire and be deemed repealed one year after such effective date.

PART EEE

Section 1. The vehicle and traffic law is amended by adding a new section 1640-s to read as follows:

§ 1640-s. Scramble crosswalks in cities with a population of one million or more. 1. There shall be scramble crosswalks in cities with a population of one million or more leading to and from school buildings during times of student arrival and dismissal. Such scramble crosswalks shall include, but not be limited to, the following requirements:

(a) scramble crosswalks shall operate on weekdays between 8:00 A.M. and 4:00 P.M.;

(b) pedestrians shall wait until a pedestrian-control signal indicates a sign to walk;

(c) vehicles shall not turn right at the intersection while the traffic signal indicates a red light;

(d) bicyclists may proceed with pedestrians when a pedestrian-control signal indicates a sign to walk, provided however, such bicyclists shall yield the right of way to all pedestrians in the intersection;

(e) bicyclists may proceed with vehicular traffic while the traffic signal indicates a green light; and

(f) signs shall be erected at such intersections with a scramble crosswalk indicating that no person shall enter the intersection unless a pedestrian-control signal indicates that all pedestrians may walk.

2. For the purposes of this section, "scramble crosswalk" means a crosswalk with a traffic signal which temporarily stops all vehicular traffic while a pedestrian-control signal indicates that all pedestrians at the intersection shall cross the intersection at the same time.

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

PART FFF

Section 1. The canal law is amended by adding a new section 135 to read as follows:

§ 135. Upstate river basins chart. The canal corporation, in consultation with the department of environmental conservation, shall, by June thirtieth, two thousand twenty-five, create a chart to identify, map and model normal and flood water flows in the Oswego river basin and the Mohawk river basin, which shall mean a watershed in the state of New York comprised of all rivers, streams, creeks, lakes, reservoirs and the surrounding land areas or other drainage, including but not limited to canals, that drains or flows via the Oswego river into Lake Ontario and a watershed in the state of New York comprised of all rivers, streams, creeks, lakes, reservoirs and the surrounding land areas or other drainage, including but not limited to canals, that drains or flows via the Mohawk river into the Hudson river, respectively. The chart shall be created with the Hydrologic Engineering Center River Analysis System (HEC-RAS), and bathymetric and/or light detection and ranging (LiDAR) measurements, as applicable. The chart shall, in addition to such other data as the canal corporation may determine to be included, consist of the chart as created and required by this section, together with other available data on basins, whether assisted by the state of New York under a provision of the laws of the state of New York, or assembled by federal or local governmental or private agencies, all of which such information shall be assembled and integrated, as applicable, into a map and model of the Oswego river basin and the Mohawk river basin. Additionally, the canal corporation shall update the chart every five years and shall periodically review such chart to ensure that it effectuates the purposes of this section. As soon as practicable, the canal corporation shall make the chart available to the public for inspection and examination at every division office of the canal corporation located in a county in which the Oswego river basin or the Mohawk river basin is wholly or partially located in and on the corporation's website. Digital files of the chart, including the map and model, shall also be made available, upon request, to the clerk of each county, city, town or village in which the Oswego river basin or the Mohawk river basin or a portion thereof is located. The canal corporation shall, by July first,

two thousand twenty-five, submit a report of the findings of the chart, including normal and flood flows, to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly.

§ 2. This act shall take effect immediately.

PART GGG

Section 1. Subdivisions 2 and 8 of section 237 of the vehicle and traffic law, subdivision 2 as amended by chapter 458 of the laws of 2010 and subdivision 8 as amended by chapter 364 of the laws of 1978, are amended to read as follows:

2. To provide for penalties other than imprisonment for (a) parking violations in accordance with a schedule of monetary fines and penalties, provided however, that monetary penalties shall not exceed fifty dollars for each parking violation other than (i) in a city with a population of one million or more, violations committed in spaces where stopping or standing is prohibited for which monetary penalties shall not exceed one hundred dollars and, (ii) handicapped parking violations for which monetary penalties shall not exceed one hundred fifty dollars; and (b) abandoned vehicle violations, except in a city with a population of one million or more, provided however, that monetary penalties shall not be less than two hundred fifty dollars nor more than one thousand dollars for each abandoned vehicle violation; and (c) a city with a population of one million or more may impose a monetary penalty of up to [~~two hundred fifty~~] one thousand dollars for [~~a first~~] each offense [~~and up to five hundred dollars for subsequent offenses within a six month period~~] for tractor-trailer combinations, tractors, truck trailers [~~and~~], semi-trailers, and semi-trailers without a towing vehicle attached parked overnight on streets in residential neighborhoods;

8. To answer within a reasonable period of time all relevant and reasonable inquiries made by a person charged with a parking violation or [~~his~~] such person's attorney concerning the notice of violation served on that person. The bureau must also furnish within a reasonable period of time to the person charged [~~on his~~] upon request, and upon complying with the regulations of the bureau, a copy of the original notice of violation including all information contained thereon. Failure by the bureau to comply with the provisions of this subdivision or any part of the provisions of this subdivision, within forty-five days of such inquiry, forwarded to the bureau by certified or registered mail, return receipt requested, will result, upon the request of the person charged, in an automatic dismissal of all charges relating to and only to that notice of violation to which the inquiry was made. Provided, however, that in the event that a bureau operating in a city with a population of one million or more which operates in good faith fails to comply with the first sentence of this subdivision, that upon the request of the person charged such failure shall result in a postponement of the hearing, relating to and only to the notice of violation to which the inquiry was made, to a date within thirty days after the bureau's correction of such failure rather than an automatic dismissal of all charges;

§ 2. Subdivision 2 of section 238 of the vehicle and traffic law, as amended by chapter 224 of the laws of 1995, is amended to read as follows:

2. A notice of violation shall be served personally upon the operator of a motor vehicle who is present at the time of service, and [~~his~~] such

operator's name, together with the plate designation and the plate type as shown by the registration plates of said vehicle and the expiration date, provided that the vehicle identification number may be inserted in such notice in place of the plate designation and plate type in the event that no number plate is present or that all such number plate or plates are concealed, obscured, or such number plate or plates have not been issued by the commissioner or the equivalent official from another state, territory, or country; the make or model, and, provided that a body type is indicated on the registration sticker of said vehicle, the body type of said vehicle; a description of the charged violation, including but not limited to a reference to the applicable traffic rule or provision of this chapter; information as to the days and hours the applicable rule or provision of this chapter is in effect, unless always in effect pursuant to rule or this chapter and where appropriate the word ALL when the days and/or hours in effect are everyday and/or twenty-four hours a day; the meter number for a meter violation, where appropriate; and the date, time and particular place of occurrence of the charged violation, shall be inserted therein. A mere listing of a meter number in cases of charged meter violations shall not be deemed to constitute a sufficient description of a particular place of occurrence for purposes of this subdivision. The notice of violation shall be served upon the owner of the motor vehicle if the operator is not present, by affixing such notice to said vehicle in a conspicuous place. Whenever such notice is so affixed, in lieu of inserting the name of the person charged with the violation in the space provided for the identification of said person, the words "owner of the vehicle bearing license" may be inserted to be followed by the plate designation and plate type as shown by the registration plates of said vehicle together with the expiration date, provided that in the event that no number plate is present or that all such number plate or plates are concealed, obscured, or such number plate or plates have not been issued by the commissioner or the equivalent official from another state, territory, or country, the vehicle identification number may be inserted in such notice in place of the plate designation and plate type, and such notice shall indicate the reasoning for insertion of the vehicle identification number and may provide supporting photographic documentation; the make or model, and, provided that a body type is indicated on the registration sticker of said vehicle, the body type of said vehicle; a description of the charged violation, including but not limited to a reference to the applicable traffic rule or provision of this chapter; information as to the days and hours the applicable rule or provision of this chapter is in effect unless always in effect pursuant to rule or this chapter and where appropriate the word ALL when the days and/or hours in effect are every day and/or twenty-four hours a day; the meter number for a meter violation where appropriate; and the date, time and particular place of occurrence of the charged violation. Service of the notice of violation, or a duplicate thereof by affixation as herein provided shall have the same force and effect and shall be subject to the same penalties for disregard thereof as though the same was personally served with the name of the person charged with the violation inserted therein.

§ 3. Paragraph (a) of subdivision 2-a of section 238 of the vehicle and traffic law, as added by chapter 224 of the laws of 1995, is amended to read as follows:

(a) Notwithstanding any inconsistent provision of subdivision two of this section, where the plate type or the expiration date are not shown

on either the registration plates or sticker of a vehicle or where the registration sticker is covered, faded, defaced or mutilated so that it is unreadable, **or cannot be located on such vehicle,** the plate type or the expiration date may be omitted from the notice of violation; provided, however, [~~such~~] **that the** condition **or absence of such plates or sticker** must be so described and inserted on the notice of violation**, and supporting photographic documentation may be provided**.

§ 4. Subparagraph (ii) of paragraph (c) of subdivision 2-a of section 238 of the vehicle and traffic law, as added by chapter 409 of the laws of 2001, is amended to read as follows:

(ii) Notice shall be served on the owner by mail to the last known registered address within **the greater of six years of the date of the dismissal or** two years of the time that the enforcing authority discovers, or could with reasonable diligence have discovered, that the dismissal was procured due to the knowing fraud, false testimony, misrepresentation, or other misconduct, or the knowing alteration of a notice of parking violation, by the person so charged or [~~his or her~~] **such person's** agent, employee, or representative. Such notice shall fix a time when and place where a hearing shall be held before a hearing examiner to determine whether or not dismissal of a charged parking violation shall be set aside. Such notice shall set forth the basis for setting aside the dismissal and advise the owner that failure to appear at the date and time indicated in such notice shall be deemed an admission of liability and shall result in the setting aside of the dismissal and entry of a determination on the charged parking violation. Such notice shall also contain a warning that civil penalties may be imposed for the violation pursuant to this paragraph and that a default judgment may be entered thereon.

§ 5. Section 242 of the vehicle and traffic law is amended by adding a new subdivision 3-a to read as follows:

3-a. Notwithstanding any provision of this section to the contrary, in cities having a population of one million or more persons, an administrative appeal of a determination regarding a notice of violation that has been served on an owner or operator of a commercial vehicle, as such term is defined in section 4-01 of title 34 of the rules of the city of New York, shall be conducted only when an appellant has either:

(a) posted a bond in the amount of the determination appealed from; or

(b) paid to the parking violations bureau the following penalties and surcharges, as applicable:

(i) any penalty imposed pursuant to a notice of liability issued pursuant to a program authorized by section three hundred eighty-five-a, eleven hundred eleven-a, eleven hundred eleven-c, eleven hundred eleven-c-one, or eleven hundred eighty-b of this chapter, other than any additional penalty imposed for failure to respond to a notice of liability within the prescribed time period; and

(ii) any surcharge levied pursuant to a notice of violation issued in accordance with sections eighteen hundred nine-a and eighteen hundred nine-b of this chapter.

§ 6. Subdivision 6 of section 242 of the vehicle and traffic law, as amended by chapter 515 of the laws of 2004, is amended to read as follows:

6. When charges have been overturned by a court or any other administrative body or officer, the party in whose favor the appeal is decided shall be entitled to have returned an amount equal to any fine or penalty imposed and collected from the parking violations bureau**, excluding any penalty collected under subparagraph (i) of paragraph (b) of subdi-**

vision three-a of this section after which the period to contest the notice of liability has expired, within thirty days of the entry of the judgement; provided, however, that such court, administrative body or officer shall have the authority to lessen from such amount any debt owed by such party and shall apply this amount to any outstanding fines and penalties owed by the same individual. If payment is not made within thirty days, a penalty shall accrue at the same rate as that imposed for failure to make timely payment of a fine and shall be paid by the parking violations bureau. Provided, however, that in a city with a population of one million or more a court may postpone a parking violation bureau's obligation to return an amount equal to any fine or penalty imposed and collected to a reasonable period of time in the event that such bureau's obligation to repay pursuant to the appeal exceeds ten thousand dollars.

§ 7. Subdivision c of section 19-170 of the administrative code of the city of New York, as amended by local law number 74 of the city of New York for the year 2019, is amended to read as follows:

c. 1. Except as otherwise provided in paragraphs 2 and 3 of this subdivision, a violation of this section shall be punishable by the monetary fine authorized for violation of the rules and regulations of the commissioner in paragraph 1 of subdivision a of section 2903 of the charter.

2. A [~~first~~] violation of this section, when the commercial vehicle is a tractor-trailer combination, tractor, truck trailer [~~or~~], semi-trailer, or semi-trailer without a towing vehicle attached, shall be punishable by a monetary [~~fine~~] penalty of [~~$250~~] up to $1,000. [~~Any such subsequent violation of this section by the same owner, as defined in paragraph a of subdivision 1 of section 239 of the vehicle and traffic law, within a six month period shall be punishable by a monetary fine of $500.~~

~~3. As an alternative to any other means of enforcement of this subdivision authorized by law, a first violation of subdivision b of this section, when the commercial vehicle is a tractor-trailer combination, tractor, truck trailer or semi-trailer, shall be punishable by a civil penalty of $400. Any such subsequent violation of subdivision b of this section by the same owner, as defined in paragraph a of subdivision 1 of section 239 of the vehicle and traffic law, within a six month period shall be punishable by a civil penalty of $800. Such civil penalties shall be recoverable in a proceeding before the office of administrative trials and hearings.~~]

§ 8. Paragraph 2 of subdivision (b) of section 1204 of the vehicle and traffic law, as amended by chapter 193 of the laws of 1974, is amended and a new paragraph 3 is added to read as follows:

2. In any city with a population of one million or more, whenever any police officer, or any person designated by the commissioner [~~of traffic~~], finds a tractor-trailer combination, tractor, truck trailer, semi-trailer or trailer without a tractor or towing vehicle attached, parked or unattended on any city street, such officer or person designated by the commissioner [~~of traffic~~] is hereby authorized to provide for the removal of such [~~semitrailer~~] vehicle or trailer to a garage, automobile pound or other place of safety. The owner or other person lawfully entitled to the possession of such vehicle or trailer shall be subject to a fine of up to one thousand dollars.

3. If a tractor-trailer combination, tractor, truck trailer, semi-trailer or trailer without a tractor or towing vehicle attached is parked and left unattended while it is connected to a state sanctioned

film or television production, the owner or other person lawfully entitled to the possession of such vehicle or trailer shall not be subject to the one thousand dollar fine as provided in paragraph two of this subdivision.

§ 9. This act shall take effect immediately, except that section four of this act shall take effect and apply to any determination made on or after the first day of the first month succeeding the sixtieth day after it shall have become a law.

PART HHH

Section 1. This act shall be known and may be cited as the "cannabis farmer rescue and relief act".

§ 2. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 60 to read as follows:

§ 60. Cannabis farmer rescue and relief fund. 1. The cannabis farmer rescue and relief fund is hereby created. The corporation is authorized and directed, within available appropriations of up to forty million dollars, to provide grants to cannabis farmers to cover actual losses resulting from the shortage of licensed cannabis retailers, pursuant to this section.

2. Any monies collected by the president pursuant to this section shall not be deemed state or corporation funds and shall be deposited in a bank or other depository of the corporation, approved by the president, allocated pursuant to this section. Monies in such fund shall consist of all monies appropriated for the purposes of such fund and all monies appropriated, credited or transferred thereto from any other fund or source pursuant to law. The corporation shall not commingle the monies of such fund with any other monies of the corporation or any monies held in trust by the corporation. Any and all monies appropriated for this fund that are not distributed to cannabis farmers within two years of the fund application being made available to cannabis farmers, shall be transferred to the general fund. Monies in the fund shall be used exclusively for the purpose of compensation for actual losses incurred by cannabis farmers for the period April first, two thousand twenty-one through January first, two thousand twenty-four.

3. Applicants shall be required to have possessed a conditional cultivator license as defined in section 68-c of the cannabis law from April first, two thousand twenty-one through January first, two thousand twenty-four. Applicants must submit the license granted by the office, along with other documents required by this section or the corporation, when submitting an application for relief under this section.

4. (a) To be awarded any funds available under this section, applicants must demonstrate actual losses incurred for the period of April first, two thousand twenty-one through January first, two thousand twenty-four. "Actual losses", shall mean verifiable and demonstrable losses incurred by the applicant, resulting from the loss of the cannabis crop due to the shortage of licensed cannabis retailers, and shall not include unrealized profits. The corporation, in consultation with the office of cannabis management, shall determine how such losses shall be verified and calculated for the purposes of the fund in a manner consistent with this section.

(b) Applicants under this section may be required, without limitation, to submit to the corporation the following relevant documents to satisfy the requirements of paragraph (a) of this subdivision:

(i) conditional cultivator license as defined in section 68-c of the cannabis law;
(ii) application for a grant award from the cannabis farmer rescue and relief fund;
(iii) application for cannabis farmer losses credit;
(iv) a profit and losses statement, provided that such profits and losses statement may be submitted to the corporation for the purposes of determining which expenses or losses are eligible;
(v) credit card statements;
(vi) delinquency notices from lenders of any line of credit, including mortgage lenders;
(vii) personal guarantees to any investors;
(viii) demand letters for payment from any such investors described in subparagraph (vii) of this paragraph;
(ix) demands for payment from vendors;
(x) federal or state tax returns;
(xi) evidence of receipt of any form of government assistance; and
(xii) any other documentation determined necessary by the corporation.
(c) The corporation in disbursing funds under this section shall consider, in addition to the requirements of paragraph (a) of this subdivision, any decrease in canopy or growth during the period of April first, two thousand twenty-one through January first, two thousand twenty-four, due to a lack of retail dispensaries licensed during such period.
(d) The corporation in determining awards of the fund shall consider actual losses due to a lack of retail dispensaries and prioritize cannabis farmers that are experiencing the most financial hardship, such as those who have defaulted on loans prior to the enactment of this fund or those that took out mortgages on their homes to get into the industry.
(e) Applicants under this section shall not be eligible for relief in excess of one hundred fifty thousand dollars.
5. The corporation shall establish application procedures which shall include, but not be limited to:
(a) creating a user-friendly, and language-accessible website for application to the program;
(b) providing notice to the public at least fourteen days prior to closing the application process period to applicants;
(c) requiring that all applications for the program shall be processed within four weeks of the receipt of a completed application. The corporation shall provide a response to each applicant on whether such applicant is eligible for the program; and
(d) establishing procedures for denials and appeals which, at a minimum, provide that:
(i) when an application is denied, the corporation shall include in the notice of determination a specific explanation as to the reason for the denial and detailed instructions as to what documentation or documented justification is needed to reverse the determination;
(ii) an applicant shall file an appeal within sixty days after receipt of the notice of determination;
(iii) an applicant shall submit the appeals form provided by the corporation pursuant to this paragraph, in addition to any additional information or documentation required to support the applicant's position in filing their appeal;
(iv) the corporation shall notify the applicant in writing of the determination on the appeal or of the need for additional information and the date by which the information must be provided. Such notifica-

tion shall be provided to the applicant within thirty days from the date the corporation receives the appeal and shall provide the applicant with at least twenty-one days' notice to provide additional information to the corporation; and

(v) the corporation shall notify the applicant in writing of its final determination on the appeal within thirty days following the receipt of any additional information or following expiration of the period for providing such information.

§ 3. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 60-a to read as follows:

§ 60-a. Cannabis farmer loan program. 1. The corporation is authorized and directed to establish a fund to be known as the "cannabis farmer loan fund" which shall consist of available appropriations of up to sixty million dollars, for the promulgation of the cannabis farmer low-interest or zero-interest loan program. The monies held in or credited to the fund shall be expended solely for the purposes set forth in this section. The corporation shall not commingle the monies of such fund with any other monies of the corporation or any monies held in trust by the corporation.

2. The corporation shall allocate monies made available for such fund for the purpose of providing low-interest or zero-interest loans to cannabis farmers for the mitigation of the effects of actual losses resulting from the shortage of licensed cannabis retailers pursuant to this section. Any and all monies appropriated for this loan program that are not distributed to cannabis farmers within two years of the loan application being made available to cannabis farmers, shall be transferred to the general fund. Any principal repayments shall be deposited in the loan fund account; any interest earned by the corporation on loans will be deposited in a separate interest repayment account. Any interest earned from its loans may be used by the corporation for the cost of administering the loan program authorized by this section. Upon the final repayment of the loan program, any and all interest earned shall be transferred to the general fund.

3. Such loans may be awarded and distributed by the corporation to cannabis farmers that possessed a conditional cultivator license as defined in section 68-c of the cannabis law from April first, two thousand twenty-one through January first, two thousand twenty-four, for the mitigation of the effects of actual losses resulting from the shortage of licensed cannabis retailers pursuant to this section, such as lack of funds to purchase seed for the next planting season and to retain jobs that might otherwise be lost, and any other purpose as determined by the corporation. "Actual losses" shall mean the losses resulting from the loss of the cannabis crop due to the shortage of licensed cannabis retailers, and shall not include unrealized profits. The corporation shall consider, in addition to the requirements of this subdivision, any decrease in canopy or growth during the period of April first, two thousand twenty-one through January first, two thousand twenty-four, due to a lack of retail dispensaries licensed during such period. The corporation in consultation with the office of cannabis management shall determine how such losses shall be verified for the purposes of determining the effect of loss for the loan program in a manner consistent with this section.

4. Applicants under this section may be required, without limitation, to provide to the corporation for low-interest or zero-interest loan any of the following documents the corporation deems relevant:

(a) conditional cultivator license as defined in section 68-c of the cannabis law;

(b) application for a grant award from the cannabis farmer rescue and relief fund as established by section sixty of this act;

(c) application for cannabis farmer losses credit;

(d) a profit and losses statement, provided that such profits and losses statement may be submitted to the corporation for the purposes of determining which expenses or losses are eligible;

(e) credit card statements;

(f) delinquency notices from lenders of any line of credit, including mortgage lenders;

(g) personal guarantees to any investors;

(h) demand letters for payment from any such investors described in subparagraph (g) of this subdivision;

(i) demands for payment from vendors;

(j) federal or state tax returns;

(k) evidence of receipt of any form of government assistance; and

(l) any other documentation determined necessary by the corporation.

5. The corporation in determining loan awards shall consider whether the loan would assist the cannabis farmer in maintaining business operations and would be able to maintain operations for several years; provided however, the corporation may not award loans to cannabis farmers that cannot establish that they would be able to maintain business operations with a loan award, as determined by the president. Applicants under this section shall not be eligible for a loan in excess of two hundred fifty thousand dollars.

6. The corporation shall establish application procedures which shall include, but not be limited to:

(a) creating a user-friendly, and language-accessible website for application to the program;

(b) providing notice to the public at least fourteen days prior to closing the application process period to applicants;

(c) requiring that all applications for the program shall be processed within four weeks of the receipt of a completed application. The corporation shall provide a response to each applicant on whether such applicant is eligible for the program;

(d) establishing procedures for denials and appeals which, at a minimum, provide that:

(i) when an application is denied, the corporation shall include in the notice of determination a specific explanation as to the reason for the denial and detailed instructions as to what documentation or documented justification is needed to reverse the determination;

(ii) an applicant shall file an appeal within sixty days after receipt of the notice of determination;

(iii) an applicant shall submit the appeals form provided by the corporation pursuant to this paragraph, in addition to any additional information or documentation required to support the applicant's position in filing their appeal;

(iv) the corporation shall notify the applicant in writing of the determination on the appeal or of the need for additional information and the date by which such information must be provided. Such notification shall be provided to the applicant within thirty days from the date the corporation receives the appeal and shall provide the applicant with at least twenty-one days' notice to provide additional information to the corporation; and

(v) the corporation shall notify the applicant in writing of its final determination on the appeal within thirty days following the receipt of any additional information or following the expiration of the period for providing such information.

§ 4. The tax law is amended by adding a new section 49 to read as follows:

§ 49. Cannabis farmer losses credit. (a) Eligibility. An eligible cannabis farmer shall be eligible for a credit against the tax imposed under article nine-A or twenty-two of this chapter, pursuant to the provisions referenced in subdivision (c) of this section.

(b) Definitions. As used in this section, the following terms shall have the following meanings:

(1) "Eligible cannabis farmer" means a corporation, including a New York S corporation as defined in section two hundred eight of this chapter, a sole proprietorship, a limited liability company or a partnership who is also a cannabis farmer.

(2) "Cannabis farmer" means a taxpayer who was issued and had control over a conditional cultivator license as defined in section sixty-eight-c of the cannabis law.

(3) "Eligible cannabis farm losses" means real losses resulting from the depreciation or loss of the cannabis crop due to the shortage of possible licensed cannabis retailers, and shall not include unrealized profits. The department shall issue emergency regulations in consultation with the office of cannabis management as to how such losses shall be calculated for the purposes of this credit.

(c) Allowance of credit. For taxable years beginning on or after January first, two thousand twenty-two and ending before January first, two thousand twenty-four, an eligible cannabis farmer shall be entitled to claim a credit against their taxes for the value of their eligible cannabis farm losses. The value of the credit will be capped at fifty thousand dollars for each tax year the eligible cannabis farmer had eligible cannabis farm losses.

(d) Claim form. The department shall develop a form to allow eligible cannabis farmers who had already submitted returns for their two thousand twenty-two and two thousand twenty-three taxes to claim this credit without having to submit an amended return.

(e) Cross references. For application of the credit provided in this section, see the following provisions of this chapter:

(1) article 9-A: section 210-B, subdivision 60.

(2) article 22: section 606, subsection (ppp).

§ 5. Section 210-B of the tax law is amended by adding a new subdivision 60 to read as follows:

60. Cannabis farmer losses credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-nine of this chapter, against the taxes imposed by this article.

(b) Application of credit. The credit allowed under this subdivision for the taxable year shall not reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowable under this subdivision for the taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of

subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest will be paid thereon.

§ 6. Section 606 of the tax law is amended by adding a new subsection (ppp) to read as follows:

(ppp) Cannabis farmer losses credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-nine of this chapter, against the tax imposed by this article.

(2) Application of credit. If the amount of the credit allowed under this subsection for the taxable year exceeds the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest will be paid thereon.

§ 7. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (li) to read as follows:

(li) Cannabis Farmer losses credit under subsection (ppp)	Amount of credit under subdivision sixty of section two hundred ten-B

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

1. section two of this act shall expire and be deemed repealed either when all the funds are exhausted or two years after the application becomes available when any undistributed funds are transferred to the general fund, whichever is earlier. The president of the New York state urban development corporation shall notify the legislative bill drafting commission upon the occurrence of all the funds being distributed or two years after the application becomes available in order that the commission may maintain an accurate and timely effective database of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law; and

2. section three of this act shall expire and be deemed repealed when all funds are repaid and any unused interest is transferred to the general fund. The president of the New York state urban development corporation shall notify the legislative bill drafting commission upon the occurrence that all funds are repaid and any unused interest being transferred to the general fund in order that the commission may maintain an accurate and timely effective database of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART III

Section 1. The environmental conservation law is amended by adding a new article 74 to read as follows:

ARTICLE 74

SAFE WATER AND INFRASTRUCTURE ACTION PROGRAM

Section 74-0101. Safe water and infrastructure action program.

§ 74-0101. Safe water and infrastructure action program.

1. Notwithstanding any other provisions of this chapter or any other law and subject to an appropriation made therefor and in accordance with the provisions of this section and with the rules and regulations promulgated by the commissioner in connection therewith, on and after

the first day of April, two thousand twenty-four, a consolidated local infrastructure program is hereby established for the purpose of making payments toward the replacement and rehabilitation of existing local municipally-owned and funded drinking water, storm water and sanitary sewer systems. For purposes of this section, such program shall apply to any drinking water system, storm water system or sanitary sewer system within the state that is under the maintenance and/or operational jurisdiction of a county, city, town, village or public authority; provided, however, that such system shall not be under the maintenance and/or operational jurisdiction of a private entity; and provided further, that no more than ten percent of the moneys paid under the program shall be paid toward replacement and rehabilitation of drinking water, storm water and sanitary sewer systems under the maintenance and/or operational jurisdiction of any one county, city, town, village or public authority. The commissioner, in conjunction with the environmental facilities corporation, shall promulgate all necessary rules and regulations to carry out the program so that an equitable distribution of aid shall be made for the general operation and/or general maintenance of any such existing drinking water system, storm water system or sanitary sewer system. Existing water infrastructure includes all the man-made and natural features that move and treat water in terms of drinking water, waste water, and storm water. Monies from this fund may be used for maintenance and repairs of existing water infrastructure as well as new water infrastructure expansion, but only into already developed areas so as not to support sprawl and development of natural areas. Already developed areas are those that are zoned/defined by municipalities as of January first, two thousand twenty-four as commercial and residential use.

2. On or before the twenty-fifth day of April, June, September and November of each state fiscal year commencing with the state fiscal year beginning on April first, two thousand twenty-five, there shall be distributed and paid to counties, cities, towns, villages and public authorities an amount equal to the moneys appropriated for the purposes of this section divided by the number of payment dates in that state fiscal year. Such amounts shall be distributed and paid pursuant to subdivision three of this section.

3. Amounts shall be distributed for local drinking water, storm water and sanitary sewer systems based upon a funding formula that the department and the department of health shall create taking into consideration factors including but not limited to: the system's length and width of pipes; other physical assets maintained by the system, including treatment facilities and pumping stations; the age of the system's infrastructure; and relevant socioeconomic factors, including the presence of disadvantaged communities within a system's service area, to achieve an equitable distribution of aid.

4. Monies made available may be used to match other state and federal funds made available for such projects. The remainder of the apportionment may be used for any existing drinking water, storm water or sewer system purchases, including but not limited to, the acquisition of materials for the replacement or rehabilitation.

5. For any city, town, village or public authority which proposes infrastructure consolidation under this section or merges with another municipality, the funds appropriated under this section may fund costs associated with such consolidation.

6. For each fiscal year, starting in two thousand twenty-five, funds are to be made available to the local infrastructure assistance account of the general fund, and distributed from that account.

7. At the end of each fiscal year, each county, city, town, village and public authority that receives funding pursuant to this section shall submit an annual report to the department detailing how such money was used. The department shall compile all reports and submit them to the comptroller for their review. Once a report is finalized, it shall be made publicly available on the department's website. The department and the comptroller shall reserve the right to conduct site visits to ensure the money is being used accurately.

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

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

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