STATE OF NEW YORK

S. 8308--C A. 8808--C

SENATE - ASSEMBLY

January 17, 2024

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

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

AN ACT to amend part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending provisions of law relating to certain tax increment financing provisions (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); to amend part I of chapter 413 of the laws of 1999, relating to providing for mass transportation payments, in relation to the amount of payments in the Capital District Transportation District and adding Warren County to such District (Part E); to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof (Part F); to amend part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part G); intentionally omitted (Part H); intentionally omitted (Part

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

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I); to amend part FF of chapter 55 of the laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to the effectiveness thereof (Part J); to amend the transportation law and the vehicle and traffic law, in relation to enacting the stretch limousine passenger safety act; and providing for the repeal of certain provisions upon expiration thereof (Part K); to amend the executive law, the criminal procedure law, the retirement and social security law and the tax law, in relation to creating the Waterfront Commission Act; and to repeal chapter 882 of the laws of 1953 relating to waterfront employment and air freight industry regulation (Part L); to amend part DDD of chapter 55 of the laws of 2021 amending the public authorities law relating to the clean energy resources development and incentives program, in relation to the effectiveness thereof; and to amend the public authorities law, in relation to renewable energy generation projects and qualified energy storage systems (Part M); in relation to authorizing the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation from an assessment on gas and electric corporations (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 labor 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; to repeal certain provisions of the executive law and the public service law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part O); intentionally omitted (Part P); to authorize utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of environmental conservation, department of state, and the office of parks, recreation and historic preservation from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part Q); intentionally omitted (Part R); to amend the environmental conservation law, in relation to authorizing state assistance payments toward climate smart community projects of up to eighty percent to municipalities that meet criteria relating to financial hardship or disadvantaged communities (Part S); to amend the environmental conservation law, in relation to air quality control program fees and ozone non-attainment fee programs; to amend the state finance law, in relation to establishing the air quality improvement fund; and to repeal certain provisions of the environmental conservation law and the state finance law relating thereto (Part T); intentionally omitted (Part U); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part V); to amend the public authorities law, in relation to the Battery Park city authority (Part W); to amend the economic development law, in relation to increasing the cap on grants to entrepreneurship assistance centers (Part X); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the effectiveness thereof (Part Y); to amend the New York state urban

development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part Z); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to extending loan powers (Part AA); to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); to amend the insurance law, in relation to cost sharing for covered prescription insulin drugs (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); to amend 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 extending the provisions 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); to amend the civil rights law, in relation to privacy rights involving digitization (Subpart A); and to amend the election law, in relation to digitization in political communications (Subpart B)(Part MM); to amend the insurance law, in relation to rates for livery insurance (Part NN); to amend the New York state urban development corporation act, in relation to internships for the regional economic development partnership program (Part OO); to amend the tax law, in relation to establishing a sales tax exemption for residential energy storage; and providing for the repeal of such provisions upon expiration thereof (Part PP); in relation to directing the New York state energy research and development authority to conduct a highway and depot charging needs evaluation (Part QQ); in relation to authorizing the state to consent to binding arbitration with respect to certain contracts, agreements or instruments adopted by the Gateway Development Commission (Part RR); to amend the public authorities law, in relation to establishing a local authorities searchable subsidy and economic development benefits database (Subpart A); and to amend the public authorities law, in relation to the applicability of open meetings and freedom of information laws to certain state and local authorities (Subpart B) (Part SS); and to amend the economic development law and the urban development corporation act, in relation to establishing the New York state empire artificial intelligence research program and the empire AI consortium; and in relation to the plan of operation and financial oversight of the empire AI consortium; and providing for the repeal of certain provisions upon expiration thereof (Subpart A); and in relation to authorizing the state university of New York at Buffalo to lease a portion of lands to the empire AI consortium to create and launch a state-of-the-art artificial intelligence computing center (Subpart B) (Part TT)

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 TT. 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

Intentionally Omitted

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 operators 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

Intentionally Omitted

PART I

Intentionally Omitted

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~~] **2026**.

§ 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. Short title. This act shall be known and may be cited as the "stretch limousine passenger safety act".

§ 2. 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 a link to access publicly available information on safety fitness standards and motor carrier safety and performance data maintained by the federal motor carrier safety administration of the United States department of transportation pursuant to part three hundred eighty-five of title forty-nine of the code of federal regulations**.

§ 3. 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.

§ 4. 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 and a new subparagraph (i-a) is added 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~~] 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~~] agent of such commissioner 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.~~]

(i-a) No person, corporation, limited liability company or business entity, joint stock association, partnership, or any officer or agent thereof, shall operate or knowingly allow, require, permit or authorize any person to operate a motor vehicle while under suspension as provided in this subdivision. A violation of this subparagraph shall constitute a class A misdemeanor punishable by a fine of not less than five thousand dollars nor more than twenty-five thousand dollars in addition to any other penalties provided by law.

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

55. Stretch limousine roll-over protection devices and anti-intrusion bars. (a) Every stretch limousine registered in this state shall be equipped with roll-over protection devices and anti-intrusion bars within no later than one year of the date upon which the national highway traffic safety administration promulgates final regulations establishing standards for commercial roll-over protection devices and anti-intrusion bars.

(b) For the purposes of this subdivision "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.

§ 6. 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) Every stretch limousine registered in this state shall be equipped with an

accessible window break tool and an operational fire extinguisher, and the driver and passenger partition of every such stretch limousine shall be accessible to reach an emergency egress from such vehicle if other forms of egress such as a roof hatch are not available in such stretch limousine.

(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; and

(ii) "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.

§ 7. 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, "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.

(c)(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 rules and regulations promulgated thereunder.

(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 operated or caused to be operated 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.

§ 8. 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 the other provisions of this section, in the event the commissioner authorizes or requires the pre-trip safety briefings required pursuant to subdivision nine of section five hundred nine-m of

this article to be live and in-person, all motor carriers shall conduct a regular observation of the proficiency of each driver who operates altered motor vehicles commonly referred to as "stretch limousines" directed or operated by such motor carrier, designed to carry nine or more passengers including the driver pursuant to operating authority issued by the commissioner of transportation, in providing such pre-trip safety briefings.

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

9. In coordination with the commissioner of transportation and the superintendent of state police, 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", designed to carry nine or more passengers including the driver pursuant to operating authority issued by the commissioner of transportation, which motor carriers shall provide to passengers prior to transporting such passengers for hire in such stretch limousines.

§ 10. 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.

§ 11. This act shall take effect immediately; provided, however, sections two, three, four, eight and nine of this act shall take effect one year after it shall have become a law; provided further, however, section seven of this act shall take effect two years after it shall have become a law; provided further, however, section six of this act shall take effect on the one hundred eightieth day after it shall have become a law; provided further, however, that sections five and six of 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; provided that 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.

PART L

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

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

ARTICLE 19-I
WATERFRONT COMMISSION ACT

Section 534. Short title.
534-a. Legislative findings and declarations.
534-b. Definitions.
534-c. New York waterfront commission established.
534-d. General powers of the commission.
534-e. Designation as agent of the state.
534-f. Pier superintendents and hiring agents.
534-g. Stevedores.
534-h. Prohibition of public loading.
534-i. Longshore workers' register.
534-j. List of qualified longshore workers' for employment as checkers.
534-k. Regularization of longshore workers' employment.
534-l. Suspension or acceptance of applications for inclusion in the longshore workers' register; exceptions.
534-m. Security officers.
534-n. Hearings, determinations and review.
534-o. Employment information centers.
534-p. Implementation of telecommunications hiring system for longshore workers and checkers; registration of telecommunications system controller.
534-q. Construction of act.
534-r. Certain solicitations prohibited; prohibition against the holding of union position by officers, agents or employees who have been convicted of certain crimes and offenses.
534-s. General violations; prosecutions; penalties.
534-t. Denial of applications.
534-u. Revocation of licenses and registrations.
534-v. Refusal to answer question, immunity; prosecution.
534-w. Annual preparation of a budget request and assessments.
534-x. Payment of assessment.
534-y. Transfer of officers, employees.
534-z. Annual report.

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

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

In 1953, the conditions under which waterfront labor was employed within the port of New York district were depressing and degrading to such labor, resulting from the lack of any systematic method of hiring, the lack of adequate information as to the availability of employment, corrupt and discriminatory hiring practices, criminal practices, and coercion of employees or employers. Now, it continues to be in the best interest of the state to regulate activities within the port of New York district in this state to prevent such conditions and to prevent circumstances that result in waterfront laborers suffering from irregularity of employment, fear and insecurity, inadequate earnings, an unduly high accident rate, subjection to borrowing at usurious rates of interest, exploitation and extortion as the price of securing employment, a loss of respect for the law, and destruction of the dignity of an important segment of American labor, and to prevent a direct encouragement of

crime which imposes a levy of greatly increased costs on food, fuel and other necessaries handled in and through the port of New York district in this state.

It is in the best interest of the state to ensure that the function of loading and unloading trucks and other land vehicles at piers and other waterfront terminals should be performed, as in every other major American port, without the abuses of the public loader system, and by the carriers of freight by water, stevedores and operators of such piers and other waterfront terminals or the operators of such trucks or other land vehicles. Therefore, it is in the best interest of the state to regulate the occupations of longshore workers, stevedores, pier superintendents, hiring agents, and security officers, who are affected with a public interest, which is an exercise of the police power of this state. It is further in the best interest of the state to ensure that the method of employment of longshore workers and security officers be conducted through employment information centers to prevent grave injury to the welfare of waterfront laborers and of the people at large and to ensure the preservation of the fundamental rights and liberties of labor, the economic stability of the port of New York district in this state, and the advancement of law enforcement therein.

Although law enforcement's efforts against traditional organized crime influence have been successful, such influence remains a significant threat in the New York metropolitan area, particularly in the port. Continued oversight is essential to ensure fair and nondiscriminatory hiring practices, to eliminate labor racketeering and the victimization of legitimate union members and port businesses, and to prevent organized crime figures from directly operating at the critical points of interstate and international shipping.

To preserve the safety and welfare of the state, it is the intent of this act to prevent and eradicate mismanagement, abuse of labor, coercion, corruption, prevalence of organized crime and other criminal activity, to exclude or remove from the port workforce individuals who were convicted of serious crimes or who associate with organized crime in violation of this act, to overcome discrimination and other unfair hiring practices, and to extirpate corruption and racketeering in the port of New York district in this state.

§ 534-b. Definitions. As used in this article, the following terms shall have the following meanings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. "Other waterfront terminal" shall include:

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

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

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

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

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

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

20. "Security officer" shall include any security officer, gate person, rounds person, detective, guard, guardian or protector of property employed by the operator of any pier or other waterfront terminal or by a carrier of freight by water to perform services in such capacity on any pier or other waterfront terminal.

21. The term "select any longshore worker for employment" in the definition of a hiring agent in this section shall include selection of a person for the commencement or continuation of employment as a longshore worker, or the denial or termination of employment as a longshore worker.

22. "Stevedore" shall mean:

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

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

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

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

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

24. "Waterborne freight" shall mean freight carried by or consigned for carriage by carriers of freight by water, and shall also include freight described in subdivision fifteen and paragraphs (b) and (d) of subdivision twenty-two of this section, and ships' stores, baggage and mail carried by or consigned for carriage by carriers of freight by water.

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

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

2. The commission shall consist of the commissioner appointed by the governor with the advice and consent of the senate, and shall receive compensation to be fixed by the governor of this state. The term of office of such commissioner shall be for three years; provided, however, that a commissioner serving on the bi-state commission at the time of its dissolution on the seventeenth of July two thousand twenty-three who was appointed by the governor of New York to such position, may serve as acting commissioner of the New York waterfront commission until such time as a commissioner is appointed by the governor, with the advice and consent of the senate, pursuant to this subdivision. A commissioner shall hold office until that commissioner's successor has been appointed and qualified. Vacancies in office shall be filled for the balance of the unexpired term in the same manner as original appointments.

3. A commissioner may, by written instrument filed in the office of the commission, designate any officer or employee of the commission to act in that commissioner's place. A vacancy in the office of a commissioner shall not impair such designation until the vacancy shall have been filled.

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

1. To have a seal and alter the same at pleasure.

2. To determine the location, size and suitability of accommodations necessary and desirable for the establishment and maintenance of the employment information centers provided in section five hundred thirty-four-o of this article and for administrative offices for the commission.

3. To administer and enforce the provisions of this act.

4. To promulgate and enforce such rules and regulations as the commission may deem necessary to effectuate the purposes of this act or to prevent the circumvention or evasion thereof. As used in this act, "regulations" include those rules and regulations of the bi-state commission which shall continue in effect as the rules and regulations of the commission until amended, supplemented, or rescinded by the commission pursuant to the state administrative procedure act. Previously promulgated regulations inconsistent with the provisions of this act shall be deemed void. No later than one hundred eighty days after this act shall have become law, the commission shall commence review of its regulations in order to recommend necessary changes. In its review, the commission shall consult with relevant employers and labor organizations.

5. To appoint such officers, agents and employees as it may deem necessary, prescribe their powers, duties and qualifications and fix their compensation and retain and employ counsel and private consultants on a contract basis or otherwise, within the limits provided by appropriation.

6. By its commissioner and its properly designated officers, agents and employees, to administer oaths and issue subpoenas to compel the attendance of witnesses and the giving of testimony and the production of other evidence.

7. To have for its commissioner and its properly designated officers, agents and employees, full and free access, ingress and egress to and from all vessels, piers and other waterfront terminals or other places in the port of New York district in this state, for the purposes of making inspection or enforcing the provisions of this act; and no person shall obstruct or in any way interfere with any such commissioner, officer, employee or agent in the making of such inspection, or in the enforcement of the provisions of this act or in the performance of any other power or duty under this act.

8. To recover possession of any suspended or revoked license issued under this act.

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

10. To advise and consult with representatives of labor and industry and with public officials and agencies concerned with the effectuation of the purposes of this act, upon all matters which the commission may desire, including but not limited to the form and substance of rules and regulations, the administration of the act, maintenance of the longshore workers' register, and issuance and revocation of licenses.

11. To make annual and other reports to the governor and legislature.

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

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

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

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

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

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

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

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

19. To require any applicant for registration as a longshore worker, any applicant for registration as a checker or any applicant for registration as a telecommunications system controller and any person who is sponsored for a license as a pier superintendent or hiring agent, any person who is an individual owner of an applicant stevedore or any persons who are individual partners of an applicant stevedore, or any officers, directors or stockholders owning five percent or more of any of the stock of an applicant corporate stevedore or any applicant for a license as a security officer or any other category of applicant for registration or licensing within the commission's jurisdiction to be fingerprinted by the commission at the cost and expense of the applicant.

20. To exchange fingerprint data with and receive state criminal history record information from the division of criminal justice services and federal criminal history record information from the federal bureau of investigation for use in making the determinations required by this act.

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

22. To cooperate with a similar entity established in the state of New Jersey, to exchange information on any matter pertinent to the purposes

of this act, and to, in its discretion, enter into reciprocal agreements for the accomplishment of such purposes, including but not limited to the following objectives:

(a) To give reciprocal effect to any approval, revocation, suspension or reprimand with respect to any licensee, and any inclusion in, or reprimand or removal from a longshore workers' register;

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

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

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

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

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

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

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

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

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

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

(d) Such further facts and evidence as may be required by the commission to ascertain the character, integrity and identity of the prospective licensee; and

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

3. No such license shall be granted:

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

(b) If the prospective licensee has, without subsequent pardon, been convicted by a court of the United States, or any state or territory thereof, of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter or any crime punishable by death or imprisonment for a term exceeding three hundred sixty-four days or any of the following misdemeanors or offenses: illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding an escape from prison; unlawfully possessing, possessing with intent to distribute, sale or distribution of a controlled dangerous substance (controlled substance) or a controlled dangerous substance analog; and violation of this act. Any such prospective licensee ineligible for a license by reason of any such conviction may submit satisfactory evidence to the commission that such person has for a period of not less than five years, measured as hereinafter provided, and up to the time of application, so acted in a manner as to warrant the grant of such license, in which event the commission may, in its discretion, issue an order removing such ineligibility. The aforesaid period of five years shall be measured either from the date of payment of any fine imposed upon such person or the suspension of sentence or from the date of the person's unrevoked release from custody by parole, commutation or termination of sentence;

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

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

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

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

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

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

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

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

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

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

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

(g) Consorting with known criminals for an unlawful purpose, provided, however, that consorting without unlawful purpose shall be insufficient grounds for revocation or suspension;

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

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

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

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

(l) Lending any money to or borrowing any money from a longshore worker for which there is a charge of interest or other consideration; and

(m) Membership in a labor organization which represents longshore workers or security officers; but nothing in this section shall be deemed to prohibit pier superintendents or hiring agents from being represented by a labor organization or organizations which do not also represent longshore workers or security officers. The American Federation of Labor and Congress of Industrial Organizations and any other similar federation, congress or other organization of national or international occupational or industrial labor organizations shall not be considered an organization which represents longshore workers or security officers within the meaning of this section although one of the federated or constituent labor organizations thereof may represent longshore workers or security officers.

8. Any applicant for pier superintendent or hiring agent ineligible for a license by reason of the provisions of paragraph (b) of subdivision three of this section may petition for and the commission may issue an order removing the ineligibility. A petition for an order to remove ineligibility may be made to the commission before or after the hearing required by section five hundred thirty-four-n of this article.

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

in the port of New York district in this state unless the stevedore is so licensed.

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

(a) If the applicant is a natural person, the application shall be signed and verified by such person and if the applicant is a partnership, the application shall be signed and verified by each natural person composing or intending to compose such partnership. The application shall state the full name, age, residence, business address, if any, present and previous occupations of each natural person so signing the same, and any other facts and evidence as may be required by the commission to ascertain the character, integrity and identity of each natural person so signing such application.

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

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

3. No such license shall be granted:

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

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

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

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

(e) If the applicant or any member, officer or stockholder required by subdivision two of this section to sign or be identified in the application for license has, without subsequent pardon, been convicted by a court of the United States or any state or territory thereof of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter or any crime punishable by death or imprisonment for a term exceeding one year or any of the misdemeanors or offenses described in paragraph (b) of subdivision three of section five hundred thirty-four-f

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

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

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

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

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

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

6. Any license issued pursuant to this section may be revoked or suspended for such period as the commission deems in the public interest or the licensee thereunder may be reprimanded for any of the following offenses on the part of the licensee or of any person required by subdi-

vision two of this section to sign or be identified in an original application for a license:

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

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

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

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

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

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

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

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

(c) Operators of piers or other waterfront terminals (including railroads, truck terminal operators, warehouse workers and other persons), but only at piers or other waterfront terminals operated by them;

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

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

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

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

2. Any person applying for inclusion in the longshore workers' register shall file at such place and in such manner as the commission shall designate a written statement, signed and verified by such person,

setting forth the person's full name, residence address, social security number, and such further facts and evidence as the commission may prescribe to establish the identity of such person and the person's criminal record, if any.

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

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

(b) Who knowingly or willingly advocates the desirability of overthrowing or destroying the government of the United States by force or violence or who shall be a member of a group which advocates such desirability knowing the purposes of such group include such advocacy;

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

4. Unless the commission shall determine to exclude the applicant from the longshore workers' register on a ground set forth in subdivision three of this section it shall include such person in the longshore workers' register. The commission shall issue a determination within thirty days of receipt of the application provided, however, that this time requirement shall not apply for any period of delay caused or requested by the applicant. If the commission cannot make a determination within that time, it shall notify the applicant that the application is still under review. The commission may permit temporary registration of any applicant under the provisions of this section pending final action on an application made for such registration. Any such temporary registration shall be valid for a period not in excess of six months.

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

(a) Conviction of a crime or other cause which would permit disqualification of such person from inclusion in the longshore workers' register upon original application;

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

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

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

(e) Willful commission of or willful attempt to commit at or on a waterfront terminal or adjacent highway any act of physical injury to any other person or of willful damage to or misappropriation of any other person's property, unless justified or excused by law; and

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

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

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

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

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

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

(a) The full name, residence, place and date of birth and social security number of the applicant;

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

(c) Such further facts and evidence as may be required by the commission to ascertain the character, integrity and identity of the applicant.

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

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

(b) If the applicant has, without subsequent pardon, been convicted by a court of the United States or any state or territory thereof, of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter or any crime punishable by death or imprisonment for a term exceeding three hundred sixty-four days or any of the following misdemeanors or offenses: illegally using, carrying or possessing a pistol or another dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding an escape from prison; unlawfully possessing, possessing with intent to distribute, sale or distribution of a controlled dangerous substance (controlled substance) or a controlled dangerous substance analog (controlled substance analog); petty larceny, where the evidence shows the property was stolen from a vessel, pier or other waterfront terminal; and violation of the act. Any such applicant ineligible for inclusion in the longshore workers' register as a checker by reason of any such conviction may submit satisfactory evidence to the

commission that the person has for a period of not less than five years, measured as provided in this section, and up to the time of application, so acted in a manner as to warrant inclusion in the longshore workers' register as a checker, in which event the commission may, in its discretion, issue an order removing such ineligibility. The aforesaid period of five years shall be measured either from the date of payment of any fine imposed upon such person or the suspension of sentence or from the date of such person's unrevoked release from custody by parole, commutation or termination of such person's sentence;

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

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

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

(a) Conviction of a crime or other cause which would permit disqualification of such person from inclusion in the longshore workers' register as a checker upon original application;

(b) Fraud, deceit or misrepresentation in securing inclusion in the longshore workers' register as a checker or in the conduct of the registered activity;

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

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

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

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

(g) Consorting with known criminals for an unlawful purpose, provided, however, that consorting without unlawful purpose shall be insufficient grounds for reprimand;

(h) Transfer or surrender of possession to any person either temporarily or permanently of any card or other means of identification issued by the commission as evidence of inclusion in the workers' register without satisfactory explanation;

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

6. The commission shall have the right to recover possession of any card or other means of identification issued as evidence of inclusion in the longshore workers' register as a checker in the event that the hold-

er thereof has been removed from the longshore workers' register as a checker.

7. Any applicant ineligible for inclusion in the longshore workers' register as a checker by reason of the provisions of paragraph (b) of subdivision three of this section may petition for and the commission may issue an order removing the ineligibility. A petition for an order to remove ineligibility may be made to the commission before or after the hearing required by section five hundred thirty-four-n of this article.

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

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

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

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

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

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

(c) To eliminate oppressive, unlawful, discriminatory, and corrupt hiring practices affecting longshore workers and waterborne commerce in the port of New York district in this state; and

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

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

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

6. Notwithstanding any other provisions of this section, the commission shall have the power to remove from the longshore workers' register any person (including those persons registered as longshore workers for less than nine months) who shall have failed to have worked as a longshore worker in the port of New York district for such minimum number of days during a period of time as shall have been established by the

commission. In administering this section, the commission, in its discretion, may count applications for employment as a longshore worker at an employment information center established under section five hundred thirty-four-o of this article as constituting actual work as a longshore worker, provided, however, that the commission shall count as actual work the compensation received by any longshore worker pursuant to the guaranteed wage provisions of any collective bargaining agreement relating to longshore workers. Prior to the commencement of any period of time established by the commission pursuant to this section, the commission shall establish for such period the minimum number of days of work required and the distribution of such days during such period and shall also determine whether or not application for employment as a longshore worker shall be counted as constituting actual work as a longshore worker. The commission may classify longshore workers according to length of service as a longshore worker and such other criteria as may be reasonable and necessary to carry out the provisions of this act. The commission shall have the power to vary the requirements of this section with respect to their application to the various classifications of longshore workers. In administering this section, the commission shall observe the standards set forth in section five hundred thirty-four-l of this article. Nothing in this section shall be construed to modify, limit or restrict in any way any of the rights protected by section five hundred thirty-four-q of this article.

§ 534-l. Suspension or acceptance of applications for inclusion in the longshore workers' register; exceptions. 1. The commission shall have the power to make determinations to suspend the acceptance of applications for inclusion in the longshore workers' register for such periods of time as the commission may from time to time establish and, after any such period of suspension, the commission shall have the power to make determinations to accept applications for such period of time as the commission may establish or in such number as the commission may determine, or both. Such determinations to suspend or accept applications shall be made by the commission: (a) on its own initiative when it determines that continued acceptance of applications for inclusion in the longshore workers' register will violate the standards set forth in subdivision two of this section; or (b) upon the joint recommendation in writing of stevedores and other employers of longshore workers in the port of New York district in this state, acting through their representative for the purpose of collective bargaining with a labor organization representing such longshore workers in such district and such labor organization; or (c) upon the petition in writing of a stevedore or another employer of longshore workers in the port of New York district in this state which does not have a representative for the purpose of collective bargaining with a labor organization representing such longshore workers. The commission shall have the power to accept or reject such joint recommendation or petition. All joint recommendations or petitions filed for the acceptance of applications with the commission for inclusion in the longshore workers' register shall include:

(i) the number of employees requested;

(ii) the category or categories of employees requested;

(iii) a detailed statement setting forth the reasons for such joint recommendation or petition;

(iv) in cases where a joint recommendation is made under this section, the collective bargaining representative of stevedores and other employers of longshore workers in the port of New York district in this state and the labor organization representing such longshore workers shall

provide the allocation of the number of persons to be sponsored by each employer of longshore workers in the port of New York district in this state; and

(v) any other information requested by the commission.

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

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

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

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

(d) To protect the job security of the existing work force of longshore workers by considering the wages and employment benefits of prospective registrants;

(e) To eliminate oppressive, unlawful, discriminatory, and corrupt hiring practices injurious to waterfront labor and waterborne commerce in the port of New York district in this state, including, but not limited to, those oppressive, unlawful, discriminatory, and corrupt hiring practices that may result from either a surplus or shortage of waterfront labor;

(f) To consider the effect of technological change and automation and such other economic data and facts as are relevant to a proper determination; and

(g) To protect the public interest of this state.

3. (a) In observing the foregoing standards and before determining to suspend or accept applications for inclusion in the longshore workers' register, the commission shall consult with and consider the views of, including any statistical data or other factual information concerning the size of the longshore workers' register submitted by, carriers of freight by water, stevedores, waterfront terminal owners and operators, any labor organization representing employees registered by the commission, and any other person whose interests may be affected by the size of the longshore workers' register. The commission shall publish on its website the justification for any determination to suspend applications for inclusion in the longshore workers' register, and shall notify the governor and the legislature of such suspension, within ten days of such action.

(b) Any recommendation or petition granted hereunder shall be subject to such terms and conditions as the commission may prescribe consistent with the provisions of this act or any regulations promulgated thereof.

4. Any determination by the commission pursuant to this section to suspend or accept applications for inclusion in the longshore workers' register shall be made upon a record, shall not become effective until five days after notice thereof to the collective bargaining representative of stevedores and other employers of longshore workers in the port of New York district in this state and to the labor organization representing such longshore workers and/or the petitioning stevedore or other employer of longshore workers in the port of New York district in this state and shall be subject to judicial review for being arbitrary, capricious, and an abuse of discretion in a proceeding jointly instituted by such representative and such labor organization and/or by the petitioning stevedore or other employer of longshore workers in the port

of New York district in this state. Such judicial review proceeding may be instituted in the manner provided by the law of this state for review of the final decision or action of administrative agencies of this state, provided, however, that such proceeding shall be decided directly by the appellate division as the court of first instance (to which the proceeding shall be transferred by order of transfer by the supreme court in the state of New York by notice of appeal from the commission's determination) and provided further that notwithstanding any other provision of law in this state no court shall have power to stay the commission's determination prior to final judicial decision for more than fifteen days. In the event that the court enters a final order setting aside the determination by the commission to accept applications for inclusion in the longshore workers' register, the registration of any longshore workers included in the longshore workers' register as a result of such determination by the commission shall be cancelled.

5. This section shall apply, notwithstanding any other provision of this act, provided however, such section shall not in any way limit or restrict the provisions of this subdivision empowering the commission to register longshore workers on a temporary basis to meet special or emergency needs or the provisions of subdivision four of section five hundred thirty-four-k of this article relating to the immediate reinstatement of persons removed from the longshore workers' register pursuant to this section.

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

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

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

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

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

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

§ 534-m. Security officer. 1. No person shall act as a security officer within the port of New York district in this state without first having obtained a license from the commission or previously, from the bi-state commission, and no person shall employ a security officer who is not so licensed.

2. A license to act as a security officer shall be issued only upon written application, duly verified, which shall state the following:

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

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

(c) The citizenship of the applicant and, if the person is a naturalized citizen of the United States, the court and date of naturalization; and

(d) Such further facts and evidence as may be required by the commission to ascertain the character, integrity and identity of the applicant.

3. No such license shall be granted:

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

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

(c) Unless the applicant shall meet such reasonable standards of physical and mental fitness for the discharge of a security officer's duties as may from time to time be established by the commission;

(d) If the applicant shall be a member of any labor organization which represents longshore workers or pier superintendents or hiring agents; but nothing in this section shall be deemed to prohibit security officers from being represented by a labor organization or organizations which do not also represent longshore workers or pier superintendents or hiring agents. The American Federation of Labor and Congress of Industrial Organizations and any other similar federation, congress or other organization of national or international occupational or industrial labor organizations shall not be considered an organization which represents longshore workers or pier superintendents or hiring agents within the meaning of this section although one of the federated or constituent labor organizations thereof may represent longshore workers or pier superintendents or hiring agents;

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

4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed by this section and regulations issued pursuant thereto, the commission shall issue and

deliver a license to the applicant. The commission may issue a temporary permit to any applicant for a license under the provisions of this section pending final action on an application made for such a license. Any such permit shall be valid for a period not in excess of six months.

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

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

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

(b) Complete a refresher course of training; and

(c) Submit supplementary personal history information.

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

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

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

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

8. The commission shall, at regular intervals, cancel the license or temporary permit of a security officer who shall have failed during the preceding twelve months to have worked as a security officer in the port of New York district a minimum number of hours as shall have been established by the commission, except that immediate restoration of such license or temporary permit shall be made upon proper showing that the failure to so work was caused by the fact that the licensee or permittee was engaged in the military service of the United States or was incapacitated by ill health, physical injury or other good cause.

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

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

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

3. The commission may on its own initiative or on complaint of any person, including any public official or agency, institute proceedings to revoke or suspend any license or registration after a hearing at which the licensee or registrant and any person making such complaint shall be given an opportunity to be heard, provided that any order of the commission revoking or suspending any license or registration shall

not become effective until fifteen days subsequent to the serving of notice thereof upon the licensee or registrant unless in the opinion of the commission the continuance of the license or registration for such period would be inimical to the public peace or safety. Such hearings shall be held in such manner and upon such notice as may be prescribed by the rules of the commission, but such notice shall be of not less than ten days and shall state the nature of the complaint.

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

(a) The commission may temporarily suspend a permit, license or registration pursuant to the provisions of this subdivision until further order of the commission or final disposition of the underlying case, only where the permittee, licensee or registrant has been indicted for, or otherwise charged with, a crime which is equivalent to a felony in the state of New York or any crime punishable by death or imprisonment for a term exceeding three hundred sixty-four days or only where the permittee or licensee is a security officer who is charged by the commission pursuant to this section with misappropriating any other person's property at or on a pier or other waterfront terminal.

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

(c) A person whose permit, license or registration has been temporarily suspended may, at any time, demand that the commission conduct a hearing as provided for in this section. Within sixty days of such demand, the commission shall commence the hearing and, within thirty days of receipt of the administrative judge's report and recommendation, the commission shall render a final determination thereon; provided, however, that these time requirements, shall not apply for any period of delay caused or requested by the permittee, licensee or registrant. Upon failure of the commission to commence a hearing or render a determination within the time limits prescribed herein, the temporary suspension of the licensee or registrant shall immediately terminate. Notwithstanding any other provision of this subdivision, if a federal, state, or local law enforcement agency or prosecutor's office shall request the suspension or deferment of any hearing on the ground that such a hearing would obstruct or prejudice an investigation or prosecution, the commission may in its discretion, postpone or defer such hearing for a time certain or indefinitely. Any action by the commission to postpone a hearing shall be subject to immediate judicial review as provided in subdivision seven of this section.

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

5. The commission, or such officer, employee or agent of the commission as may be designated by the commission for such purpose, shall have the power to issue subpoenas to compel the attendance of witnesses and the giving of testimony or production of other evidence and to administer oaths in connection with any such hearing. It shall be the duty of the commission or of any officer, employee or agent of the commission designated by the commission for such purpose to issue subpoenas at the request of and upon behalf of the licensee, registrant or applicant. The commission or such person conducting the hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure in the conduct of such hearing.

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

7. The action of the commission in denying any application for a license or in refusing to include any person in the longshore workers' register under this act or in suspending or revoking such license or removing any person from the longshore workers' register or in reprimanding a licensee or registrant shall be subject to judicial review by a proceeding instituted in this state at the instance of the applicant, licensee or registrant in the manner provided by state law for review of the final decision or action of an agency of this state provided, however, that notwithstanding any other provision of law the court shall have power to stay for not more than thirty days an order of the commission suspending or revoking a license or removing a longshore worker from the longshore workers' register.

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

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

§ 534-o. Employment information centers. 1. The commission shall establish and maintain one or more employment information centers within

the port of New York district in this state at such locations as it may determine. No person shall, directly or indirectly, hire any person for work as a longshore worker or security officer within the port of New York district in this state, except through such particular employment information center or centers as may be prescribed by the commission. No person shall accept any employment as a longshore worker or security officer within the port of New York district in this state, except through such an employment information center. At each such employment information center the commission shall keep and exhibit the longshore workers' register and any other records it shall determine to the end that longshore workers and security officers shall have the maximum information as to available employment as such at any time within the port of New York district in this state and to the end that employers shall have an adequate opportunity to fill their requirements of registered longshore workers and security officers at all times.

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

§ 534-p. Implementation of telecommunications hiring system for longshore workers and checkers; registration of telecommunications system controller. 1. The commission may designate one of the employment information centers it is authorized to establish and maintain under section five hundred thirty-four-o of this article for the implementation of a telecommunications hiring system through which longshore workers and checkers may be hired and accept employment without any personal appearance at said center. Any such telecommunications hiring system shall incorporate hiring and seniority agreements between the employers of longshore workers and checkers and the labor organization representing longshore workers and checkers in the port of New York district in this state, provided said agreements are not in conflict with the provisions of the article.

2. The commission shall permit employees of the association representing employers of longshore workers and checkers and of the labor organization representing longshore workers and checkers in the port of New York district in this state, or of a joint board of such association and labor organization, to participate in the operation of said telecommunications hiring system, provided that any such employee is registered by the commission as a "telecommunications system controller" in accordance with the provisions, standards and grounds set forth in the act with respect to the registration of checkers. No person shall act as a "telecommunications system controller" unless that person is so registered. Any application for such registration and any registration made or issued may be denied, revoked, or suspended, as the case may be, only in the manner prescribed in section five hundred thirty-four-n of this article. Any and all such participation in the operation of said telecommunications hiring system shall be monitored by the commission.

3. Any and all records, documents, tapes, discs and other data compiled, collected or maintained by said association of employers, labor organization and joint board of such association and labor organization pertaining to the telecommunications hiring system shall be available for inspection, investigation and duplication by the commission.

§ 534-q. Construction of act. 1. This act is not designed and shall not be construed to limit in any way any rights granted or derived from any other statute or any rule of law for employees to organize in labor organizations, to bargain collectively and to act in any other way individually, collectively, and through labor organizations or other representatives of their own choosing. Without limiting the generality of the foregoing, nothing contained in this act shall be construed to limit in any way the right of employees to strike.

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

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

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

3. Any person who shall violate this section shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment for not more than three hundred sixty-four days, or both.

4. If upon application to the commission by an employee who has been convicted of a crime or offense specified in subdivision one of this section the commission, in its discretion, determines in an order that it would not be contrary to the purposes and objectives of this act for such employee to work in a particular employment for a labor organization, welfare fund or trust within the meaning of subdivision two of this section, the provisions of subdivision two of this section shall not apply to the particular employment of such employee with respect to such conviction or convictions as are specified in the commission's order. This section is applicable only to those employees who for wages or salary perform manual, mechanical, or physical work of a routine or clerical nature at the premises of the labor organization, welfare fund or trust by which they are employed.

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

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

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

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

3. Any person who, having been duly sworn or affirmed as a witness in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this article, shall willfully give false testimony shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or imprisonment for not more than three hundred sixty-four days, or both.

4. The commission may maintain a civil action on behalf of the state against any person who violates or attempts or conspires to violate this

section or who fails, omits, or neglects to obey, observe, or comply with any order or direction of the commission, to recover a judgment for a money penalty not exceeding five hundred dollars for each and every offense. Every violation of any such provision, order or direction, shall be a separate and distinct offense, and, in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct offense. Any such action may be compromised or discontinued on application of the commission upon such terms as the court may approve and a judgment may be rendered for an amount less than the amount demanded in the complaint as justice may require.

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

6. Any person who violates or attempts or conspires to violate any other provision of this article shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than three hundred sixty-four days, or both.

7. Any person who interferes with or impedes the orderly registration of longshore workers pursuant to this act or who conspires to or attempts to interfere with or impede such registration shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than three hundred sixty-four days, or both.

8. Any person who directly or indirectly inflicts or threatens to inflict any injury, damage, harm or loss or in any other manner practices intimidation upon or against any person in order to induce or compel such person or any other person to refrain from registering pursuant to this act shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than three hundred sixty-four days, or both.

9. Any person who shall violate any of the provisions of this article or of section five hundred thirty-four-x of this article for which no other penalty is prescribed shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than three hundred sixty-four days, or both.

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

11. Any person who, without justification or excuse in law, directly or indirectly intimidates or inflicts any injury, damage, harm, loss or economic reprisal upon any person licensed or registered by the commission, or any other person, or attempts, conspires or threatens so to do, in order to interfere with, impede or influence such licensed or registered person in the performance or discharge of the person's duties or obligations shall be punishable as provided in subdivision three of section five hundred thirty-four-r of this article.

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

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

1. Conviction by a court of the United States or any state or territory thereof of coercion;

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

3. Fraud, deceit or misrepresentation in connection with any application or petition submitted to, or any interview, hearing or proceeding conducted by the commission;

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

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

6. Association with a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group, a terrorist group, or a career offender cartel, or who is a career offender, under circumstances where such association creates a reasonable belief that the participation of the applicant in any activity required to be licensed under this article would be inimical to the policies of this article, provided, however, that association without the requisite showing of inimicality as set forth herein shall be insufficient grounds for denial; or

7. Conviction of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity by a court of the United States or any state or territory thereof under circumstances where such association creates a reasonable belief that the participation of the applicant in any activity required to be licensed under this article would be inimical to the policies of this article, provided, however, that association without the requisite showing of inimicality as set forth herein shall be insufficient grounds for denial.

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

1. Conviction of any crime or offense in relation to gambling if the crime or offense was committed at or on a pier or other waterfront terminal or within five hundred feet thereof;

2. Willful commission of, or willful attempt to commit at or on a waterfront terminal or adjacent highway, any act of physical injury to any other person or of willful damage to or misappropriation of any other person's property, unless justified or excused by law;

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

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

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

6. Association with a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group, a terrorist group, or a career offender cartel, or who is a career offender, under circumstances where such association creates a reasonable belief that the participation of the applicant in any activity required to be licensed under this act would be inimical to the policies of this article, provided however that association without the requisite showing of inimicality as set forth herein shall be insufficient grounds for revocation; or

7. Conviction of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity by a court of the United States or any state or territory thereof under circumstances where such association creates a reasonable belief that the participation of the applicant in any activity required to be licensed under this act would be inimical to the policies of this article, provided, however, that association without the requisite showing of inimicality as set forth herein shall be insufficient grounds for revocation.

§ 534-v. Refusal to answer question, immunity; prosecution. 1. In any investigation, interview or other proceeding conducted under oath by the commission or any duly authorized officer, employee or agent thereof, if a person refuses to answer a question or produce evidence of any other kind on the ground that the person may be incriminated thereby, and, notwithstanding such refusal, an order is made upon twenty-four hours' prior written notice to the attorney general of the state of New York, and to the appropriate district attorney or prosecutor having an official interest therein, by the commissioner or by the commissioner's designees appointed pursuant to the provisions of subdivision three of section five hundred thirty-four-c of this article, that such person answer the question or produce the evidence, such person shall comply with the order. If such person complies with the order, and if, but for this subdivision, would have been privileged to withhold the answer given or the evidence produced by the person, then immunity shall be conferred upon the person, as provided for in this section. "Immunity" as used in this subdivision means that such person shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which, in accordance with the order by the commission or the commissioner's designees appointed pursuant to the provisions of subdivision three of section five hundred thirty-four-c of this article, such person gave answer or produced evidence, and that no such answer given or evidence produced shall be received against the person upon any criminal proceeding. But the person may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury or contempt committed in answering, or failing to answer, or in producing or failing to produce evidence, in accordance with the order, and any such answer given or evidence produced shall be admissible against the person upon any criminal proceeding concerning such perjury

or contempt. Immunity shall not be conferred upon any person except in accordance with the provisions of this subdivision. If, after compliance with the provisions of this subdivision, a person is ordered to answer a question or produce evidence of any other kind and complies with such order, and it is thereafter determined that the attorney general or appropriate district attorney or prosecutor having an official interest therein not notified, such failure or neglect shall not deprive such person of any immunity otherwise properly conferred upon the person.

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

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

2. After taking into account such funds as may be available, the balance of the commission's budgeted expenses shall be assessed upon employers of persons registered or licensed under this act. Each such employer shall pay an assessment computed upon the gross payroll payments made by such employer to longshore workers, pier superintendents, hiring agents and security officers for work or labor performed within the port of New York district in this state, at a rate, not in excess of two per cent, computed by the commission in the following manner: the commission shall annually estimate the gross payroll payments to be made by employers subject to assessment and shall compute a rate thereon which will yield revenues sufficient to finance the commission's budget for each year. Such budget to be assessed upon employers may include a reasonable amount not to exceed ten percent of the total of all other items of expenditure contained therein, which shall be allocated to an applicable fund balance to be held in the commission's employers assessment account.

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

4. The assessment pursuant to this section shall be in lieu of any other charge for the issuance of licenses to stevedores, pier superintendents, hiring agents and security officers or for the registration of longshore workers or the use of an employment information center. The commission shall establish reasonable procedures for the consideration of protests by affected employers concerning the estimates and computation of the rate of assessment.

§ 534-x. Payment of assessment. 1. Every person subject to the payment of any assessment under the provisions of section five hundred thirty-four-w of this article shall file on or before the fifteenth day of the first month of each calendar quarter-year a separate return, together with the payment of the assessment due, for the preceding calendar quarter-year during which any payroll payments were made to

longshore workers, pier superintendents, hiring agents or security officers for work performed as such within the port of New York district in this state. Returns covering the amount of assessment payable shall be filed with the commission on forms to be furnished for such purpose and shall contain such data, information or matter as the commission may require to be included therein. The commission may grant a reasonable extension of time for filing returns, or for the payment of assessment, whenever good cause exists. Every return shall have annexed thereto a certification to the effect that the statements contained therein are true.

2. Every person subject to the payment of assessment hereunder shall keep an accurate record of that person's employment of longshore workers, pier superintendents, hiring agents or security officers, which shall show the amount of compensation paid and such other information as the commission may require. Such records shall be preserved for a period of three years and be open for inspection at reasonable times. The commission may consent to the destruction of any such records at any time after said period or may require that they be kept longer, but not in excess of six years.

3. (a) The commission shall audit and determine the amount of assessment due from the return filed and such other information as is available to it. Whenever a deficiency in payment of the assessment is determined the commission shall give notice of any such determination to the person liable therefor. Such determination shall finally and conclusively fix the amount due, unless the person against whom it is assessed shall, within thirty days after the giving of notice of such determination, apply in writing to the commission for a hearing, or unless the commission on its own motion shall reduce the same. After such hearing, the commission shall give notice of its decision to the person liable therefor. A determination of the commission under this section shall be subject to judicial review, if application for such review is made within thirty days after the giving of notice of such decision. Any determination under this section shall be made within five years from the time the return was filed and if no return was filed such determination may be made at any time.

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

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

5. The employment by a nonresident of a longshore worker, or a licensed pier superintendent, hiring agent or security officer in this state or the designation by a nonresident of a longshore worker, pier superintendent, hiring agent or security officer to perform work in this state shall be deemed equivalent to an appointment by such nonresident of the secretary of state to be the nonresident's true and lawful attorney upon whom may be served the process in any action or proceeding

against the nonresident growing out of any liability for assessments, penalties or interest, and a consent that any such process against the nonresident which is so served shall be of the same legal force and validity as if served personally within the state and within the territorial jurisdiction of the court from which the process issues. Service of process within this state shall be made by either:

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

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

6. Whenever the commission shall determine that any moneys received as assessments were paid in error, it may cause the same to be refunded, provided an application therefor is filed with the commission within two years from the time the erroneous payment was made.

7. In addition to any other powers authorized hereunder, the commission shall have power to promulgate reasonable rules and regulations to effectuate the purposes of this section.

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

9. Any person who shall willfully furnish false or fraudulent information or shall willfully fail to furnish pertinent information, as required, with respect to the amount of assessment due, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars, or imprisonment for not more than three hundred sixty-four days, or both.

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

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

§ 534-y. Transfer of officers, employees. 1. Any officer or employee in the state, county or municipal civil service in either state who shall transfer to service with the commission may be given one or more leaves of absence without pay and may, before the expiration of such leave or leaves of absence, and without further examination or

qualification, return to the person's former position or be certified by the appropriate civil service agency for retransfer to a comparable position in such state, county, or municipal civil service if such a position is then available.

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

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

§ 534-z. Annual report. 1. The commission shall submit an annual report to the governor, the speaker of the assembly, and the temporary president of the senate on or before the first day of September of each year detailing the previous fiscal year. The commission shall post such report on its website upon the submission to the officials outlined in this section.

2. Such report shall include, but not be limited to:

(a) the status of waterfront practices and operations covered by this act;

(b) any legislative recommendations in furtherance of the purposes of this act;

(c) a detailed fiscal summary, including but not limited to: (i) the financial condition of the commission at the end of such preceding fiscal year; (ii) a detailed list of any bonds entered into by the commission; and (iii) revenues received by the commission, including employer assessments pursuant to section five hundred thirty-four-d of this article;

(d) an overview of waterfront labor in the port of New York district in this state, including but not limited to: (i) the total number of pier superintendents, hiring agents, security officers, and stevedores by title; (ii) the number of pier superintendent, hiring agent, security officer, and stevedore applications received by title; (iii) the number of pier superintendent, hiring agent, security officer and stevedore licenses issued by title; (iv) the number of pier superintendent, hiring agent, security officer, and stevedore applications denied, respectively, and the reasons for such denial by title; (v) the number of licenses revoked and the reasons for such revocation by title; (vi) the average length of time for the commission to issue a determination on pier superintendent, hiring agent, security officer and stevedore applications by title; (vii) the total number of longshore workers in the longshore workers' register; (viii) the number of longshore worker applications received; (ix) the number of longshore worker registrations issued; (x) the number of longshore worker applications denied and the reasons for such denial; (xi) the number of longshore workers removed from the register and reasons therefor; and (xii) the average length of time for the commission to issue a determination on longshore worker applications;

(e) a detailed summary of commission operations including, but not limited to: (i) the number and allocated percentage of sworn investigators employed by the commission; (ii) the number and allocated percentage of administrative staff who solely performed administrative work during the preceding fiscal year; (iii) the number and allocated

percentage of staff which performed work related to the hiring and background of the port workforce; (iv) the number of cases or actions conducted by the commission during the preceding fiscal year; and (v) a summary of the commission's accomplishments; and

(f) any other information relating to the purposes of this act.

3. Nothing in this section shall be read to require the disclosure of personally identifiable information pertaining to any applicant nor the disclosure of any information regarding ongoing criminal investigations.

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

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

(k) A sworn officer of **the New York Waterfront Commission or** a police force of a public authority created by an interstate compact[~~, or by section six of chapter eight hundred eighty-two of the laws of nineteen hundred fifty-three, constituting the waterfront commission act, as amended,~~] where such force is certified in accordance with paragraph (d) of subdivision one of section eight hundred forty-six-h of the executive law;

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

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

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

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

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

a. Membership. Every member or officer of the division of state police in the executive department who enters or re-enters service in the division on or after April first, nineteen hundred sixty-nine, and every investigator or sworn officer employed by the commission created by section six of chapter eight hundred eighty-two of the laws of nineteen hundred fifty-three, constituting the waterfront commission act, as amended, on or after July first, two thousand twenty-three, **and every investigator or sworn officer employed by the New York Waterfront Commission in the executive department** shall be covered by the provisions of this section, and every member or officer of the division of state police in the executive department in such service on such date may elect to be covered by the provisions of this section by filing an

election therefor with the comptroller on or before March thirty-first, nineteen hundred seventy-two. To be effective, such election must be duly executed and acknowledged on a form prepared by the comptroller for that purpose.

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

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

w. Notwithstanding any other provision of law to the contrary, any member of the New York state and local police and fire retirement system who was a member of the New York state and local employees' retirement system while employed as an investigator-trainee, Waterfront Commission of New York Harbor **or the New York Waterfront Commission**, which [~~is~~] **are** not deemed to be police service, who [~~is~~] **are** employed by the **New York** Waterfront Commission [~~of New York Harbor~~], which is an employer electing to participate in the optional twenty year retirement plan pursuant to this section shall be deemed to have provided police service while so employed by the Waterfront Commission of New York Harbor **or the New York Waterfront Commission** and shall receive creditable service in the New York state and local police and fire retirement system for prior creditable service in the New York state and local employees' retirement system earned while employed as an investigator-trainee and shall have the period of such prior service credit counted as police service for the purpose of determining the amount of their pension and retirement allowance and period of service needed for retirement.

§ 8. Paragraph (c) of subdivision 1 of section 5 of the tax law, as added by chapter 295 of the laws of 1987, is amended to read as follows:

(c) "State agency" shall mean the state of New York, any department, board, bureau, commission, division, office, council or agency thereof, a public authority or a public benefit corporation. **"State agency" shall also include the New York Waterfront Commission.**

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

(c) "Covered agency" shall mean the state of New York, any county of the state of New York, any department, board, bureau, commission, division, office, council or agency of the state or any such county, a public authority, a public benefit corporation, the port authority of New York and New Jersey or the waterfront commission of New York harbor. When a county is wholly included within a city, then the term "county" shall be read to include the city. **"Covered agency" shall also include the New York Waterfront Commission.**

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

(8) Protective and detective services, including, but not limited to, all services provided by or through alarm or protective systems of every nature, including, but not limited to, protection against burglary, theft, fire, water damage or any malfunction of industrial processes or any other malfunction of or damage to property or injury to persons,

detective agencies, armored car services and guard, patrol and [~~watch-man~~] **security** services of every nature other than the performance of such services by a [~~port watchman~~] **security officer** licensed by the **New York Waterfront Commission or the** waterfront commission of New York harbor, whether or not tangible personal property is transferred in conjunction therewith.

§ 10. This act shall take effect June 30, 2024; provided that section eight-a of this act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with this act in accordance with chapter 598 of the laws of 1988, but if the state of New Jersey shall have already enacted such legislation, this act shall take effect immediately.

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

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

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

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

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

Summary of relevant resources:

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

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

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

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

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

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

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, 2030**; 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 **dormant electric generating sites, and preference to** previously developed sites[~~.~~]**, provided that land used in agricultural production as defined by the department of agriculture and markets, with additional consideration for land within an agricultural district or land that contains mineral soil groups 1-4, shall not be deemed suitable for the development of a build-ready site except when necessary for generator lead lines and other equipment needed for interconnection of projects to the electric system.** Such assessment may include but need not be limited to the following considerations:

(b) **(i)** 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; **and**

(ii) the authority may establish a renewable energy generation project in furtherance of an agrivolatic project, where "agrivoltaic project" shall mean the simultaneous use of areas of land for both solar power generation and agriculture, specific to the practice of such dual-use solar energy project, where any of the previously developed sites listed in subparagraph (i) of this paragraph is reclaimed as farmland.

§ 3. Section 1900 of the public authorities law, as added by section 6 of part JJJ of chapter 58 of the laws of 2020, is amended to read as follows:

§ 1900. Statement of legislative intent. It is the intent of the legislature in enacting this title to empower the New York state energy research and development authority to establish effective programs and other mechanisms to: (1) foster and encourage the orderly and expedient siting and development of renewable energy facilities **and qualified energy storage systems**, particularly at sites which are difficult to develop, consistent with applicable law for the purpose of enabling the state to meet CLCPA targets as defined in subdivision [~~two of section ninety-four-c of the executive law~~] **one of section one hundred thirty-seven of article eight of the public service law**; (2) incentivize the re-use of previously developed sites for renewable energy facilities **and qualified energy storage systems** to protect the value of taxable land, capitalize on existing infrastructure; (3) support the provision of benefits to communities that host renewable energy facilities **and qualified energy storage systems**; and (4) protect environmental justice areas from adverse environmental impacts.

§ 4. Subdivisions 5 and 8 of section 1901 of the public authorities law, as added by section 6 of part JJJ of chapter 58 of the laws of 2020, are amended and a new subdivision 9 is added to read as follows:

5. "Host community" shall mean any municipality within which a major renewable energy facility **or qualified energy storage system**, or any portion thereof, has been proposed for development.

8. "Build-ready site" shall mean a site for which the authority has secured permits, property interests, agreements and/or other authorizations necessary to offer such site for further development, construction and operation of a renewable energy facility**, with or without a paired qualified energy storage system, or a stand-alone qualified energy storage system,** in accordance with the other provisions of this title.

9. "Qualified energy storage system" shall have the same meaning as qualified energy storage system defined in section seventy-four of the public service law.

§ 5. Subdivisions 3 and 6 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:

3. Establish procedures and protocols for the purpose of establishment and transfer of build-ready sites which shall include, at a minimum: (a) written notice at the earliest practicable time to a municipality in which a potential build-ready site has been identified**, provided however, that the authority shall not deem any site for qualified energy storage systems suitable without first consulting any municipalities with jurisdiction over the potential build-ready site and obtaining their approval**; and (b) a preliminary screening process to determine, in consultation with the department of environmental conservation, whether the potential build-ready site is located in or near an environmental justice area and whether an environmental justice area would be adversely affected by development of a build-ready site;

6. Establish one or more programs pursuant to which property owners and communities would receive incentives to host major renewable energy facilities **or qualified energy storage systems** developed for the purpose of advancing the state policies embodied in this article. Such program may include without limitation, and notwithstanding any other provision of law to the contrary, provisions for the authority to negotiate and enter into agreements with property owners and host communities providing for incentives, including a payment in lieu of taxes, the transfer of the authority's interests in such agreements to developers to whom build-ready sites are transferred, and the provision of information and guidance to stakeholders concerning incentives. The authority shall maintain a record of such programs and incentives, and shall publish such record on the authority's website;

§ 6. This act shall take effect immediately; provided, however, that the amendments to sections 1900, 1901 and 1902 of the public authorities law made by sections two, three, four and five of this act shall not affect the expiration and repeal of such sections and shall expire and be deemed repealed therewith; 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, 2024.

PART N

Section 1. Expenditures of moneys by the New York state energy research and development authority for services and expenses of the energy research, development and demonstration program, including grants, the energy policy and planning program, and the Fuel NY program shall be subject to the provisions of this section. Notwithstanding the provisions of subdivision 4-a of section 18-a of the public service law, all moneys committed or expended in an amount not to exceed $28,725,000 shall be reimbursed by assessment against gas corporations, as defined in subdivision 11 of section 2 of the public service law and electric corporations as defined in subdivision 13 of section 2 of the public service law, where such gas corporations and electric corporations have gross revenues from intrastate utility operations in excess of $500,000 in the preceding calendar year, and the total amount assessed shall be allocated to each electric corporation and gas corporation in proportion to its intrastate electricity and gas revenues in the calendar year 2022. Such amounts shall be excluded from the general assessment provisions of subdivision 2 of section 18-a of the public service law. The chair of the public service commission shall bill such gas and/or electric corporations for such amounts on or before August 10, 2024 and such amounts shall be paid to the New York state energy research and development authority on or before September 10, 2024. Upon receipt, the New York state energy research and development authority shall deposit such funds in the energy research and development operating fund established pursuant to section 1859 of the public authorities law. The New York state energy research and development authority is authorized and directed to: (1) transfer up to $4 million to the state general fund for climate change related services and expenses of the department of environmental conservation from the funds received; and (2) commencing in 2016, provide to the chair of the public service commission and the director of the budget and the chairs and secretaries of the legislative fiscal committees, on or before August first of each year, an itemized record, certified by the president and chief executive officer of the authority, or his or her designee, detailing any and all expenditures and commitments ascribable to moneys received as a result of this assessment by the chair of the department of public service pursuant to section 18-a of the public service law. This itemized record shall include an itemized breakdown of the programs being funded by this section and the amount committed to each program. The authority shall not commit for any expenditure, any moneys derived from the assessment provided for in this section, until the chair of such authority shall have submitted, and the director of the budget shall have approved, a comprehensive financial plan encompassing all moneys available to and all anticipated commitments and expenditures by such authority from any source for the operations of such authority. Copies of the approved comprehensive financial plan shall be immediately submitted by the chair to the chairs and secretaries of the legislative fiscal committees. Any such amount not committed by such authority to contracts or contracts to be awarded or otherwise expended by the authority during the fiscal year shall be refunded by such authority on a pro-rata basis to such gas and/or electric corporations, in a manner to be determined by the department of public service, and any refund amounts must be explicitly lined out in the itemized record described above.

§ 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 O

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

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

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

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

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

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

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

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

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

pursuant to their collective bargaining units and collective bargaining agreements.

2. All employees hired after the effective date of this act 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 Chapter XI, with such conforming changes as shall be required to reflect the transfer and relocation of ORES to DPS as provided in this act, and shall continue in full force and effect. Provided, however, that such conforming changes are limited to such substitutions of numbering, names, titles, citations, and other non-substantive amendments that are necessary only to effectuate the transfer and relocation of ORES to DPS, the changes may be filed with the secretary of state without the need for additional proceedings under the state administrative procedure act or section 101-a of the executive law, and shall continue in full force and effect and 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. Promulgation of rules and regulations. ORES, in consultation with DPS, shall be authorized to promulgate regulations subject to the approval of regulations by the public service commission on an emergency basis to ensure the implementation of this act.

§ 9. 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 VIII of this chapter, and the rules and regulations promulgated by ORES and approved by the commission.

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 VIII 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, subject to the approval of the public service commission, such rules, regulations and procedures as may be necessary, or any amendments or modifications thereto, convenient, or desirable to effectuate the purposes of this section and article VIII of this chapter.

(d) ORES shall, among other things, continue unimpeded the work of the office of renewable energy siting established under the former section ninety-four-c of the executive law. All permits issued by the former office of renewable energy siting, established pursuant to former section ninety-four-c of the executive law, and all certificates of environmental compatibility and public need issued by the commission pursuant to article VII 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-four, 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. ORES and the department shall monitor, enforce, and administer compliance with any terms and conditions set forth in a siting permit issued pursuant to article VIII of this chapter and in doing so may use and rely on authority provided to the commission otherwise available under this chapter. Notwithstanding any other provision of law to the contrary, the holder of a certificate or permit issued under article VIII 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 VIII of this chapter is subject to enforcement by ORES or the department pursuant to sections twenty-four, twenty-five and twenty-six 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.

§ 10. Continuity of existing functions, powers, duties, and obligations. All of the existing functions, powers, duties, and obligations of the farmland protection working group, and duties granted to the farmland protections working group by section 94-c of the executive law now repealed, are hereby transferred, and shall be deemed and be held to constitute the continuation of such functions, powers, duties, and obligations of the farmland protection working group and not to a different agency, authority, department or office.

§ 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

Section 136. Purpose.
137. Definitions.
138. General provisions related to establishing standards related to siting major renewable energy facilities.
139. General provisions related to establishing standards related to siting major electric transmission facilities.
140. Applicability related to siting major renewable energy facilities.
141. Applicability related to siting major electric transmission facilities.
142. Application, notice, and review relating to major renewable energy facility siting.
143. Application, notice, and review relating to major electric transmission facility siting.
144. Powers of municipalities and state agencies and authorities.
145. Fees; local agency account.
146. Judicial review.
147. Farmland protection working group.
148. Reports of the office of renewable energy siting and electric transmission.

§ 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.

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 in subdivision seven of section ninety-four-c of the executive law now repealed and continued in section one hundred forty-five of this article.

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. "Major renewable energy facility siting permit" shall mean the siting permit issued to a major renewable energy facility by the executive director pursuant to this article, and the rules and regulations promulgated by ORES and the department and approved by the commission.

13. "Major electric transmission facility siting permit" shall mean the siting permit issued to a major electric transmission facility by the executive director pursuant to this article, and the rules and regulations promulgated by ORES and the department.

§ 138. General provisions related to establishing standards related to siting major renewable energy facilities. 1. (a) ORES shall be authorized to establish and amend, subject to the approval of the commission, 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.

(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 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. To the extent that adverse environmental impacts are not completely addressed by uniform standards and conditions and site-specific major renewable energy facility siting 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 major renewable energy facility siting permit. ORES may require payment of funds sufficient to implement such off-site mitigation into the endangered and threatened species mitigation bank fund established pursuant to section ninety-nine-hh of the state finance law.

3. 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. Any such rules and regulations, or any amendments or modifications thereto, shall be subject to the approval of the public service commission before they become effective.

4. The uniform standards and conditions established pursuant to this section shall be designed to avoid, minimize, or mitigate to the maximum extent practicable, potential significant adverse impacts to land used in agricultural production, with additional consideration for land within an agricultural district or land that contains mineral soil groups 1-4. The provisions of this subdivision shall not apply in the consideration of any permits for siting, design, construction, or operation of a major renewable energy facility for which a completed application has been received by the office of renewable energy siting and electric transmissions prior to the adoption of amended uniform standards and conditions consistent with this subdivision.

5. The office of renewable energy siting and electric transmission pursuant to section three-c of this chapter, in consultation with the department, 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 such office or the public service commission. Such statewide map may include any additional information such office deems necessary. The information required pursuant to this subdivision shall be updated upon the completion of each new or updated application for a proposed facility.

§ 139. General provisions related to establishing standards related to siting major electric transmission facilities. 1. (a) Within twelve months of the effective date of this section, ORES shall, subject to the approval of the commission, 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, the office of renewable energy siting and electric transmissions 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 electric transmission facility.

(b) The uniform standards and conditions established pursuant to this section shall be designed to avoid or minimize, to the maximum extent practicable, any potential significant adverse environmental impacts 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 major electric transmission facilities.

(c) The uniform standards and conditions established pursuant to this section shall be designed to avoid, minimize, or mitigate to the maximum extent practicable, potential significant adverse impacts to land used in agricultural production, with additional consideration for land within an agricultural district or land that contain mineral soil groups 1-4 as defined by the department of agriculture and markets.

(d) In its review of an application for a major electric transmission facility siting 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 major electric transmission facility siting 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.

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

2. To the extent that adverse environmental impacts are not completely addressed by uniform standards and conditions and site-specific major electric transmission facility siting 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 major electric transmission facility siting permit. ORES may require payment of funds sufficient to implement such off-site mitigation into the endangered and threatened species mitigation bank fund established pursuant to section ninety-nine-hh of the state finance law.

3. ORES shall identify and make public the basis of the public need for a major electric transmission facility in a written finding 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. The written finding of a basis of a public need for a major electric transmission facility shall, at a minimum, include whether the proposed project conforms to plans relating to the expansion or upgrade of the electric power grid and interconnected utility systems or was included or considered in the power grid study required pursuant to section seven of part JJJ of chapter fifty-eight of the laws of two thousand twenty for a major electric transmission facility. Notwithstanding any other provision of this article to the contrary, ORES shall only grant major electric transmission facility siting permits to such projects that: (i) demonstrate a qualified public need; (ii) are in the public and ratepayer interest; and (iii) identify and address the adverse environmental impacts of the facility pursuant to the uniform standards and conditions promulgated pursuant to this article and any site-specific major electric transmission facility siting permit conditions, or otherwise mitigated as provided in this article.

4. 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. Any such rules and regulations, or any amendments or modifications thereto, shall be subject to the approval of the commission before they become effective.

5. The office of renewable energy siting and electric transmission shall include within its regulations a framework to ensure potentially affected state- and federally-recognized indigenous nations are informed

and consulted with, as appropriate, when a facility is proposed within the ancestral territories of such nations.

6. After the effective date of this section, any person intending to construct a major electric transmission facility excluded from this section pursuant to paragraph (c) of subdivision five of section one hundred forty-one of this article 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. Applicability related to siting major renewable energy facilities. 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 major renewable energy facility siting permit pursuant to this article. Any major renewable energy 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 major renewable energy facility 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 major renewable energy facility siting permit issued by ORES may be transferred or assigned, subject to the prior written approval of the office of renewable energy siting and electric transmissions, to a person that agrees to comply with the terms, limitations and conditions contained in such major renewable energy facility siting permit.

3. ORES or a permittee may initiate an amendment to a major renewable energy facility siting permit under this section. An amendment initiated by ORES or a 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 major renewable energy facility siting permit shall comply with the public notice and hearing requirements of this section.

4. Any hearings or dispute resolution proceedings initiated under this article 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 executive director shall delegate the power and authority to conduct such hearings or proceedings in the name of ORES at any time and place.

5. This section shall not apply:

(a) to normal repairs, maintenance, replacements, non-material modifications and improvements of a major renewable energy 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; and

(b) 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.

§ 141. Applicability related to siting major electric transmission facilities. 1. Except as provided in paragraph (b) of subdivision five of this section, no person shall commence the preparation of a site for, or begin the construction of, a major electric transmission facility in the state without having first obtained a siting permit pursuant to this article. Any 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 major electric transmission facility siting permit issued by ORES may be transferred or assigned, subject to the prior written approval of the office of renewable energy siting and electric transmissions, to a person that agrees to comply with the terms, limitations and conditions contained in such siting major electric transmission facility permit.

3. ORES or a permittee may initiate an amendment to a major electric transmission facility siting permit under this section. An amendment initiated by ORES or a 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 major electric transmission facility siting permit shall comply with the public notice and hearing requirements of this section.

4. Any hearings or dispute resolution proceedings initiated under this article 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 executive director shall delegate the power and authority to conduct such hearings or proceedings in the name of ORES 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, that nothing herein shall be construed to expand federal jurisdiction;

(b) to normal repairs, maintenance, replacements, non-material modifications and improvements of a 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; and

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

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

§ 142. Application, notice, and review relating to major renewable energy facility siting. 1. 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.

2. 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; (iii) posting the notice on the office of renewable energy siting and electric transmissions and the department's website; and (iv) written notice to each member of the legislature through whose district the facility proposed in the application would be located.

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 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. In any such adjudicatory hearing, ORES or the department, shall designate members of its staff to represent the public interest, including with respect to the application of local and state laws.

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.

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 director 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, ORES may elect not to apply, in whole or in part, any local law or ordinance that would other-

wise be applicable if it makes a finding that, as applied to the proposed facility, it is unreasonably burdensome in view of the CLCPA targets, and the environmental benefits.

6. Notwithstanding any other deadline made applicable by this section, ORES shall make a final decision on a major renewable energy facility 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, 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 or valid and enforceable lease or easement for use of such relevant property, no such permit shall 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.

§ 143. Application, notice, and review relating to major electric transmission facility siting. 1. 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.

2. 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; (vi) such

other information as the applicant may consider relevant or ORES may by regulation require; and (vii) a description of any reasonable alternative location or locations for the proposed facility, a description of the comparative merits and detriments of each location submitted, and a statement of the reasons why the primary proposed location is best suited for the facility.

3. 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.

4. 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 of renewable energy siting and electric transmissions, 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 subdivision three of this section; (ii) publication in a newspaper or in electronic form, having general circulation in such municipalities or political subdivisions; (iii) posting on the office's and the department's website; and (iv) written notice to each member of the legislature through whose district the facility or any alternate proposed in the application would pass and in the event that such facility or any portion thereof is located within the Adirondack Park or Tug Hill, the Adirondack Park Agency and Tug Hill commission respectively.

5. 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.

6. 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 oppor-

tunity to challenge the explanation for the public need given in such application. In any such adjudicatory hearing, ORES or the department, shall designate members of its staff to represent the public interest, including with respect to the application of local and state laws.

7. Following the expiration of the public comment period set forth in this section, and following the conclusion of a hearing undertaken pursuant to subdivision six 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.

8. 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. 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 and in which ORES has not made a public need determination, no such permit shall be automatically granted.

9. For a major electric transmission facility that would be constructed substantially within existing rights-of-way that possess existing major electric transmission infrastructure, the office of renewable energy siting and electric transmission may include within its regulations a framework that relieves certain requirements of this article, provided that such relief is reasonable and does not impair any rights of municipalities established under this article or limit requirements relating to public notice or the finding of public need.

§ 144. Powers of municipalities and state agencies and authorities. 1. Applicants shall, prior to filing an application, conduct meetings with the respective chief executive officer of all municipalities in which the proposed major renewable generation facility or major electric transmission facility will be located. The applicant shall provide as part of the application presentation materials and a summary of questions raised, and responses provided during such meetings with municipalities. In the event the applicant is unable to secure a meeting with a relevant municipality the application shall contain a detailed explanation of all of the applicant's best efforts and reasonable attempts to secure such meeting, including, but not limited to, written communications between the applicant and the municipality.

2. Notwithstanding any other provision of law, including without limitation article eight of the environmental conservation law and article VII 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.

3. 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.

4. 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.

§ 145. 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 by subdivision seven of former section ninety-four-c of the executive law for the benefit of local agencies and community intervenors by the New York state energy research and development authority and maintained in a segregated account in the custody of the commissioner of taxation and finance. ORES, in consultation with the department, may update the fee periodically solely to account for inflation. The proceeds of such account shall be disbursed by the office of renewable energy siting and electric transmissions, 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 of renewable energy siting and electric transmissions no later than ninety days after commencement of such fiscal year and post on the authority's website.

4. To the extent an applicant submitted intervenor funds pursuant to article VII or X 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 VII and X 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 on applicants for the purpose of recovering costs incurred by the office of renewable energy siting and electric transmissions; provided, however, that public utilities that are subject to section eighteen-a of this chapter shall not be assessed a fee for such costs.

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

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

§ 147. 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 article, recommend strategies to encourage and facilitate input from municipalities in the siting process of major renewable energy facilities and major electric transmission facilities 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 and major electric transmission 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.

§ 148. Reports of the office of renewable energy siting and electric transmissions. No later than one year after the effective date of this article and annually thereafter, the office of renewable energy siting and electric transmissions shall submit to the governor, the temporary president of the senate and the speaker of the assembly, a report on the activities of such office. The report shall, without limitation, include:

1. the number of applications received and permits approved by such office for each type of major renewable energy facility or major electric transmission facility;

2. description of the project of each permit granted by such 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 executive 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 was needed; and

8. total fees collected by such 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 VIII of this chapter shall be treated for purposes of compliance and enforcement as if such certificate was issued under this article.

§ 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 VIII of the public service law, with respect to which a major electric transmission facility 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 major renewable energy facility or a major electric transmission facility 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 VIII 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 VIII 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 VIII 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 VIII 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 VIII of the public service law applies to the siting and operation of a major electric generation facility or 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 VIII of the public service law applies to the siting and operation of a major electric generation facility or 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~~] **Articles** seven **and eight** of the public service law shall apply to the authority's siting and operation of a major **electric** transmission facility as therein defined and article ten of the public service law shall apply to the authority's siting and operation of a major electric generating facility as therein defined.

§ 24. 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 VIII 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~~] **article VIII 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 VIII 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. The public service commission shall commence a proceeding within ninety days of the effective date of this act to review the cause and extent of any delays to interconnection of distributed energy resources.

This proceeding shall consider metrics related to the timely interconnection of distributed generation resources into the distribution system owned by an electric corporation, as well as revenue adjustments related to such metrics.

§ 31. Subdivisions 1 and 3 of section 224-d of the labor law, subdivision 1 as separately amended by chapters 372 and 375 of the laws of 2022 and subdivision 3 as added by section 2 of part AA of chapter 56 of the laws of 2021, are amended to read as follows:

1. For purposes of this section, a "covered renewable energy system" means (a) a renewable energy system, as such term is defined in section sixty-six-p of the public service law, with a capacity of one or more megawatts alternating current and which involves the procurement of renewable energy credits by a public entity, **or a company or corporation provided in subdivisions twenty-three and twenty-four of section two of the public service law,** or a third party acting on behalf and for the benefit of a public entity; [~~or~~] (b) any "thermal energy network" as defined by subdivision twenty-nine of section two of the public service law**; (c) any offshore wind supply chain project, including but not limited to port infrastructure, primary component manufacturing, finished component manufacturing, subassembly manufacturing, subcomponent manufacturing, or raw material producers, or a combination thereof receiving direct funding from the New York state energy research and development authority pursuant to an award under a New York state energy research and development authority solicitation; or (d) a "major utility transmission facility" as such term is defined by section one hundred twenty of the public service law**.

3. For purposes of this section, a covered renewable energy system shall exclude construction work 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 construction work performed under a labor peace agreement, project labor agreement, or any other construction work performed under an enforceable agreement between an owner or contractor and a bona fide building and construction trade labor organization~~] **provided, however, this subdivision shall not apply to any covered renewable energy systems defined in paragraph (d) of subdivision one of this section**.

§ 32. Subdivision 3 and paragraph (a) of subdivision 4 of section 66-r of the public service law, as added by section 2-a of part AA of chapter 56 of the laws of 2021, are amended and a new subdivision 1-a is added to read as follows:

1-a. For the purposes of this section, an "other covered project" means: (a) any "thermal energy network" as defined by subdivision twenty-nine of section two of this chapter; (b) any offshore wind supply chain project, including but not limited to port infrastructure, primary component manufacturing, finished component manufacturing, subassembly manufacturing, subcomponent manufacturing, or raw material producers, or a combination thereof receiving direct funding from the New York state energy research and development authority pursuant to an award under a New York state energy research and development authority solicitation; or (c) a "major utility transmission facility" as such term is defined

by section one hundred twenty of this chapter or "major electric transmission facility" as defined by article VIII of this chapter.

3. The commission shall require that the owner of the covered renewable energy system or other covered project, or a third party acting on the owner's behalf, as an ongoing condition of any renewable energy credits agreement with a public entity, shall stipulate to the fiscal officer that it will enter into [~~a~~] labor peace [~~agreement~~] agreements with [~~at least one~~] any bona fide labor [~~organization~~] organizations that either [~~where such bona fide labor organization is~~] are actively representing employees providing necessary operations and maintenance services for the renewable energy system at the time of such agreement or [~~upon~~] provides notice [~~by a bona fide labor organization~~] that it is attempting to represent any employees in any titles who provide, or who will provide, necessary operations and maintenance services for the renewable energy system employed in the state; provided, however, this subdivision shall not apply to any covered projects defined in paragraph (c) of subdivision one-a of this section. The maintenance of such a labor peace agreement, or agreements, which cover all classes of operations and maintenance employees, shall be an ongoing material condition of any continuation of payments under a renewable energy credits agreement. 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 picketing, work stoppages, boycotts, and any other economic interference with the relevant renewable energy system. "Renewable energy credits agreement" shall mean any public entity contract that provides production-based payments to a renewable energy project as defined in this section.

(a) Any public entity, in each contract for construction, reconstruction, alteration, repair, improvement or maintenance of a covered renewable energy system which involves the procurement of a renewable energy credits agreement by a public entity, or a third party acting on behalf and for the benefit of a public entity, the "public work" for the purposes of this subdivision, shall ensure that such contract shall contain a provision that the iron and [~~structural~~] steel used or supplied in the performance of the contract or any subcontract thereto [~~and that is permanently incorporated into the public work,~~] shall be produced or made in whole or substantial part in the United States, its territories or possessions. In the case of [~~a structural~~] an iron or [~~structural~~] steel 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. [~~For the purposes of this subdivision, "permanently incorporated" shall mean an iron or steel product that is required to remain in place at the end of the project contract, in a fixed location, affixed to the public work to which it was incorporated. Iron and steel products that are capable of being moved from one location to another are not permanently incorporated into a public work.~~]

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

6. The commissioner shall annually report to the department of public service, the governor, the temporary president of the senate and the speaker of the assembly on the status of the fund and all monies added to and expended from the fund.

§ 34. This act shall take effect immediately and sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thir-

teen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-three of this act shall expire December 31, 2040 when upon such date this act shall be deemed repealed; 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; provided, further, that sections thirty-one and thirty-two of this act shall take effect January 1, 2025 and shall apply to any covered renewable energy system as defined in section 224-d of the labor law and other covered project as defined in section 66-r of the public service law, respectively, awarded a contract pursuant to an advertisement or 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 for offerors intending to result in a contract that is issued on or after the effective date of this act.

PART P

Intentionally Omitted

PART Q

Section 1. Expenditures of moneys appropriated in a chapter of the laws of 2024 to the department of agriculture and markets from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the department of agriculture and markets' participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings or permits issued pursuant to article 7, 8, or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15th, 2025, the commissioner of the department of agriculture and markets shall submit an accounting of such expenses, including, but not limited to, expenses in the 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 or permits issued pursuant to article 7, 8, or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15th, 2025, the 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 or permits issued pursuant to article 7, 8, or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15th, 2025, the commissioner of the office of parks, recreation and historic preservation shall submit an accounting of such expenses, including, but not limited to, expenses in the 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 or permits issued pursuant to article 7, 8, or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15th, 2025, the commissioner of the department of 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, 2025, 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

Intentionally Omitted

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. **A determination of financial hardship shall be based on criteria that clearly indicates that the municipality is experiencing significant and widespread financial distress, with primary consideration given to whether a municipality has a median household income at or below eighty percent of the state median household income.**

§ 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 T

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

§ 72-0302. State air quality control fees.

1. All persons, except those required to pay a fee under section 72-0303 of this [~~article~~] **title**, who are required to obtain a permit, [~~certificate~~] **registration** or approval pursuant to the state air quality control program **and the rules and regulations adopted by the department hereunder** 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~~] **or 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~~] **permit or 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~~] **permit or 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~~] **or 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~~] **or 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~~] **or registration** to operate the incinerator source and will be calculated on an emission point basis.

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 approval [~~for a combustion installation, incinerator or process air contamination source~~] **pursuant to the state air quality control program**, 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 and 2 of section 72-0303 of the environmental conservation law, subdivision 1 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~~] **eight** 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 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~~] **two hundred** dollars per ton for facilities with total emissions less than one thousand tons annually; [~~seventy~~] **two hundred twenty-five** dollars per ton for facilities with total emissions of one thousand or more but less than two thousand tons annually; [~~eighty~~] **two hundred fifty** dollars per ton for facilities with total emissions of two thousand or more but less than five thousand tons annually; and [~~ninety~~] **three hundred** dollars per ton for facilities with total emissions of five thousand or more tons annually. 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. 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. Ozone non-attainment fee programs.

1. The department may implement new or revise existing regulatory or permitting fee programs only to the extent necessary to comply with section 7511d of the Act related to the non-attainment of national ambient air quality standards.

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

3. The department shall further establish by rule or rules additional procedures to the extent necessary for assessment of and collection of such fees that shall ensure sufficient notice, fee amounts and compliance information are given to affected parties.

4. Moneys received pursuant to this section shall be deposited in the air quality improvement fund as established in section ninety-nine-rr of the state finance law.

§ 7. The state finance law is amended by adding a new section 99-rr to read as follows:

§ 99-rr. Air quality improvement fund. 1. There is hereby established in the joint custody of the comptroller and the commissioner of taxation and finance a fund to be known as the "air quality improvement fund".

2. Such fund shall consist of revenues received by the state pursuant to section 19-0328 of the environmental conservation law and all other moneys, appropriated, credited, or transferred thereto from any other fund or source pursuant to law.

3. All moneys of the air quality improvement fund, following appropriation by the legislature, shall be made available for the purposes of reducing air pollution and improving or enhancing air quality in affected communities, including but not limited to: (a) measures related to achieving the national ambient air quality standards, including community level projects to reduce or eliminate air pollution from stationary and/or mobile sources of air pollution; and (b) investments which are consistent with the strategies and community emissions reduction programs prepared pursuant to section 75-0115 of the environmental conservation law. Any moneys expended from the fund shall ensure that disadvantaged communities, as defined in subdivision five of section 75-0101 of the environmental conservation law, receive overall benefits that approximate the proportion of disadvantaged communities in the applicable federally designated area of nonattainment in New York, provided that such communities shall not receive less than thirty-five percent of the benefit of such funds.

4. Moneys shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of environmental conservation.

§ 8. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024; provided, however, if this act shall have become a law after such date then it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024; provided, however, that sections one, three, four, and five 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

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

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

§ 2. This act shall take effect immediately.

PART W

Section 1. Paragraph (f) of subdivision 1 of section 1977-a of the public authorities law, as amended by section 1 of part EE of chapter 58 of the laws of 2023, is amended to read as follows:

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

§ 2. This act shall take effect immediately.

PART X

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

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

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

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

§ 2. This act shall take effect immediately.

PART Y

Section 1. The opening paragraph of subdivision (h) of section 121 of chapter 261 of the laws of 1988, amending the state finance law and

other laws relating to the New York state infrastructure trust fund, as amended by chapter 96 of the laws of 2019, is amended to read as follows:

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

§ 2. This act shall take effect immediately.

PART Z

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

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

§ 2. This act shall take effect immediately.

PART AA

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

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

§ 2. This act shall take effect immediately.

PART BB

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

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

§ 2. This act shall take effect immediately.

PART CC

Intentionally Omitted

PART DD

Intentionally Omitted

PART EE

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

(B) Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy; provided, however, [~~the total amount~~] that [~~a covered person is required 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

Intentionally Omitted

PART GG

Intentionally Omitted

PART HH

Intentionally Omitted

PART II

Intentionally Omitted

PART JJ

Intentionally Omitted

PART KK

Section 1. 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**.

§ 2. This act shall take effect immediately.

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 premi-

ums 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 reduce the assessments imposed on not-for-profit member insurers in an amount that, when accounting for appropriate factors, including the value of the tax credits and a factor for the time value of money, results in a percentage of net assessments to premiums that is equivalent for not-for-profit member insurers and for-profit member insurers.**

§ 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 March 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

Section 1. Short title. This act shall be known and may be cited as the "artificial intelligence deceptive practices act".

§ 2. This act enacts into law major components of legislation necessary to implement the artificial intelligence deceptive practices act. Each component is wholly contained within a Subpart identified as Subparts A through B. 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. Section 50 of the civil rights law is amended to read as follows:

§ 50. Right of privacy. A person, firm or corporation that uses for advertising purposes, or for the purposes of trade, the name, portrait [~~or~~], picture**, likeness, or voice** of any living person without having first obtained the written consent of such person, or if a minor of [~~his or her~~] **such minor's** parent or guardian, is guilty of a misdemeanor.

§ 2. Section 51 of the civil rights law, as amended by chapter 674 of the laws of 1995, is amended to read as follows:

§ 51. Action for injunction and for damages. Any person whose name, portrait, picture**, likeness** or voice is used within this state for

advertising purposes or for the purposes of trade without the written consent first obtained as above provided may maintain an equitable action in the supreme court of this state against the person, firm or corporation so using [~~his~~] **such person's** name, portrait, picture**, likeness** or voice, to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use and if the defendant shall have knowingly used such person's name, portrait, picture**, likeness** or voice in such manner as is forbidden or declared to be unlawful by section fifty of this article, the jury, in its discretion, may award exemplary damages. But nothing contained in this article shall be so construed as to prevent any person, firm or corporation from selling or otherwise transferring any material containing such name, portrait, picture**, likeness** or voice in whatever medium to any user of such name, portrait, picture**, likeness** or voice, or to any third party for sale or transfer directly or indirectly to such a user, for use in a manner lawful under this article; nothing contained in this article shall be so construed as to prevent any person, firm or corporation, practicing the profession of photography, from exhibiting in or about [~~his or its~~] **their** establishment specimens of the work of such establishment, unless the same is continued by such person, firm or corporation after written notice objecting thereto has been given by the person portrayed; and nothing contained in this article shall be so construed as to prevent any person, firm or corporation from using the name, portrait, picture**, likeness** or voice of any manufacturer or dealer in connection with the goods, wares and merchandise manufactured, produced or dealt in by [~~him~~] **such manufacturer or dealer** which [~~he has~~] **they have** sold or disposed of with such name, portrait, picture**, likeness** or voice used in connection therewith; or from using the name, portrait, picture**, likeness** or voice of any author, composer or artist in connection with [~~his~~] **their** literary, musical or artistic productions which [~~he has~~] **they have** sold or disposed of with such name, portrait, picture**, likeness** or voice used in connection therewith. Nothing contained in this section shall be construed to prohibit the copyright owner of a sound recording from disposing of, dealing in, licensing or selling that sound recording to any party, if the right to dispose of, deal in, license or sell such sound recording has been conferred by contract or other written document by such living person or the holder of such right. Nothing contained in the foregoing sentence shall be deemed to abrogate or otherwise limit any rights or remedies otherwise conferred by federal law or state law.

§ 3. The opening paragraph of subdivision 1 and subdivisions 4 and 5 of section 52-b of the civil rights law, as added by chapter 109 of the laws of 2019, are amended and a new subdivision 11 is added to read as follows:

Any person depicted in a still or video image, **including an image created or altered by digitization,** regardless of whether or not the original still or video image was consensually obtained, shall have a cause of action against an individual who, for the purpose of harassing, annoying or alarming such person, disseminated or published, or threatened to disseminate or publish, such still or video image, where such image:

4. Any person depicted in a still or video image**, including an image created or altered by digitization,** that depicts an unclothed or exposed intimate part of such person, or such person engaging in sexual conduct as defined in subdivision ten of section 130.00 of the penal law with another person, which is disseminated or published without the consent

of such person and where such person had a reasonable expectation that the image would remain private, may maintain an action or special proceeding for a court order to require any website that is subject to personal jurisdiction under subdivision five of this section to permanently remove such still or video image; any such court order granted pursuant to this subdivision may direct removal only as to images that are reasonably within such website's control.

5. a. Any website that hosts or transmits a still or video image, **including an image created or altered by digitization,** viewable in this state, taken under circumstances where the person depicted had a reasonable expectation that the image would remain private, which depicts:

(i) an unclothed or exposed intimate part, as defined in section 245.15 of the penal law, of a resident of this state; or

(ii) a resident of this state engaging in sexual conduct as defined in subdivision ten of section 130.00 of the penal law with another person; and

b. Such still or video image is hosted or transmitted without the consent of such resident of this state, shall be subject to personal jurisdiction in a civil action in this state to the maximum extent permitted under the United States constitution and federal law.

11. For purposes of this section, "digitization" means the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.

§ 4. Paragraphs b and e of subdivision 1 of section 52-c of the civil rights law, as added by chapter 304 of the laws of 2020, are amended to read as follows:

b. "digitization" means to realistically depict the nude body parts of another human being as the nude body parts of the depicted individual, computer-generated nude body parts as the nude body parts of the depicted individual or the depicted individual engaging in sexual conduct, as defined in subdivision ten of section 130.00 of the penal law, in which the depicted individual did not engage. **"Digitization" may also mean the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.**

e. "sexually explicit material" means any portion of an audio visual work that shows the depicted individual**:**

i. performing in the nude, meaning with an unclothed or exposed intimate part, as defined in section 245.15 of the penal law[~~, or~~]**;**

ii. appearing to engage in, or being subjected to, sexual conduct, as defined in subdivision ten of section 130.00 of the penal law[~~.~~]**; or**

iii. posed in a manner intended to elicit sexual arousal or gratification and where a person would have a reasonable expectation of privacy.

§ 5. This act shall take effect immediately.

SUBPART B

Section 1. Section 14-106 of the election law is amended by adding two new subdivisions 5 and 6 to read as follows:

5. (a) For purposes of this subdivision:

(i) "Materially deceptive media" means any image, video, audio, text, or any technological representation of speech or conduct fully or partially created or modified that:

(1) exhibits a high level of authenticity or convincing appearance that is visually or audibly indistinguishable from reality to a reasonable person;

(2) depicts a scenario that did not actually occur or that has been altered in a significant way from how they actually occurred; and

(3) is created by or with software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.

(ii) "Information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service.

(b) (i) A person, firm, association, corporation, campaign, committee, or organization that distributes or publishes any political communication that was produced by or includes materially deceptive media and knows or should know that it is materially deceptive shall be required to disclose this use.

(ii) (1) For visual media the disclosure shall be printed or typed in a legible font size easily readable by the average viewer that is no smaller than other text appearing in the visual media and in the same language used on the communication to read as follows: "This (image, video, or audio) has been manipulated".

(2) For communication that is auditory, such as radio or automated telephone calls, clearly speaking the statement at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within the audio at intervals of not greater than two minutes each and in the same language as the rest of the audio used in the communication, and in a pitch that can be easily heard by the average listener satisfies the requirements of clause one of this subparagraph.

(iii) This paragraph shall not apply to the following:

(1) materially deceptive media that constitutes satire or parody;

(2) materially deceptive media created for the purposes of bona fide news reporting when the required disclosure is included; or

(3) initial dissemination by a platform or service including, but not limited to, a website, regularly published newspaper, or magazine, where the content disseminated is materially deceptive media provided by another information content provider when a good faith effort has been made to establish that the depiction is not materially deceptive media.

(iv) A candidate whose voice or likeness appears in materially deceptive media in violation of this subdivision may seek reasonable court costs and attorneys' fees and injunctive relief prohibiting the distribution, publication or broadcasting of any materially deceptive media in violation of this subdivision against such individual or entity who disseminated or published such media without the consent of the person depicted and who knew or should have known that it was materially deceptive. An action under this paragraph shall be initiated by filing an application for an order to show cause in the supreme court where the materially deceptive media at issue could deceive and influence electors in an upcoming election. Such action shall be entitled to an automatic calendar preference and be subject to expedited pretrial and trial proceedings.

(v) In any action alleging a violation of this subdivision in which a plaintiff seeks preliminary relief with respect to an upcoming election, the court shall grant relief if it determines that:

(A) plaintiffs are more likely than not to succeed on the merits; and

(B) it is possible to implement an appropriate remedy that would resolve the alleged violation in the upcoming election.

(vi) In any action commenced under this subdivision, the plaintiff bears the burden of establishing the use of materially deceptive media by clear and convincing evidence.

6. Nothing in this section shall be construed to limit, or to enlarge, the protections that 47 U.S.C. § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.

§ 2. This act shall take effect immediately.

§ 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 B of this act shall be as specifically set forth in the last section of such Subparts.

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~~] 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 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 may certify in writing to such regional economic development council that they maintain internship opportunities, 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 PP

Section 1. Section 1115 of the tax law is amended by adding a new subdivision (ll) to read as follows:

(ll) The following shall be exempt from tax under this article: (1) Receipts from the retail sale of, and consideration given or contracted to be given for, or for the use of, residential energy storage systems equipment and the service of installing such systems. For the purposes of this subdivision, "residential energy storage systems equipment" shall mean an arrangement or combination of components installed in a residence that stores electricity for use at a later time to provide heating, cooling, hot water and/or electricity.

(2) Receipts from the sale of electricity by a person primarily engaged in the sale of energy storage system equipment and/or electricity generated by such equipment pursuant to a written agreement under which such electricity is generated by residential energy system storage equipment that is: (A) owned by a person other than the purchaser of such electricity; (B) installed on residential property of the purchaser of such electricity; and (C) used to provide heating, cooling, hot water or electricity.

§ 2. This act shall take effect June 1, 2024 and shall expire and be deemed repealed June 1, 2026.

PART QQ

Section 1. (1) Within 18 months of the effective date of this section the New York state energy research and development authority, hereinafter authority, in consultation with the department of public service, the department of transportation, the department of motor vehicles, the New York state thruway authority, the New York power authority, and the Long Island power authority, the department of environmental conservation shall conduct a needs evaluation to:

(a) consider planning for fast charger deployment along alternative fuel corridors and major freight corridors;

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

(c) estimate future need for fast charger deployment along priority highway and major freight corridors for the purposes of (i) facilitating the cost-effective and timely achievement of mandates under (A) article 75 of the environmental conservation law, (B) section 19-0306-b of the environmental conservation law regarding zero-emissions vehicle sales targets, (C) rules and regulations for zero-emissions vehicles adopted by the commissioner of environmental conservation, and (D) other relevant and applicable federal and state rules or regulations or local

goals to reduce transportation sector emissions; and (ii) supporting electric vehicle adoption by consumers and fleet operators;

(d) identify the number and location of highway charging hubs, including but not limited to thruway charging hubs and freight charging hubs, currently in operation and in development along priority highway and major freight corridors;

(e) estimate total charging capacity required to serve light duty, medium duty, and heavy duty electric vehicles at each highway and freight charging hub through 2035;

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

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

(h) estimate future need for charging deployment and charging capacity in the fleet charging zones, sufficient to satisfy the targets and regulations identified in paragraph (c) of this subdivision;

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

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

(k) analyze and assess federal or state funding opportunities to minimize such costs to rate payers; and

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

(2) The authority shall develop a stakeholder engagement process to raise consumer awareness and education across the state and solicit feedback from the public, local government, representatives or residents of environmental justice or disadvantaged communities, electric vehicle manufacturers, electric vehicle supply equipment manufacturers, fleet operators, school district transportation directors and others on the highway and depot charging needs evaluation. To the extent practicable and consistent with applicable timelines, the authority may coordinate the highway and depot charging needs evaluation stakeholder input process with the process set forth in section 1884 of the public authorities law.

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

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

(a) All thruway charging hubs.

(b) Additional sites or geographic areas based on (i) eligibility for federal, state, or other funding opportunities, including but not limited to needs identified through the NEVI formula program planning process, (ii) proximity to electric transmission infrastructure, (iii) projected vehicle traffic, (iv) charging network coverage, (v) interstate and intrastate commerce, (vi) benefits to environmental justice and disadvantaged communities, (vii) benefits of increased charging accessibility in host communities, (viii) real property ownership or

control of potential sites, (ix) relevant commitments from site and/or charging operators, and (x) other factors deemed relevant for the development and successful implementation of the highway charging needs evaluation.

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

(d) Privately operated sites which are open to the public or multiple commercial entities that have adequate parking and amenities to serve as a highway charging hub or freight charging hub, subject to reasonable restrictions.

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

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

(b) projected vehicle traffic in the geographic area,

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

(d) benefits to environmental justice and disadvantaged communities,

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

(f) available capacity on the electric distribution and local transmission network to serve vehicle chargers,

(g) ensuring equitable coverage and access to fleet charging throughout the state, and

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

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

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

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

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

(d) "Fast charger" shall mean a direct current electric vehicle charging port which can charge at a level of at least 150 kilowatts.

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

(f) "Freight charging hub" shall mean a priority site for the deployment of large scale, fast charging infrastructure, which has minimum station power capability to simultaneously provide power across at least four ports for charging. These sites may include highway charging hubs.

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

(h) "Highway charging hub" shall mean a priority site for the deployment of large scale, fast charging infrastructure, which has minimum station power capability to simultaneously provide power across four

ports for charging. These sites shall include but are not limited to thruway charging hubs.

(i) "Major freight corridor" shall mean segments of the freight transportation network identified by the federal highway administration that carry more than 50,000,000 tons per year, including highway segments that carry at least 8,500 trucks per day, additional highway segments and parallel rail lines that together carry at least 8,500 trucks, trailer-on-flatcar, and container-on-flatcar payloads of typically high-value, time sensitive cargo, and rail lines and waterways that carry fifty million tons in bulk cargo per year.

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

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

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

§ 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 RR

Section 1. Notwithstanding any law to the contrary, the state of New York may consent to binding arbitration with respect to the interpretation of a contract, agreement, or other document or instrument or any matter in each case set forth therein that is lawfully adopted by the Gateway Development Commission pursuant to the Gateway Development Commission Act, chapter 108 of the laws of 2019, with respect to phase one of the Gateway Project as described in paragraph (h) of subdivision 2 of section 2 of that act, and to which the state of New York is a party.

§ 2. This act shall take effect immediately.

PART SS

Section 1. This act enacts into law major components of legislation necessary related to transparency in local economic development act. Each component is wholly contained within a Subpart identified as Subparts A through B. 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 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 development corporation for economic development, or job creation purposes including, but not limited to, grants, loans, and bonds; and

(ii) bonds and tax exemptions which are applied for and preapproved or certified by or on behalf of an industrial development agency for economic development.

(b) "Qualified participant" shall mean a project operator pursuant to section eight hundred seventy-four of the general municipal law with a project pursuant to section eight hundred fifty-four of the general municipal law.

(c) "Full-time equivalent" shall mean a unit of measure, which is equal to one filled, full-time, annual-salaried position in a manner consistent with federal calculations.

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

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

(f) "The project" shall mean specific work, action, endeavor, contract or agreement for which any economic benefit as defined in paragraph (a) of this subdivision, is made available or awarded by a local development corporation or industrial development agency 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 searchable database shall include 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 posted on a publicly accessible website as well as referenced on the office's website, with a direct link to the database;

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

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

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

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

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

(h) 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;

(i) the following data on local development corporations shall be included:

(i) relating to grants, the source of funds for the grant, the name and address of the entity that received the grant, the date and amount awarded, how the grant funds will be used, whether the grant proceeds were expected to result in new jobs being created, and if so, how many

jobs were planned to be created and how many jobs have been created to date;

(ii) relating to loans, the source of funds for the loan, the name and address of the entity that received the loan, the date and amount awarded, the loan interest rate, the length of the loan in years, the amount repaid to date, how the loan funds will be used, and whether the loan was provided to the recipient for the purpose of creating jobs, and if so, how many jobs were planned to be created and how many jobs have been created to date; and

(iii) relating to bonds, the name and address of the recipient of the bond proceeds, the amount and date of the bond issuance, the bond interest rate, the year the bonds are expected to be fully retired, the amount of bond principal retired during the reporting period, how the bond proceeds are used, whether the bond proceeds were provided to the recipient to create jobs, and if so, how many jobs were planned to be created and how many jobs have been created to date; and

(j) the following data on industrial development agency projects shall be included:

(i) project name, project type, project location, and the project's complete address, including the postal code in a separate and searchable field;

(ii) whether the project is part of another phase or multi phase, the category of the project purpose, the total project amount, the benefited project amount, if the project type was a bond, the bond amount, if the project type was a lease, the lease amount, whether the qualified recipient is a not-for-profit, the date the project was approved, whether the industrial development agency took title to a property, and if so, the date that title was taken, and the year financial assistance is planned to end;

(iii) the qualified participant's name and the qualified participant's complete address, including the postal code in a separate and searchable field;

(iv) the amount of project tax exemptions granted, including for state sales tax, local sales tax, county real property tax, local property tax, school property tax, mortgage recording tax, the total exemptions, and the total exemptions net of real property tax law section four hundred eighty-five-b;

(v) the amount of payments in lieu of taxes agreed upon and actually made to the county, local municipality, or school district, the total amount of payments in lieu of taxes agreed upon and actually made, and the net exemptions once the payments in lieu of taxes are subtracted from the total project tax exemptions; and

(vi) the total number of employees for the project prior to industrial development agency status, estimate of jobs to be created, average estimated annual salary of jobs to be created, annualized salary range of jobs to be created, original estimate of jobs to be retained, estimated average annual salary of jobs to be retained, current number of full-time equivalents, number of full-time equivalent construction jobs during the reporting fiscal year, and the net employment change.

3. The office shall submit a quarterly report to the governor, temporary president of the senate, and speaker of the assembly outlining key usage statistics of the database created pursuant to subdivision two of this section including, but not limited to, the total number of unique users that quarter.

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

SUBPART B

Section 1. 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 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 of such state and local authorities, shall, to the extent practicable, stream all open meetings and public hearings on their website in real-time, post video recordings of all open meetings and public hearings on their website within five business days of the meeting or hearing and maintain such recordings for a period of not less than five years.

§ 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, 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 B of this act shall be as specifically set forth in the last section of such Subpart.

PART TT

Section 1. This part enacts into law components of legislation relating to the establishment of the New York state empire artificial intelligence research program. Each component is wholly contained within a Subpart identified as Subparts A through B. The effective date for each particular provision contained within such Subpart as 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 act sets forth the general effective date of this act.

SUBPART A

Section 1. The economic development law is amended by adding a new section 361 to read as follows:

§ 361. New York state empire artificial intelligence research program. 1. Definitions. Whenever used in this section:

(a) "Division" shall mean the division of science, technology, and innovation within the department.

(b) "Empire AI consortium" or "the consortium" shall be the not-for-profit corporation created to construct and manage the institute.

(c) "Institute" shall mean the empire AI research institute at the university of Buffalo established pursuant to subdivision two of this section.

2. Empire AI research institute at the university of Buffalo. A state-owned research and computing facility at the state university of New York at Buffalo shall be established, to be known as the empire AI research institute, to promote responsible research and development to advance the ethical and public interest uses of artificial intelligence technology in the state. The institute shall be operated and managed by the consortium. Construction of the institute shall be completed by the university at Buffalo, its affiliates or related entities at the direction of the consortium, or the consortium.

3. Labor standards. Any construction project done pursuant to this section or using the moneys appropriated by New York state for the purposes of this section, shall require the use of a project labor agreement, as defined in subdivision one of section two hundred twenty-two of the labor law, for all contractors and subcontractors on the project, consistent with paragraph (a) of subdivision two of section two hundred twenty-two of the labor law.

4. Energy efficiency. The division, in cooperation with the urban development corporation and the empire AI consortium, shall work with the power authority of New York, the New York state energy research and development authority, and the department of environmental conservation to ensure a reliable and sufficient clean energy supply for the institute, to maximize the energy efficiency of the facility or facilities and equipment of the institute, and minimize emissions and negative environmental impacts, including from the use of freshwater resources, from constructing, operating, and of maintaining the institute.

§ 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 16-ii to read as follows:

§ 16-ii. Empire AI consortium reports. Beginning May first, two thousand twenty-seven, and annually thereafter, the corporation shall prepare and publish on its website, an annual report on the empire AI research institute at the university of Buffalo. Such report shall include but not be limited to: detail on achieving the goals and mission of the empire AI research institute at the university of Buffalo, a summary of the state investment into the empire AI research institute at the university of Buffalo, the leveraged investment, job creation impact, the total investment, total funding disbursed by the corporation to date, the names of the private sector and academic partners that participate in the empire AI research institute at the university of Buffalo and affirmation that any and all academic partners are recognized by the board of regents as defined in section two hundred two of the education law, a list of research areas of focus, an accounting of the total number of small businesses provided access to the supercomputing equipment, an assessment of whether or not the contract awardee, via the corporation, is in compliance with the terms and conditions of the contract with regard to the empire AI research institute at the university of Buffalo, an articulation of any additional state benefits for empire state development projects as defined in paragraph (a-3) of subdivision one of section fifty-eight of this chapter. Additionally, in all years in which the institute is fully operational, such report shall

include noteworthy projects or innovations which serve to highlight the developments occurring in New York state as a result of the project.

§ 3. Provisions related to the empire AI consortium. 1. As used in this section, the terms "consortium", "institute" or "division" shall have the same meaning as provided in section 361 of the economic development law.

2. Plan of operation. No later than one year after the incorporation of the empire AI consortium, the consortium shall file with the division its plan of operation, which shall be designed to assure the fair, responsible, reasonable, and equitable administration of the consortium. A copy of the plan shall be submitted to the governor, the temporary president of the senate and the speaker of the assembly. The plan of operation shall at minimum, in addition to any requirements enumerated elsewhere in law, establish:

(a) the mission of the consortium and principles of ethical use of artificial intelligence technologies;

(b) procedures for application and approval of new members and policy regarding rights and responsibilities of a member of the consortium;

(c) adequate privacy controls to ensure the privacy and confidentiality of individuals' personal data; and

(d) adequate cybersecurity controls to ensure the confidentiality, integrity, and availability of systems and data.

3. Financial oversight of the consortium. No later than May first of each year after the incorporation of the consortium, the consortium shall submit to the governor, the temporary president of the senate, the speaker of the assembly, and the director of budget, the certified financial statements prepared in accordance with generally accepted accounting principles by a certified public accountant. The consortium shall be required on and after January first of each year to afford the certified public accountant convenient access at all reasonable hours to all books, records, and other documents, including but not limited to invoices and vouchers, necessary or useful in the preparation of such statements and in the verification of the monthly statements submitted to the consortium.

§ 4. This act shall take effect immediately; provided, however, that section three of this act shall expire and be deemed repealed five years after such date.

SUBPART B

Section 1. Legislative findings. The legislature finds that the state university of New York at Buffalo ("UB") seeks to use a portion of the grounds and facilities on UB's campus for the purposes of the empire AI consortium to create and launch a state-of-the-art artificial intelligence computing center. The legislature further finds that housing this consortium on the UB campus will allow the consortium to bring together artificial intelligence researchers and scientists to accelerate research and innovation. Finally, the legislature finds that granting the trustees of the state university of New York the authority and power to lease and otherwise contract to make available such grounds and facilities for such purpose will serve the interests of the people of New York state by expanding educational and research opportunities, spurring innovation, and strengthening the economy.

§ 2. Notwithstanding any other law to the contrary, the state university trustees are authorized and empowered, without any public bidding, to lease and otherwise contract to make available to the empire AI

consortium (the "ground lessee") a portion of the lands of the university generally described in this act for the purpose of developing, constructing, maintaining and operating a facility situated on the campus of the state university of New York at Buffalo for use by the empire AI consortium, an artificial intelligence data science technology hub and computing center. The lease shall permit the construction of a facility by the university at Buffalo, its affiliates or related entities at the direction of the consortium, or the empire AI consortium. Notwithstanding anything in this act to the contrary, the empire AI consortium and/or any subsidiary of such consortium is specifically authorized to operate on the leased real property. Such lease or contract shall be without any fee simple conveyance and otherwise upon terms and conditions determined by such trustees, subject to the approval of the director of the division of the budget, the attorney general and the state comptroller. In the event that the real property that is the subject of such lease or contract shall cease to be used for the purpose described in this act, such lease or contract shall immediately terminate, and the real property and any improvements thereon shall revert to the state university of New York. Any lease or contract entered into pursuant to this act shall be for a period not exceeding twenty years, and provide that the real property that is the subject of such lease or contract and any improvements thereon shall revert to the state university of New York on the expiration of such contract or lease.

§ 3. Any contract or lease entered into pursuant to this act shall be deemed to be a state contract for purposes of article 15-A of the executive law, and any contractor, subcontractor, lessee or sublessee entering into such contract or lease for the construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement authorized pursuant to this act shall be deemed a state agency for the purposes of article 15-A of the executive law and subject to the provisions of such article.

§ 4. Notwithstanding any general, special or local law or judicial decision to the contrary, all work performed on a project authorized by this act where all or any portion thereof involves a lease or agreement for construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement shall be deemed public work and shall be subject to and performed in accordance with the provisions of article 8 of the labor law to the same extent and in the same manner as a contract of the state, and compliance with all the provisions of article 8 of the labor law shall be required of any lessee, sublessee, contractor or subcontractor on the project, including the enforcement of prevailing wage requirements by the fiscal officer as defined in paragraph e of subdivision 5 of section 220 of the labor law to the same extent as a contract of the state.

§ 5. Notwithstanding any law, rule or regulation to the contrary, the state university of New York shall not contract out to the ground lessee or any subsidiary for the instruction or any pedagogical functions or services, or any administrative services, and similar professional services currently being exclusively performed by state employees. All such functions and services shall be performed by state employees pursuant to the civil service law. Nothing in this act shall result in the displacement of any currently employed state worker or the loss of position (including partial displacement such as reduction in the hours of non-overtime, wages or employment benefits), or result in the impairment of existing contracts for services or collective bargaining rights

pursuant to existing agreements. All positions currently at the state university of New York in the unclassified service of the civil service law shall remain in the unclassified service.

§ 6. For the purposes of this act:

(a) "Project" shall mean work at the property authorized by this act to be leased to the ground lessee as described in section twelve of this act that involves the design, construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, alteration or improvement of such property.

(b) "Project labor agreement" shall mean a pre-hire collective bargaining agreement between a contractor and a labor organization, establishing the labor organization as the collective bargaining representative for all persons who will perform work on the project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform project work.

§ 7. Nothing in this act shall be deemed to waive or impair any rights or benefits of employees of the state university of New York that otherwise would be available to them pursuant to the terms of agreements between the certified representatives of such employees and the state of New York pursuant to article 14 of the civil service law, and all work performed on such property that ordinarily would be performed by employees subject to article 14 of the civil service law shall continue to be performed by such employees.

§ 8. Notwithstanding the provisions of any general, special, or local law or judicial decision to the contrary, the ground lessee shall require the use of a project labor agreement, as defined in subdivision one of section two hundred twenty-two of the labor law, for all contractors and subcontractors on the project, consistent with paragraph (a) of subdivision 2 of section 222 of the labor law.

§ 9. Without limiting the determination of the terms and conditions of such contracts or leases, such terms and conditions may provide for leasing, subleasing, construction, reconstruction, rehabilitation, improvement, operation and management of and provision of services and assistance and the granting of licenses, easements and other arrangements with regard to such grounds and facilities by the ground lessee, and parties contracting with the ground lessee, and in connection with such activities, the obtaining of funding or financing, whether public or private, unsecured or secured (including, but not limited to, secured by leasehold mortgages and assignments of rents and leases), by the ground lessee and parties contracting with the ground lessee for the purposes of completing the project described in this act.

§ 10. Such lease shall include an indemnity provision whereby the lessee or sublessee promises to indemnify, hold harmless and defend the lessor against all claims, suits, actions, and liability to all persons on the leased premises, including tenant, tenant's agents, contractors, subcontractors, employees, customers, guests, licensees, invitees and members of the public, for damage to any such person's property, whether real or personal, or for personal injuries arising out of tenant's use or occupation of the demised premises.

§ 11. Any construction contracts entered into pursuant to this act between the ground lessee and parties contracting with the ground lessee shall be awarded by a competitive process.

§ 12. The property authorized by this act to be leased to the ground lessee is generally described as within one of two parcels of real property with improvements thereon consisting of a total of approximately

3.13 acres situated on the campus of the state university of New York at Buffalo. The description in this section of the parcels that may be made available pursuant to this act is not meant to be a legal description, but is intended only to identify the parcels:

Parcel 1

Beginning at a point identified as X coordinate -78.79788341 and Y coordinate 42.99251367;

Running thence approximately east for a distance of 400 feet to a point identified as X coordinate -78.79638843 and Y coordinate 42.99251637;

Running thence approximately south for a distance of 200 feet to a point identified as X coordinate -78.79638612 and Y coordinate 42.99196762;

Running thence approximately west for a distance of 400 feet to a point identified as X coordinate -78.79788117 and Y coordinate 42.99196493; and

Running thence approximately north for a distance of 200 feet to the point or place of beginning.

Containing 80,000 sq. ft. (1.84 acres), more or less. Subject to all existing easements and restrictions of record.

Parcel 2

Beginning at a point identified as X coordinate -78.78973207 and Y coordinate 42.99481553;

Running thence approximately east for a distance of 450 feet to a point identified as X coordinate -78.78808744 and Y coordinate 42.99481837;

Running thence approximately south for a distance of 125 feet to a point identified as X coordinate -78.78808635 and Y coordinate 42.9944754;

Running thence approximately west for a distance of 450 feet to a point identified as X coordinate -78.78973097 and Y coordinate 42.99447256; and

Running thence approximately north for a distance of 125 feet to the point or place of beginning.

Containing 56,250 sq. ft. (1.29 acres), more or less. Subject to all existing easements and restrictions of record.

In the event that the trustees of the state university of New York determine that it is in the best interests of the state to utilize a different parcel on the campus of the state university of New York at Buffalo for the purposes set out in this act, they are authorized to do so upon sixty days notice to the director of the budget, the secretary of the senate finance committee, and the secretary of the assembly ways and means committee.

§ 13. The state university of New York shall not lease lands described in this act unless any such lease shall be executed within 5 years of the effective date of this act.

§ 14. Insofar as the provisions of this act are inconsistent with the provisions of any law, general, special or local, the provisions of this act shall be controlling.

§ 15. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or subpart 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 subpart 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 B of this act shall be as specifically set forth in the last section of such Subparts.

§ 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 judgement 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 TT of this act shall be as specifically set forth in the last section of such Parts.