STATE OF NEW YORK

3008--B

IN ASSEMBLY

January 22, 2025

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

AN ACT intentionally omitted (Part A); 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 Central New York Regional Transportation District and adding Cortland County to such District (Part B); to amend the vehicle and traffic law, in relation to extending provisions related to a pilot program regarding an internet-based pre-licensing course, and to age-based eligibility for such program; to amend chapter 368 of the laws of 2019 amending the vehicle and traffic law and state finance law relating to establishing a pre-licensing course internet program, in relation to extending the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part C); intentionally omitted (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); 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 I); to amend chapter 929 of the laws of 1986 amending the tax law and other laws relating to the metropolitan transportation authority, in relation to extending certain provisions thereof applicable to the resolution of labor disputes (Part J); to amend the public authorities law, in relation to acquisitions or transfers of property for certain transit projects; and to amend part VVV of chapter 58 of the laws of 2020 amending the public authorities law relating to acquisitions or transfers of property for transit projects, in relation to the effectiveness thereof (Part K); to amend part UUU of chapter 58 of the laws of 2020 amending the state finance law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses, in relation to funding for net paratransit

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

LBD12573-03-5

operating expenses and in relation to the effectiveness thereof (Part L); to amend the state finance law, in relation to providing funding for the metropolitan transportation authority 2025-2029 capital program (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); 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 S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); to amend the banking law, in relation to the regulation of buy-now-pay-later lenders (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); 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 EE); 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 FF); to amend part BB of chapter 58 of the laws of 2012, amending the public authorities law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to the effectiveness thereof (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); 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; and to amend the executive law, in relation to a supplemental statewide disparity study regarding the participation of minority and women-owned business enterprises in state contracts (Part KK); to amend the state finance law, in relation to the excelsior linked deposit program (Part LL); intentionally omitted (Part MM); intentionally omitted (Part NN); intentionally omitted (Part OO); to amend the environmental conservation law, in relation to extending the waste tire management fee and requiring notice to be provided to customers of inclusion of such fee in tire prices; and directing the commissioner of environmental conservation to prepare and submit a report on the waste tire management and recycling program (Part PP); to amend chapter 55 of the laws of 2021 amending the environmental conservation law relating to establishing a deer hunting pilot program, in relation to extending provisions of the youth deer hunting program (Part QQ); to amend the environmental conservation law, the public authorities law, and the state finance law, in relation to the inactive hazardous waste disposal site program; and providing for the repeal of certain provisions upon expiration thereof (Part RR); intentionally omitted (Part SS); intentionally omitted (Part TT); intentionally omitted (Part UU); 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; to amend the public authorities law, in relation to requiring the New York state energy and research develop-

ment authority to develop a comprehensive electric vehicle fast charging station implementation plan; and directing the New York state energy and research development authority to update the 2017 low-to-moderate income market characterization study and to publish such study on the authority's website (Part VV); intentionally omitted (Part WW); 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 state, the office of parks, recreation and historic preservation, and the department of environmental conservation from utility assessment revenues; requires accountings be submitted of such funds; and providing for the repeal of such provisions upon expiration thereof (Part XX); to amend the general business law and the state finance law, in relation to increasing and redirecting civil penalties for failing to comply with the department of public service's prescribed rules and regulations established for the protection of underground facilities; and to amend chapter 522 of the laws of 2000, amending the state finance law and the general business law relating to establishing the underground facilities safety training account, in relation to the effectiveness thereof (Part YY); intentionally omitted (Part ZZ); intentionally omitted (Part AAA); establishing a commission to ensure the replacement of the statue of Robert R. Livingston in the National Statuary Hall of the United States Capitol with a statue of Harriet Tubman (Part BBB); in relation to establishing the New York state cryptocurrency and blockchain study task force; and providing for the repeal of such provisions upon expiration thereof (Part CCC); to amend the New York state urban development corporation act, in relation to establishing the adult-use cannabis cultivator and microbusiness revolving loan fund program (Part DDD); and to amend the environmental conservation law, in relation to mitigation of contaminants in private wells (Part EEE)

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 2025-2026 state fiscal year. Each component is wholly contained within a Part identified as Parts A through EEE. 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

Intentionally Omitted

PART B

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 2024, 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	54.05
Rensselaer	22.45
Saratoga	3.95
Schenectady	15.90
Montgomery	1.44
Warren	2.21
In the Central New York Regional Transportation District:	
Cayuga	[~~5.11~~] **5.05**
Onondaga	[~~75.83~~] **74.94**
Oswego	[~~2.85~~] **2.82**

Oneida	[~~16.21~~] 16.02		
Cortland	1.17		
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 infor-

mation 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, 2025.

PART C

Section 1. Section 399-s of the vehicle and traffic law, as amended by section 3 of part ZZ of chapter 58 of the laws of 2020, is amended to read as follows:

§ 399-s. Pilot program scope and duration. The commissioner shall conduct a pilot program designed to evaluate utilizing the internet for delivering an approved pre-licensing course required by subparagraph (i) of paragraph (a) of subdivision four of section five hundred two of this chapter, by permitting qualified applicants to participate in the pilot program from June thirtieth, two thousand twenty to June thirtieth, two thousand [~~twenty-five~~] **thirty**. Provided that applicants for class DJ and class MJ licenses shall not be eligible to participate in such pilot program.

§ 2. Section 399-s of the vehicle and traffic law, as amended by section one of this act, is amended to read as follows:

§ 399-s. Pilot program scope and duration. The commissioner shall conduct a pilot program designed to evaluate utilizing the internet for delivering an approved pre-licensing course required by subparagraph (i) of paragraph (a) of subdivision four of section five hundred two of this chapter, by permitting qualified applicants to participate in the pilot program from June thirtieth, two thousand twenty to June thirtieth, two thousand thirty. Provided that applicants for [~~class DJ and class MJ~~] **drivers'** licenses **who are twenty-one years of age or younger** shall not be eligible to participate in such pilot program.

§ 3. Section 6 of chapter 368 of the laws of 2019 amending the vehicle and traffic law and state finance law relating to establishing a pre-licensing course internet program, is amended to read as follows:

§ 6. This act shall take effect June 30, 2020 and shall expire and be deemed repealed June 30, [~~2025~~] **2030**; provided, however, that the amendments to paragraph (a) of subdivision 3 of section 89-b of the state finance law made by section four of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 13 of part U1 of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section five of this act shall take effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effec-

tive date are authorized to be made and completed on or before such effective date.

§ 4. Notwithstanding the provisions of section 399-s of the vehicle and traffic law, as amended by section two of this act, the amendments to section 399-s of the vehicle and traffic law as made by section two of this act shall not apply to persons aged 18 to 21 years old who are enrolled, on or before the date upon which such section two of this act takes effect, in an approved pre-licensing course which is approved by the commissioner of motor vehicles to participate in the pilot program authorized pursuant to article 12-D of the vehicle and traffic law.

§ 5. This act shall take effect immediately; provided, however, that sections two and four of this act shall take effect on the sixtieth day after such effective date; provided further, however, that the amendments to section 399-s of the vehicle and traffic law made by sections one and two of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and provided further, however, that section four of this act shall expire and be deemed repealed on the same date and in the same manner as chapter 368 of the laws of 2019, as amended.

PART D

Intentionally Omitted

PART E

Intentionally Omitted

PART F

Intentionally Omitted

PART G

Intentionally Omitted

PART H

Intentionally Omitted

PART I

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 A of chapter 58 of the laws of 2024, 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, [~~2025~~] **2026**, 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 J

Section 1. Section 45 of chapter 929 of the laws of 1986 amending the tax law and other laws relating to the metropolitan transportation authority, as amended by section 1 of part G of chapter 58 of the laws of 2023, is amended to read as follows:

§ 45. This act shall take effect immediately; except that: (a) paragraph (d) of subdivision 3 of section 1263 of the public authorities law, as added by section twenty-six of this act, shall be deemed to have been in full force and effect on and after August 5, 1986; (b) sections thirty-three and thirty-four of this act shall not apply to a certified or recognized public employee organization which represents any public employees described in subdivision 16 of section 1204 of the public authorities law and such sections shall expire on July 1, [~~2025~~] **2027** and nothing contained within these sections shall be construed to divest the public employment relations board or any court of competent jurisdiction of the full power or authority to enforce any order made by the board or such court prior to the effective date of this act; (c) the provisions of section thirty-five of this act shall expire on March 31, 1987; and (d) provided, however, the commissioner of taxation and finance shall have the power to enforce the provisions of sections two through nine of this act beyond December 31, 1990 to enable such commissioner to collect any liabilities incurred prior to January 1, 1991.

§ 2. This act shall take effect immediately.

PART K

Section 1. Paragraph (a) of subdivision 12-a of section 1266 of the public authorities law, as added by section 2 of part VVV of chapter 58 of the laws of 2020, is amended to read as follows:

(a) Whenever the authority determines in consultation with the city of New York that it is necessary to obtain the temporary or permanent use, occupancy, control or possession of vacant or undeveloped or underutilized but replaceable real property, or any interest therein, or subsurface real property or any interest therein then owned by the city of New York for a project in [~~the two thousand fifteen to two thousand nineteen or the two thousand twenty to two thousand twenty-four approved capital programs~~] **a capital program approved pursuant to section twelve hundred sixty-nine-b of this title** to (i) install one or more elevators to make one or more subway stations more accessible, (ii) construct or reconstruct an electrical substation to increase available power to the subway system to expand passenger capacity or reliability, or (iii) in connection with the capital project to construct four commuter railroad passengers stations in the borough of the Bronx known as Penn Station access, the authority upon approval by the board of the metropolitan transportation authority and upon suitable notice and with the consent of the city of New York may cause the title to such real property, or any interest therein, to be transferred to the authority by adding it to the agreement of lease dated June first, nineteen hundred fifty-three, as amended, renewed and supplemented, authorized by section twelve hundred three of this article, or may itself acquire title to such property from the city of New York, and any such transfer or acquisition of

real property shall be subject to the provisions of subdivision five of section twelve hundred sixty-six-c of this title. Nothing in this subdivision shall be deemed to authorize any temporary or permanent transfer or acquisition of real property, or interest therein, that is dedicated parkland without separate legislative approval of such alienation.

§ 2. Section 3 of part VVV of chapter 58 of the laws of 2020 amending the public authorities law relating to acquisitions or transfers of property for transit projects is amended to read as follows:

§ 3. This act shall take effect immediately and shall expire and be deemed repealed on December 31, [~~2025~~] **2030**; provided, however, that the repeal of this act shall not affect any transfer or acquisition pursuant to all of the terms of section two of this act that has been approved by the board of the metropolitan transportation authority before such repeal date.

§ 3. This act shall take effect immediately; provided however that the amendments to paragraph (a) of subdivision 12-a of section 1266 of the public authorities law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.

PART L

Section 1. Section 5 of part UUU of chapter 58 of the laws of 2020 amending the state finance law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses, is amended by adding a new subdivision (c) to read as follows:

(c) Notwithstanding subdivisions (a) and (b) of this section, during the period from July first, two thousand twenty-five through June thirtieth, two thousand twenty-seven, the city of New York shall fund eighty percent of the net paratransit operating expenses of the metropolitan transportation authority, provided that such contribution shall not exceed, for each twelve-month period ending June thirtieth, the sum of: (i) fifty percent of the net paratransit operating expenses and (ii) one hundred sixty-five million dollars. Net paratransit operating expenses shall be calculated monthly by the MTA and will consist of the total paratransit operating expenses of the program minus the six percent of the urban tax dedicated to paratransit services as of the effective date of this subdivision and minus any money collected as passenger fares from paratransit operations.

§ 2. Section 9 of part UUU of chapter 58 of the laws of 2020 amending the state finance law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses, as amended by section 3 of part D of chapter 58 of the laws of 2023, is amended to read as follows:

§ 9. This act shall take effect immediately[~~; provided that sections five through seven of this act shall expire and be deemed repealed June 30, 2030; and provided further that such repeal shall not affect or otherwise reduce amounts owed to the metropolitan transportation authority paratransit assistance fund to meet the city's share of the net paratransit operating expenses of the MTA for services provided prior to June 30, 2030~~].

§ 3. This act shall take effect immediately.

PART M

Section 1. This act commits the state of New York and the city of New York ("city") to fund, over a multi-year period, $6,000,000,000 in capital costs related to projects contained in the Metropolitan Transportation Authority ("MTA") 2025-2029 capital program ("capital program"). The state share of $3,000,000,000 and the city share of $3,000,000,000 shall be provided to pay the capital costs of the capital program. The funds committed by the state and city shall be provided concurrently, and in proportion to the respective shares of each, in accordance with the funding needs of the capital program.

§ 2. (a) No funds dedicated for operating assistance of the MTA shall be used to reduce or supplant the commitment of the state or city to provide $6,000,000,000 pursuant to section one of this act.

(b) The city and state's share of funds provided concurrently pursuant to section one of this act shall be scheduled and paid to the MTA on a schedule to be determined by the state director of the budget. In order to determine the adequacy and pace of the level of state and city funding in support of the MTA's capital program, and to gauge the availability of MTA capital resources planned for the capital program, the director of the budget and the city may request, and the MTA shall provide, periodic reports on the MTA's capital programs and financial activities. The city shall certify to the state comptroller and the New York state director of the budget, no later than seven days after making each payment pursuant to this section, the amount of the payments and the date upon which such payments were made.

§ 3. (a) Notwithstanding any provision of law to the contrary, in the event the city fails to certify to the state comptroller and the New York state director of the budget that the city has paid in full any concurrent payment required by section two of this act, the New York state director of the budget shall direct the state comptroller to transfer, collect, or deposit funds in accordance with subdivision (b) of this section in an amount equal to the unpaid balance of any payment required by section two of this act, provided that any such deposits shall be counted against the city share of the Metropolitan Transportation Authority (MTA) 2025-2029 capital program (capital program) pursuant to section one of this act. Such direction shall be pursuant to a written plan or plans filed with the state comptroller, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee.

(b) Notwithstanding any provision of law to the contrary and as set forth in a plan or plans submitted by the New York state director of the budget pursuant to subdivision (a) of this section, the state comptroller is hereby directed and authorized to: (i) transfer funds authorized by any undisbursed general fund aid to localities appropriations or state special revenue fund aid to localities appropriations, excluding debt service, fiduciary, and federal fund appropriations, to the city to the Metropolitan Transportation Authority capital assistance fund established by section 92-ii of the state finance law in accordance with such plan; and/or (ii) collect and deposit into the Metropolitan Transportation Authority capital assistance fund established by section 92-ii of the state finance law funds from any other revenue source of the city, including the sales and use tax, in accordance with such plan. The state comptroller is hereby authorized and directed to make such transfers, collections and deposits as soon as practicable but not more than 3 days following the transmittal of such plan to the comptroller in accordance with subdivision (a) of this section.

(c) Notwithstanding any provision of law to the contrary, the state's obligation and/or liability to fund any program included in general fund aid to localities appropriations or state special revenue fund aid to localities appropriations from which funds are transferred pursuant to subdivision (b) of this section shall be reduced in an amount equal to such transfer or transfers.

§ 4. Subdivisions 2 and 3 of section 92-ii of the state finance law, as added by section 4 of part UUU of chapter 58 of the laws of 2020, are amended to read as follows:

2. Such fund shall consist of any monies directed thereto pursuant to the provisions of section three of [~~the~~] part **UUU** of [~~the~~] chapter **fifty-eight** of the laws of two thousand twenty [~~which added this section~~] **and to the provisions of section three of the part of the chapter of the laws of two thousand twenty-five which amended this subdivision**.

3. All monies deposited into the fund pursuant to [~~the~~] part **UUU** of [~~the~~] chapter **fifty-eight** of the laws of two thousand twenty [~~which added this section~~] **and the part of the chapter of the laws of two thousand twenty-five which amended this subdivision** shall be paid to the metropolitan transportation authority by the comptroller, without appropriation, for use in the same manner as the payments required by section two of such part, as soon as practicable but not more than five days from the date the comptroller determines that the full amount of the unpaid balance of any payment required by section three of **part UUU of chapter fifty-eight of the laws of two thousand twenty and by section three of** such part **of the chapter of the laws of two thousand twenty-five which amended this subdivision** has been deposited into the fund.

§ 5. This act shall take effect immediately.

PART N

Intentionally Omitted

PART O

Intentionally Omitted

PART P

Intentionally Omitted

PART Q

Intentionally Omitted

PART R

Intentionally Omitted

PART S

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 BB of chapter 58 of the laws of 2024, 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, [~~2025~~] 2026 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 T

Intentionally Omitted

PART U

Intentionally Omitted

PART V

Intentionally Omitted

PART W

Intentionally Omitted

PART X

Intentionally Omitted

PART Y

Section 1. The banking law is amended by adding a new article 14-B to read as follows:

ARTICLE 14-B

BUY-NOW-PAY-LATER LENDERS

Section 735. Short title.
736. Definitions.
737. License.
738. Conditions precedent to issuing a license; procedure where application is denied.
739. License provisions and posting.
740. Application for acquisition of control of buy-now-pay-later lender by purchase of stock.
741. Grounds for revocation or suspension of license; procedure.
742. Superintendent authorized to examine.
743. Licensee's books and records; reports.
744. Acts prohibited.

745. Interest and other charges.
746. Consumer protections.
747. Authority of superintendent.
748. Penalties.
749. Severability.

§ 735. Short title. This article shall be known and may be cited as the "buy-now-pay-later act".

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

1. "Consumer" means an individual who is a resident of the state of New York.

2. "Buy-now-pay-later loan" means closed-end credit provided to a consumer in connection with such consumer's particular purchase of goods and/or services, other than a motor vehicle as defined under section one hundred twenty-five of the vehicle and traffic law. A "buy-now-pay-later loan" does not include credit where the creditor is the seller of such goods and/or services, unless it is credit pursuant to an agreement whereby, at a consumer's request, the creditor purchases a specific good and/or service from a seller and resells such specific good and/or service to such consumer on closed-end credit.

3. "Buy-now-pay-later lender" means a person who offers buy-now-pay-later loans in this state. For purposes of the preceding sentence, "offer" means offering to make a buy-now-pay-later loan by extending credit directly to a consumer or operating a platform, software or system with which a consumer interacts and the primary purpose of which is to allow third parties to offer buy-now-pay-later loans, or both. A person shall not be considered a buy-now-pay-later lender on the basis of isolated, incidental or occasional transactions which otherwise meet the definitions of this section.

4. "Exempt organization" means any banking organization or foreign banking corporation licensed by the superintendent or the comptroller of the currency to transact business in this state or originating buy-now-pay-later loans from a branch in this state subject to article five-C of this chapter, licensed lender licensed by the superintendent under article nine of this chapter, national bank, federal savings bank, federal savings and loan association, federal credit union, or state depository institution or state credit union as defined in 12 U.S.C. §§ 1813(c)(5) and 1752(6) respectively.

5. "Licensee" means a person who has been issued a license under this article.

6. "Person" means an individual, partnership, corporation, association or any other business organization.

§ 737. License. 1. No person or other entity, except an exempt organization as defined in this article, shall act as a buy-now-pay-later lender without first obtaining a license from the superintendent under this article.

2. An application for a license shall be in writing, under oath, and in the form and containing such information as the superintendent may require.

3. At the time of filing an application for a license, the applicant shall pay to the superintendent a fee as prescribed pursuant to section eighteen-a of this chapter.

4. A license granted under this article shall be valid unless revoked or suspended by the superintendent or unless surrendered by the licensee and accepted by the superintendent.

5. In connection with an application for a license, the applicant shall submit an affidavit of financial solvency, including financial statements, noting such capitalization requirements and access to such credit or such other affirmation or information as may be prescribed by the regulations of the superintendent.

6. Nothing in this article shall apply to an exempt organization.

§ 738. Conditions precedent to issuing a license; procedure where application is denied. 1. After the filing of an application for a license accompanied by payment of the fee pursuant to subdivision three of section seven hundred thirty-seven of this article, it shall be substantively reviewed. After the application is deemed sufficient and complete, if the superintendent finds that the financial responsibility, including meeting any capital requirements as established pursuant to subdivision three of this section, experience, character and general fitness of the applicant or any person associated with the applicant are such as to command the confidence of the community and to warrant the belief that the business will be conducted honestly, fairly and efficiently within the purposes and intent of this article, the superintendent shall issue the license. For the purpose of this subdivision, the applicant shall be deemed to include all the members of the applicant if it is a partnership or unincorporated association or organization, and all the stockholders, officers and directors of the applicant if it is a corporation.

2. If the superintendent refuses to issue a license, the superintendent shall notify the applicant of the denial and retain the fee paid pursuant to subdivision three of section seven hundred thirty-seven of this article.

3. The superintendent may promulgate rules and regulations setting capital requirements to ensure the solvency and financial integrity of licensees and their ongoing operations, taking into account the risks, volume of business, complexity, and other relevant factors regarding such licensees. Further, the superintendent may promulgate rules and regulations prescribing a methodology to calculate capital requirements with respect to licensees or categories thereof.

§ 739. License provisions and posting. 1. A license issued under this article shall state the name and address of the licensee, and if the licensee be a co-partnership or association, the names of the members thereof, and if a corporation the date and place of its incorporation.

2. Such license shall be kept conspicuously posted on the mobile application, website, or other consumer interface of the licensee, as well as listed in the terms and conditions of any buy-now-pay-later loan offered or entered into by the licensee. The superintendent may provide by regulation an alternative form of notice of licensure.

3. A license issued under this article shall not be transferable or assignable.

§ 740. Application for acquisition of control of buy-now-pay-later lender by purchase of stock. 1. It shall be unlawful except with the prior approval of the superintendent for any action to be taken which results in a change of control of the business of a licensee. Prior to any change of control, the person desirous of acquiring control of the business of a licensee shall make written application to the superintendent and pay an investigation fee as prescribed pursuant to section eighteen-a of this chapter to the superintendent. The application shall contain such information as the superintendent, by regulation, may prescribe as necessary or appropriate for the purpose of making the determination required by subdivision two of this section.

2. The superintendent shall approve or disapprove the proposed change of control of a licensee in accordance with the provisions of section seven hundred thirty-eight of this article.

3. For a period of six months from the date of qualification thereof and for such additional period of time as the superintendent may prescribe, in writing, the provisions of subdivisions one and two of this section shall not apply to a transfer of control by operation of law to the legal representative, as hereinafter defined, of one who has control of a licensee. Thereafter, such legal representative shall comply with the provisions of subdivisions one and two of this section. The provisions of subdivisions one and two of this section shall be applicable to an application made under such section by a legal representative.

4. The term "legal representative," for the purposes of this section, shall mean one duly appointed by a court of competent jurisdiction to act as executor, administrator, trustee, committee, conservator or receiver, including one who succeeds a legal representative and one acting in an ancillary capacity thereto in accordance with the provisions of such court appointment.

5. As used in this section, the term "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a licensee, whether through the ownership of voting stock of such licensee, the ownership of voting stock of any person which possesses such power or otherwise. Control shall be presumed to exist if any person, directly or indirectly, owns, controls or holds with power to vote ten per centum or more of the voting stock of any licensee or of any person which owns, controls or holds with power to vote ten per centum or more of the voting stock of any licensee, but no person shall be deemed to control a licensee solely by reason of being an officer or director of such licensee or person. The superintendent may in the superintendent's discretion, upon the application of a licensee or any person who, directly or indirectly, owns, controls or holds with power to vote or seeks to own, control or hold with power to vote any voting stock of such licensee, determine whether or not the ownership, control or holding of such voting stock constitutes or would constitute control of such licensee for purposes of this section.

§ 741. Grounds for revocation or suspension of license; procedure. 1. A license granted under this article may be revoked or suspended by the superintendent upon a finding that:

(a) the licensee has violated any applicable law or regulation;

(b) any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have warranted the superintendent's refusal to issue such license; or

(c) the licensee has failed to pay any sum of money lawfully demanded by the superintendent or to comply with any demand, ruling or requirement of the superintendent.

2. Any licensee may surrender any license by delivering to the superintendent written notice that the licensee thereby surrenders such license. Such surrender shall be effective upon its acceptance by the superintendent, and shall not affect such licensee's civil or criminal liability for acts committed prior to such surrender.

3. Every license issued under this article shall remain in force and effect until the same shall have been surrendered, revoked or suspended, in accordance with the provisions of this article, but the superintendent shall have authority to reinstate suspended licenses or to issue a

new license to a licensee whose license has been revoked if no fact or condition then exists which clearly would have warranted the superintendent's refusal to issue such license.

4. Whenever the superintendent shall revoke or suspend a license issued under this article, the superintendent shall forthwith execute a written order to that effect, which order may be reviewed in the manner provided by article seventy-eight of the civil practice law and rules. Such special proceeding for review as authorized by this section must be commenced within thirty days from the date of such order of suspension or revocation.

5. The superintendent may, for good cause, without notice and a hearing, suspend any license issued under this article for a period not exceeding thirty days, pending investigation. "Good cause," as used in this subdivision, shall exist only when the licensee has engaged in or is likely to engage in a practice prohibited by this article or the rules and regulations promulgated thereunder or engages in dishonest or inequitable practices which may cause substantial harm to the public.

6. No revocation, suspension or surrender of any license shall impair or affect any pre-existing lawful contracts between the licensee and any borrower.

§ 742. Superintendent authorized to examine. 1. The superintendent shall have the power to make such investigations as the superintendent shall deem necessary to determine whether any buy-now-pay-later lender or any other person has violated any of the provisions of this article or any other applicable law, or whether any licensee has conducted itself in such manner as would justify the revocation of its license, and to the extent necessary therefor, the superintendent may require the attendance of and examine any person under oath, and shall have the power to compel the production of all relevant books, records, accounts, and documents.

2. The superintendent shall have the power to make such examinations of the books, records, accounts and documents used in the business of any licensee as the superintendent shall deem necessary to determine whether any such licensee has violated any of the provisions of this chapter or any other applicable law or to secure information lawfully required by the superintendent.

§ 743. Licensee's books and records; reports. 1. A buy-now-pay-later lender shall keep and use in its business such books, accounts and records as will enable the superintendent to determine whether such buy-now-pay-later lender is complying with the provisions of this article and with the rules and regulations promulgated by the superintendent thereunder. Every buy-now-pay-later lender shall preserve such books, accounts and records for at least two years after making the final entry in respect to any buy-now-pay-later loan recorded therein; provided, however, the preservation of photographic or digital reproductions thereof or records in photographic or digital form shall constitute compliance with this requirement.

2. By a date to be set by the superintendent, each licensee shall annually file a report with the superintendent giving such information as the superintendent may require concerning the licensee's business and operations during the preceding calendar year within the state under the authority of this article. Such report shall be subscribed and affirmed as true by the licensee under the penalties of perjury and be in the form prescribed by the superintendent. In addition to such annual reports, the superintendent may require of licensees such additional regular or special reports as the superintendent may deem necessary to

the proper supervision of licensees under this article. Such additional reports shall be in the form prescribed by the superintendent and shall be subscribed and affirmed as true under the penalties of perjury.

§ 744. Acts prohibited. 1. No buy-now-pay-later lender shall take or cause to be taken any confession of judgment or any power of attorney to confess judgment or to appear for the consumer in a judicial proceeding.

2. No buy-now-pay-later lender shall:

(a) employ any scheme, device, or artifice to defraud or mislead a borrower;

(b) engage in any deceptive or unfair practice toward any person or misrepresent or omit any material information in connection with the buy-now-pay-later loans, including, but not limited to, misrepresenting the amount, nature or terms of any fee or payment due or claimed to be due on the loan, the terms and conditions of the loan agreement or the borrower's obligations under the loan;

(c) misapply payments to the outstanding balance of any buy-now-pay-later loan or to any related fees;

(d) provide inaccurate information to a consumer reporting agency; or

(e) make any false statement or make any omission of a material fact in connection with any information or reports filed with a governmental agency or in connection with any investigation conducted by the superintendent or another governmental agency.

§ 745. Interest and other charges. 1. Subject to applicable federal law, no buy-now-pay-later lender shall charge, contract for, or otherwise receive from a consumer any interest, discount, or other consideration in connection with a buy-now-pay-later loan, whether directly or indirectly, greater than the rate permitted by section 5-501 of the general obligations law.

2. The superintendent shall establish a maximum charge or fee, specified as a monetary amount, percentage, or both, in connection with late payment, default or any other violation of the buy-now-pay-later loan agreement that a buy-now-pay-later lender can charge a consumer. Such fee or charge shall not be collected more than once for a single such late payment, default, or other violation of the buy-now-pay-later loan agreement. The superintendent shall also establish a maximum cumulative amount of such charges and fees, specified as a monetary amount, percentage, or both, that a buy-now-pay-later lender can charge a consumer in connection with a particular buy-now-pay-later loan.

3. A buy-now-pay-later lender shall not impose any fee or additional charge on a consumer, either directly or indirectly, for the early repayment of a buy-now-pay-later loan or any portion thereof.

4. The superintendent may promulgate rules and regulations regarding the manner of charging interest and fees described in this section.

§ 746. Consumer protections. 1. A buy-now-pay-later lender shall disclose or cause to be disclosed to consumers the terms of buy-now-pay-later loans, including the cost, such as interest and fees, repayment schedule, whether the transaction will or will not be reported to a credit reporting agency, and other material conditions, in a clear and conspicuous manner. Disclosures shall comply with applicable federal regulations, including but not limited to regulation Z of title I of the Consumer Credit Protection Act.

2. Subject to regulations to be promulgated by the superintendent, a buy-now-pay-later lender shall, before providing or causing to be provided a buy-now-pay-later loan to a consumer, make, or cause to be made, a reasonable determination that such consumer has the ability to repay the buy-now-pay-later loan. No licensee shall collect, evaluate,

report, or maintain in the file on a borrower the credit worthiness, credit standing, or credit capacity of members of the borrower's social network for purposes of determining the credit worthiness of the borrower; the average credit worthiness, credit standing, or credit capacity of members of the borrower's social network; or any group score that is not the borrower's own credit worthiness, credit standing, or credit capacity.

3. A buy-now-pay-later lender shall maintain or cause to be maintained policies and procedures for maintaining accurate data that may be reported to credit reporting agencies. The superintendent may promulgate rules and regulations requiring that buy-now-pay-later lenders report or cause to be reported data on buy-now-pay-later loans to credit reporting agencies, requiring that such reporting occur in a particular manner, or prohibiting such reporting.

4. A buy-now-pay-later lender shall provide or cause to be provided refunds or credits for goods or services purchased in connection with a buy-now-pay-later loan, upon consumer request, in a manner that is fair, transparent, and not unduly burdensome to consumers. A buy-now-pay-later lender shall maintain or cause to be maintained policies and procedures to provide such refunds or credits. Such policies and procedures shall be fair, transparent, and not unduly burdensome to the consumer. A buy-now-pay-later lender shall disclose or cause to be disclosed to consumers, in a clear and conspicuous manner, the process by which they can obtain refunds or credits for goods or services they have purchased in connection with a buy-now-pay-later loan.

5. A buy-now-pay-later lender shall resolve or cause to be resolved disputes in a manner that is fair and transparent to consumers. A buy-now-pay-later lender shall create or cause to be created a readily available and prominently disclosed method for consumers to bring a dispute to the buy-now-pay-later lender. A buy-now-pay-later lender shall maintain policies and procedures for handling consumer disputes. The superintendent may promulgate rules and regulations regarding treatment of unauthorized use, so that consumers are liable for use of buy-now-pay-later loans in their name only under circumstances where such liability would be fair and reasonable. A buy-now-pay-later lender shall apply to buy-now-pay-later loans the dispute rights and unauthorized charges requirements that apply to credit cards under the Truth in Lending Act, 15 U.S.C. § 1643, 1666, 1666a, 1666i, regardless of whether such law applies to buy-now-pay-later loans or whether the buy-now-pay-later lender offers a credit card within the scope of such law.

6. A buy-now-pay-later lender may use, sell, or share the data of a consumer, other than in connection with the making of a particular buy-now-pay-later loan to the consumer, only with the consumer's consent. A buy-now-pay-later lender shall disclose or cause to be disclosed to a consumer in a clear and conspicuous manner how such consumer's data may be used, shared, or sold by the buy-now-pay-later lender before obtaining such consumer's consent and also shall disclose or cause to be disclosed to such consumer in a clear and conspicuous manner how such consumer may subsequently withdraw consent to such use, sharing, or sale. The superintendent, in their discretion, may by regulation prohibit certain uses of consumer data. A buy-now-pay-later lender shall maintain policies and procedures regarding its use, sale, and sharing of consumers' data.

7. Any buy-now-pay-later loan made by a person not licensed under this article, other than an exempt organization, shall be void, and such

person shall have no right to collect or receive any principal, interest or charge whatsoever.

§ 747. Authority of superintendent. 1. The superintendent is authorized to promulgate such general rules and regulations as may be appropriate to implement the provisions of this article, protect consumers, and ensure the solvency and financial integrity of buy-now-pay-later lenders. The superintendent is further authorized to make such specific rulings, demands, and findings as may be necessary for the proper conduct of the business authorized and licensed under and for the enforcement of this article, in addition hereto and not inconsistent herewith.

2. In addition to such powers as may otherwise be prescribed by law, the superintendent is hereby authorized and empowered to promulgate such rules and regulations as may in the judgment of the superintendent be consistent with the purposes of this article, or appropriate for the effective administration of this article, including, but not limited to:

(a) such rules and regulations in connection with the activities of buy-now-pay-later lenders as may be necessary and appropriate for the protection of borrowers in this state;

(b) such rules and regulations as may be necessary and appropriate to define deceptive or unfair practices in connection with the activities of buy-now-pay-later lenders;

(c) such rules and regulations as may define the terms used in this article and as may be necessary and appropriate to interpret and implement the provisions of this article; and

(d) such rules and regulations as may be necessary for the enforcement of this article.

§ 748. Penalties. 1. Any person, including any member, officer, director or employee of a buy-now-pay-later lender, who violates or participates in the violation of section seven hundred thirty-seven of this article, or who knowingly makes any incorrect statement of a material fact in any application, report or statement filed pursuant to this article, or who knowingly omits to state any material fact necessary to give the superintendent any information lawfully required by the superintendent or refuses to permit any lawful investigation or examination, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than six months or both, in the discretion of the court.

2. Without limiting any power granted to the superintendent under any other provision of this chapter, the superintendent may, in a proceeding after notice and a hearing require a buy-now-pay-later lender, whether or not a licensee, to pay to the people of this state a penalty for any violation of this chapter, any rule or regulation promulgated thereunder, any final or temporary order issued pursuant to section thirty-nine of this chapter, any condition imposed in writing by the superintendent in connection with the grant of any application or request, or any written agreement entered into with the superintendent, and for knowingly making any incorrect statement of a material fact in any application, report or statement filed pursuant to this article, or knowingly omitting to state any material fact necessary to give the superintendent any information lawfully required by the superintendent or refusing to permit any lawful investigation or examination. As to any buy-now-pay-later lender that is not a licensee or an exempt organization, the superintendent is authorized to impose a penalty in the same amount authorized in section forty-four of this chapter for a violation of this chapter by any person licensed, certified, registered, author-

ized, chartered, accredited, incorporated or otherwise approved by the superintendent under this chapter.

3. No person except a buy-now-pay-later lender licensed under this article shall make, directly or indirectly, orally or in writing, or by any method, practice or device, a representation that such person is licensed under this article.

§ 749. Severability. If any provision of this article or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

§ 2. Subdivision 1 of section 36 of the banking law, as amended by chapter 146 of the laws of 1961, is amended to read as follows:

1. The superintendent shall have the power to examine every banking organization, every bank holding company and any non-banking subsidiary thereof (as such terms "bank holding company" and "non-banking subsidiary" are defined in article three-A of this chapter) and every licensed lender and licensed buy-now-pay-later lender at any time prior to its dissolution whenever in [~~his~~] the superintendent's judgment such examination is necessary or advisable.

§ 3. Subdivision 10 of section 36 of the banking law, as amended by section 2 of part L of chapter 58 of the laws of 2019, is amended to read as follows:

10. All reports of examinations and investigations, correspondence and memoranda concerning or arising out of such examination and investigations, including any duly authenticated copy or copies thereof in the possession of any banking organization, bank holding company or any subsidiary thereof (as such terms "bank holding company" and "subsidiary" are defined in article three-A of this chapter), any corporation or any other entity affiliated with a banking organization within the meaning of subdivision six of this section and any non-banking subsidiary of a corporation or any other entity which is an affiliate of a banking organization within the meaning of subdivision six-a of this section, foreign banking corporation, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed mortgage banker, registered mortgage broker, licensed mortgage loan originator, licensed sales finance company, registered mortgage loan servicer, licensed student loan servicer, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, any other person or entity subject to supervision under this chapter, or the department, shall be confidential communications, shall not be subject to subpoena and shall not be made public unless, in the judgment of the superintendent, the ends of justice and the public advantage will be subserved by the publication thereof, in which event the superintendent may publish or authorize the publication of a copy of any such report or any part thereof in such manner as may be deemed proper or unless such laws specifically authorize such disclosure. For the purposes of this subdivision, "reports of examinations and investigations, and any correspondence and memoranda concerning or arising out of such examinations and investigations", includes any such materials of a bank, insurance or securities regulatory agency or any unit of the federal government or that of this state any other state or that of any foreign government which are considered confidential by such agency or unit and which are in the possession of the department or which are otherwise confidential

materials that have been shared by the department with any such agency or unit and are in the possession of such agency or unit.

§ 4. Subdivisions 3 and 5 of section 37 of the banking law, as amended by chapter 360 of the laws of 1984, are amended to read as follows:

3. In addition to any reports expressly required by this chapter to be made, the superintendent may require any banking organization, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed mortgage banker, foreign banking corporation licensed by the superintendent to do business in this state, bank holding company and any non-banking subsidiary thereof, corporate affiliate of a corporate banking organization within the meaning of subdivision six of section thirty-six of this article and any non-banking subsidiary of a corporation which is an affiliate of a corporate banking organization within the meaning of subdivision six-a of section thirty-six of this article to make special reports to [~~him~~] **the superintendent** at such times as [~~he~~] **the superintendent** may prescribe.

5. The superintendent may extend at [~~his~~] **the superintendent's** discretion the time within which a banking organization, foreign banking corporation licensed by the superintendent to do business in this state, bank holding company or any non-banking subsidiary thereof, licensed casher of checks, licensed mortgage banker, private banker**, licensed buy-now-pay-later lender** or licensed lender is required to make and file any report to the superintendent.

§ 5. Section 39 of the banking law, as amended by section 3 of part L of chapter 58 of the laws of 2019, is amended to read as follows:

§ 39. Orders of superintendent. 1. To appear and explain an apparent violation. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by the superintendent to do business or maintain a representative office in this state has violated any law or regulation, [~~he or she~~] **the superintendent** may, in [~~his or her~~] **the superintendent's** discretion, issue an order describing such apparent violation and requiring such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation to appear before [~~him or her~~] **the superintendent**, at a time and place fixed in said order, to present an explanation of such apparent violation.

2. To discontinue unauthorized or unsafe and unsound practices. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed

transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by the superintendent to do business in this state is conducting business in an unauthorized or unsafe and unsound manner, [~~he or she~~] **the superintendent** may, in [~~his or her~~] **the superintendent's** discretion, issue an order directing the discontinuance of such unauthorized or unsafe and unsound practices, and fixing a time and place at which such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation may voluntarily appear before [~~him or her~~] **the superintendent** to present any explanation in defense of the practices directed in said order to be discontinued.

3. To make good impairment of capital or to ensure compliance with financial requirements. Whenever it shall appear to the superintendent that the capital or capital stock of any banking organization, bank holding company or any subsidiary thereof which is organized, licensed or registered pursuant to this chapter, is impaired, or the financial requirements imposed by subdivision one of section two hundred two-b of this chapter or any regulation of the superintendent on any branch or agency of a foreign banking corporation or the financial requirements imposed by this chapter or any regulation of the superintendent on any licensed lender, **licensed buy-now-pay-later lender,** registered mortgage broker, licensed mortgage banker, licensed student loan servicer, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner or private banker are not satisfied, the superintendent may, in the superintendent's discretion, issue an order directing that such banking organization, bank holding company, branch or agency of a foreign banking corporation, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, or private banker make good such deficiency forthwith or within a time specified in such order.

4. To make good encroachments on reserves. Whenever it shall appear to the superintendent that either the total reserves or reserves on hand of any banking organization, branch or agency of a foreign banking corporation are below the amount required by or pursuant to this chapter or any other applicable provision of law or regulation to be maintained, or that such banking organization, branch or agency of a foreign banking corporation is not keeping its reserves on hand as required by this chapter or any other applicable provision of law or regulation, [~~he or she~~] **the superintendent** may, in [~~his or her~~] **the superintendent's** discretion, issue an order directing that such banking organization, branch or agency of a foreign banking corporation make good such reserves forthwith or within a time specified in such order, or that it keep its reserves on hand as required by this chapter.

5. To keep books and accounts as prescribed. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, agency or branch of a foreign banking corporation licensed by the superintendent to do business in this state, does not keep its books and accounts in such manner as to enable [~~him or her~~] **the superintendent** to readily ascertain its true condition, [~~he or she~~] **the superintendent** may, in [~~his or her~~] **the superintendent's** discretion, issue an order requiring such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, or foreign banking corporation, or the officers or agents thereof, or any of them, to open and keep such books or accounts as [~~he or she~~] **the superintendent** may, in [~~his or her~~] **the superintendent's** discretion, determine and prescribe for the purpose of keeping accurate and convenient records of its transactions and accounts.

6. As used in this section, "bank holding company" shall have the same meaning as that term is defined in section one hundred forty-one of this chapter.

§ 6. Subdivision 1 of section 42 of the banking law, as amended by chapter 65 of the laws of 1948, is amended to read as follows:

1. The name and the location of the principal office of every proposed corporation, private banker, licensed lender**, licensed buy-now-pay-later lender** and licensed casher of checks, the organization certificate, private banker's certificate or application for license of which has been filed for examination, and the date of such filing.

§ 7. Subdivision 2 of section 42 of the banking law, as amended by chapter 553 of the laws of 1960, is amended to read as follows:

2. The name and location of every licensed lender**, licensed buy-now-pay-later lender** and licensed casher of checks, and the name, location, amount of capital stock or permanent capital and amount of surplus of every corporation and private banker and the minimum assets required of every branch of a foreign banking corporation authorized to commence business, and the date of authorization or licensing.

§ 8. Subdivision 3 of section 42 of the banking law, as amended by chapter 553 of the laws of 1960, is amended to read as follows:

3. The name of every proposed corporation, private banker, branch of a foreign banking corporation, licensed lender**, licensed buy-now-pay-later lender** and licensed casher of checks to which a certificate of authorization or a license has been refused and the date of notice of refusal.

§ 9. Subdivision 4 of section 42 of the banking law, as amended by chapter 60 of the laws of 1957, is amended to read as follows:

4. The name and location of every private banker, licensed lender, licensed casher of checks, sales finance company**, licensed buy-now-pay-later lender** and foreign corporation the authorization certificate or license of which has been revoked, and the date of such revocation.

§ 10. Subdivision 5 of section 42 of the banking law, as amended by chapter 249 of the laws of 1968, is amended to read as follows:

5. The name of every banking organization, licensed lender, licensed casher of checks, licensed buy-now-pay-later lender and foreign corporation which has applied for leave to change its place or one of its places of business and the places from and to which the change is proposed to be made; the name of every banking organization which has applied to change the designation of its principal office to a branch office and to change the designation of one of its branch offices to its principal office, and the location of the principal office which is proposed to be redesignated as a branch office and of the branch office which is proposed to be redesignated as the principal office.

§ 11. Subdivision 6 of section 42 of the banking law, as amended by chapter 249 of the laws of 1968, is amended to read as follows:

6. The name of every banking organization, licensed lender, licensed casher of checks, licensed buy-now-pay-later lender and foreign corporation authorized to change its place or one of its places of business and the date when and the places from and to which the change is authorized to be made; the name of every banking organization authorized to change the designation of its principal office to a branch office and to change the designation of a branch office to its principal office, the location of the redesignated principal office and of the redesignated branch office, and the date of such change.

§ 12. Paragraph (a) of subdivision 1 of section 44 of the banking law, as amended by section 4 of part L of chapter 58 of the laws of 2019, is amended to read as follows:

(a) Without limiting any power granted to the superintendent under any other provision of this chapter, the superintendent may, in a proceeding after notice and a hearing, require any safe deposit company, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed mortgage banker, licensed student loan servicer, registered mortgage broker, licensed mortgage loan originator, registered mortgage loan servicer or licensed budget planner to pay to the people of this state a penalty for any violation of this chapter, any regulation promulgated thereunder, any final or temporary order issued pursuant to section thirty-nine of this article, any condition imposed in writing by the superintendent in connection with the grant of any application or request, or any written agreement entered into with the superintendent.

§ 13. This act shall take effect on the one hundred eightieth day after the department of financial services shall have promulgated rules and/or regulations to effectuate the provisions of this act; provided that the department of financial services shall notify the legislative bill drafting commission upon the occurrence of the promulgation of the rules and regulations necessary to effectuate and enforce the provisions of section two of this act, 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 authorized to be made by the superintendent pursuant to this act is authorized to be made and completed on or before such effective date.

PART Z

Intentionally Omitted

PART AA

Intentionally Omitted

PART BB

Intentionally Omitted

PART CC

Intentionally Omitted

PART DD

Intentionally Omitted

PART EE

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 Z of chapter 58 of the laws of 2024, 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, [~~2025~~] **2026**.

§ 2. This act shall take effect immediately.

PART FF

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 AA of chapter 58 of the laws of 2024, 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, [~~2025~~] **2026**, 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 GG

Section 1. Section 2 of part BB of chapter 58 of the laws of 2012 amending the public authorities law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, as amended by section 1 of part LL of chapter 58 of the laws of 2023, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed April 1, [~~2025~~] 2027.

§ 2. The dormitory authority of the state of New York shall provide a report providing information regarding any project undertaken pursuant to a design and construction management agreement, as authorized by part BB of chapter 58 of the laws of 2012, between the dormitory authority of the state of New York and the department of environmental conservation and/or the office of parks, recreation and historic preservation to the governor, the temporary president of the senate and speaker of the assembly. Such report shall include but not be limited to a description of each such project, the project identification number of each such project, if applicable, the projected date of completion, the status of the project, the total cost or projected cost of each such project, and the location, including the names of any county, town, village or city, where each such project is located or proposed. In addition, such a report shall be provided to the aforementioned parties by the first day of March of each year that the authority to enter into such agreements pursuant to part BB of chapter 58 of the laws of 2012 is in effect.

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

PART HH

Intentionally Omitted

PART II

Intentionally Omitted

PART JJ

Intentionally Omitted

PART KK

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 section 1 of part Y of chapter 58 of the laws of 2024, 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 July first, two thousand [~~twenty-five~~] twenty-seven, except that:

§ 1-a. Section 312-a of the executive law is amended by adding a new subdivision 3 to read as follows:

3. The director of the division of minority and women-owned business development is authorized and directed to commission a supplemental statewide disparity study regarding the participation of minority and women-owned business enterprises in state contracts to be delivered to the governor and legislature no later than July first, two thousand twenty-six. The study shall be prepared by an entity independent of the department of economic development and selected through a request for proposal process. The purpose of such study shall be to supplement the

study delivered pursuant to subdivision one of this section. The director of the division of minority and women's business development is directed to transmit the disparity study to the governor and the legislature not later than July first, two thousand twenty-six, and to post the study on the website of the department of economic development.

§ 2. This act shall take effect immediately; provided, however, that the amendments to section 312-a of the executive law made by section one-a of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART LL

Section 1. Section 214 of the state finance law, as amended by section 1 of part P of chapter 59 of the laws of 2007, is amended to read as follows:

§ 214. Establishment and purpose; linked deposit program authorization. The excelsior linked deposit program is hereby created. The purpose of the program is to encourage and assist eligible businesses within the state to undertake eligible projects that will materially contribute to improving their performance and competitiveness. The comptroller is hereby authorized to use any moneys of the state the comptroller is authorized to invest pursuant to section ninety-eight-a of this chapter as linked deposits for the program. Not more than [~~four hundred sixty million~~] one billion dollars of such moneys shall be on deposit pursuant to the program at any given time. The commissioner of taxation and finance is hereby authorized to use funds in the linked deposit program fund established pursuant to section ninety-two-v of this chapter as linked deposits for the program. Not more than one hundred million dollars from the linked deposit program fund shall be on deposit pursuant to the program at any given time.

§ 2. This act shall take effect immediately.

PART MM

Intentionally Omitted

PART NN

Intentionally Omitted

PART OO

Intentionally Omitted

PART PP

Section 1. Subdivision 11 of section 27-1901 of the environmental conservation law, as added by section 3 of part V1 of chapter 62 of the laws of 2003, is amended to read as follows:

11. "Tire service" means any person or business [~~in New York state~~] who sells or installs new tires for use on any vehicle and any person or business who engages in the retail sale of new motor vehicles. A person who is not the end point of sale [~~and any governmental agency or poli-~~

~~tical subdivision are excluded from this term~~], the United States of America and any of its agencies and instrumentalities, and New York state and any of its agencies, instrumentalities, public corporations, or political subdivisions are excluded from this term.

§ 2. Subdivision 1 and the opening paragraph of subdivision 2 of section 27-1905 of the environmental conservation law, as amended by section 1 of part MM of chapter 58 of the laws of 2022, are amended to read as follows:

1. Until December thirty-first, two thousand [~~twenty-five~~] twenty-eight, accept from a customer, waste tires of approximately the same size and in a quantity equal to the number of new tires purchased or installed by the customer; and

[~~Until~~] If a tire service that maintains a physical retail location in the state, until December thirty-first, two thousand [~~twenty-five~~] twenty-eight, post written notice in a prominent location, which must be at least eight and one-half inches by fourteen inches in size and contain the following language:

§ 2-a. The environmental conservation law is amended by adding a new section 27-1906 to read as follows:

§ 27-1906. Online tire sales.

Any tire service that sells new tires for use on any vehicle by use of an internet website shall:

1. Until December thirty-first, two thousand twenty-eight, make available a statement on its website that is conspicuously viewable to a purchaser prior to the purchase of new tires that contains the following language:

"New York state law requires tire retailers to charge a separate and distinct waste tire management and recycling fee of $2.50 for each new tire sold. The retailers in addition are authorized, at their sole discretion, to pass on waste tire management and recycling costs to tire purchasers. Such costs may be included as part of the advertised price of the new tire, or charged as a separate per-tire charge in an amount not to exceed $2.50 on each new tire sold".

2. The statement required by subdivision one of this section shall also contain one of the following statements, which shall accurately indicate the manner in which the tire service charges for waste tire management and recycling costs, and the amount of any charges that are separately invoiced for such costs:

"Our waste tire management and recycling costs are included in the advertised price of each new tire"; or

"We charge a separate per-tire charge of $(amount) on each new tire sold that will be listed on your invoice to cover our waste tire management and recycling costs".

3. (a) Any retail advertisement of promotional material provided by or on behalf of the tire service that lists a tire price which does not include waste tire management and recycling costs shall contain one of the following statements conspicuously located in or on the advertisement and in the same font as the advertised price of the tire:

"Additional fees relating to tire management and recycling costs may apply"; or

"We charge a separate per-tire charge of $(amount) on each new tire sold that will be listed on your invoice to cover our waste tire management and recycling costs where applicable".

(b) Where the latter statement under paragraph (a) of this subdivision is used, it shall list the amount of the separate per-tire charge.

§ 3. Subdivisions 1, 2 and 3 of section 27-1913 of the environmental conservation law, subdivisions 1 and 2 as amended by section 2 and subdivision 3 as amended by section 3 of part MM of chapter 58 of the laws of 2022, are amended to read as follows:

1. Until December thirty-first, two thousand [~~twenty-five~~] twenty-eight, a waste tire management and recycling fee of two dollars and fifty cents shall be charged on each new tire sold. The fee shall be paid by the purchaser to the tire service at the time the new tire or new motor vehicle is purchased.

The waste tire management and recycling fee does not apply to:

(a) recapped or resold tires; or

(b) [~~mail-order sales; or~~

~~(c)~~] the sale of new motor vehicle tires to a person solely for the purpose of resale provided the subsequent retail sale in this state is subject to such fee.

2. Until December thirty-first, two thousand [~~twenty-five~~] twenty-eight, the tire service shall collect the waste tire management and recycling fee from the purchaser at the time of the sale and shall remit such fee to the department of taxation and finance with the quarterly report filed pursuant to subdivision three of this section.

(a) The fee imposed shall be stated as an invoice item separate and distinct from the selling price of the tire.

(b) [~~The~~] A tire service that maintains a physical retail location in the state shall be entitled to retain an allowance of twenty-five cents per tire from fees collected.

3. Each tire service [~~maintaining a place of business in this state~~] that is a "person required to collect tax" as defined in section eleven hundred thirty-one of the tax law shall make a return to the department of taxation and finance on such form and including such information as the commissioner of taxation and finance may require. Such returns shall be due at the same time and for the same periods as the sales tax return of such tire service, in accordance with section eleven hundred thirty-six of the tax law, and payment of all fees due for such periods shall be remitted with such returns.

§ 4. Paragraph (a) of subdivision 6 of section 27-1913 of the environmental conservation law, as amended by section 2 of part MM of chapter 58 of the laws of 2022, is amended to read as follows:

(a) Until December thirty-first, two thousand [~~twenty-five~~] twenty-eight, any additional waste tire management and recycling costs of [~~the~~] a tire service in excess of the amount authorized to be retained pursuant to paragraph (b) of subdivision two of this section may be included in the published selling price of the new tire, or charged as a separate per-tire charge on each new tire sold. When such costs are charged as a separate per-tire charge: (i) such charge shall be stated as an invoice item separate and distinct from the selling price of the tire; (ii) the invoice shall state that the charge is imposed at the sole discretion of the tire service; and (iii) the amount of such charge shall reflect the actual cost to the tire service for the management and recycling of waste tires accepted by the tire service pursuant to section 27-1905 of this title, provided however, that in no event shall such charge exceed two dollars and fifty cents on each new tire sold.

§ 4-a. No later than December 31, 2027, the commissioner of environmental conservation shall prepare and submit to the governor and the legislature, and post on its website, a report on the status of the waste tire management and recycling program established pursuant to

title 19 of article 27 of the environmental conservation law. Such report shall, at a minimum, include:

(a) a census of compliant and noncompliant waste tire stockpiles in the state, including the location and number of waste tires stored at each such site;

(b) an update to the noncompliant waste tire stockpile abatement priority list initially required pursuant to subdivision one of section 27-1907 of the environmental conservation law;

(c) an update to the schedule for abatement of each noncompliant waste tire stockpile, initially required pursuant to subdivision one of section 27-1907 of the environmental conservation law;

(d) an accounting of the annual revenues and expenditures of the waste management and cleanup fund, established pursuant to section ninety-two-bb of the state finance law, over the last ten years;

(e) an evaluation of whether the waste tire management and recycling fee, established pursuant to subdivision one of section 27-1913 of the environmental conservation law, can be decreased or eliminated without delaying or preventing the abatement of remaining noncompliant waste tire stockpiles or impeding the administration and enforcement of the requirements of article 27 of the environmental conservation law; and

(f) recommendations on how to increase the responsibility of tire manufacturers and distributors for the collection, transportation, recycling, disposal, or other processing of waste tires.

§ 5. This act shall take effect September 1, 2025.

PART QQ

Section 1. Section 2 of part ZZ of chapter 55 of the laws of 2021 amending the environmental conservation law relating to establishing a deer hunting pilot program, as amended by section 2 of part RR of chapter 58 of the laws of 2023, is amended to read as follows:

§ 2. This act shall take effect June 1, 2021 and shall expire and be deemed repealed December 31, [~~2025~~] **2027**.

§ 2. This act shall take effect immediately.

PART RR

Section 1. Section 27-1301 of the environmental conservation law is amended by adding five new subdivisions 8, 9, 10, 11, and 12 to read as follows:

8. "Natural resource damages" means the amount of money sought as compensation for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from the disposal of hazardous waste at an inactive hazardous waste disposal site. Damages may also include the value of the natural resource services lost for the time period from the disposal until the attainment of such restoration, rehabilitation, replacement, and/or acquisition of equivalent natural resources.

9. "Natural resources" means land, fish, wildlife, biota, air, water, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the state, a municipality, or Indian tribe or nation residing within New York state.

10. "Response costs" means the state's costs of developing, implementing, and/or overseeing an inactive hazardous waste disposal site remedial program.

11. "Responsible person" or "person responsible" for the disposal of hazardous waste at a site means:

(a) any person who currently owns or operates a site or any portion thereof except for a volunteer, as defined in subdivision one of section 27-1405 of this article, that is participating under a brownfield clean-up agreement pursuant to section 27-1407 of this article;

(b) any person who owned or operated a site or any portion thereof at the time of disposal of the hazardous waste;

(c) any person who generated any hazardous waste disposed at a site;

(d) any person who transported any hazardous waste to a site selected by such person;

(e) any person who disposed of any hazardous waste at a site;

(f) any person who arranged for:

(i) the transportation of any hazardous waste to a site; or

(ii) the disposal of any hazardous waste at a site; and

(g) any other person who is responsible according to the applicable principles of statutory or common law liability pursuant to subdivision four of section 27-1313 of this title and/or the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 et seq.

12. "Disadvantaged community" shall have the same meaning as subdivision five of section 75-0101 of this chapter.

§ 1-a. Subdivisions 1, 2, and 3 of section 27-1303 of the environmental conservation law, as added by chapter 282 of the laws of 1979 and subdivision 1 as amended by section 2 of part E of chapter 1 of the laws of 2003, are amended to read as follows:

1. a. For a period of one year after the effective date of the chapter of the laws of two thousand three designating and amending this paragraph, each county shall, for the purpose of locating inactive hazardous waste disposal sites, as that term was defined on January first, two thousand three, survey its jurisdiction to determine the existence and location of suspected inactive hazardous waste disposal sites and shall annually thereafter submit a report to the department describing the location of each such suspected site and the reasons for such suspicion.

b. Commencing one year after the effective date of this paragraph, each county shall, for the purpose of locating inactive hazardous waste disposal sites, survey its jurisdiction to determine the existence and location of suspected inactive hazardous waste disposal sites and shall**, after consultation with all cities, towns, and villages within its jurisdiction,** annually thereafter submit a report to the department describing the location of each such suspected site and the reasons for such suspicion.

2. Each county**, after consultation with all cities, towns, and villages within its jurisdiction,** shall review the information concerning such county in the registry established pursuant to section 27-1305 of this article and shall, on or before September first, nineteen hundred eighty, and annually thereafter on the first day of September of each succeeding year, provide the department with any information which might correct or supplement the information in such registry with respect to suspected inactive hazardous waste disposal sites within the jurisdiction of such county.

3. [~~Nothing contained within this section shall (a) preclude a county from cooperating~~] **Counties shall cooperate and coordinate** with local jurisdictions, regional organizations or state agencies to fulfill its responsibilities under subdivisions one and two of this section [~~or (b)~~]**. Nothing contained within this section shall** reduce the powers or

responsibilities of any county, other local jurisdiction, regional organization or state agency to identify, investigate, assess or monitor any inactive hazardous waste disposal site.

§ 2. Section 27-1305 of the environmental conservation law, as amended by section 3 of part E of chapter 1 of the laws of 2003, is amended to read as follows:

§ 27-1305. Reports by the department; registry of sites.

1. The department shall maintain and make available for public inspection, either at each of its regional offices and regional sub-offices, at the office of the county clerk or register for each county and at the office of the town clerk for each town in Suffolk and Nassau counties, [~~or~~] **and** on its [~~**homepage on the internet**~~] **website**, a registry of inactive hazardous waste disposal sites in such region or, with respect to the office of the county clerk or register, in such county**, or, with respect to its website, the entire state**. The department shall provide a written copy upon requests by any person. The department shall take all necessary action to ensure that the registry provides a complete and up-to-date listing of all such sites within the region. The department shall, on or before January first, two thousand four, and annually thereafter, transmit the updated registry to the legislature and the governor. A notice of the availability of the updated registry shall be sent to the department of health and the chief executive officer of every county. Upon identification of an inactive hazardous waste disposal site not included in the registry for the immediately preceding year, the department shall**, within ten days,** notify in writing the chief executive officer of each county, city, town and village and the public water supplier which services the area in which such site is located that such site has been so identified. For the purposes of this section, "water supplier" shall mean any public water system as such term is defined for the purposes of the sanitary code of the state of New York as authorized by section two hundred twenty-five of the public health law. Such registry shall include but need not be limited to those items among the following which the commissioner determines to be necessary:

a. A description of the sites consisting of:

(i) a general description of the site, which shall include the name, if any, of the site, the address of the site, the type and quantity of the hazardous waste disposed of at the site and the name of the current owners of the site;

(ii) an assessment by the department of any significant environmental problems at and near the site;

(iii) an assessment prepared by the department of health of any serious health problems in the immediate vicinity of the site and any health problems deemed by the department of health to be related to conditions at the site;

(iv) the status of any testing, monitoring or remedial actions in progress or recommended by the department;

(v) the status of any pending legal actions and any federal, state or local government permits or approvals concerning the site; and

(vi) an assessment of the relative priority of the need for action at each site to remedy environmental and health problems resulting from the presence of wastes at such site;

b. Address and site boundaries including tax map parcel numbers or section, block and lot numbers**, and if the site is located within a disadvantaged community**;

c. Time period of use for disposal of hazardous waste;

d. Name of the current owner and operator and names of any past and reported owners and operators during the time period of use for disposal of hazardous waste;

e. Names of persons responsible for the generation and transportation of hazardous waste disposed of;

f. Type and quantity of hazardous waste disposed of;

g. Manner of disposal of hazardous waste;

h. Nature of soils at the site;

i. Depth of water table at the site;

j. Location, nature and size of aquifers at the site;

k. Direction of present and historic groundwater flows **and history of flooding, including flood hazard map designation,** at the site;

l. Location, nature and size of all surface waters at and near the site;

m. Levels of contaminants, if any, in groundwater, surface water, air and soils at and near the site resulting from hazardous wastes disposed of at the site or from any other cause and areas known to be directly affected or contaminated by wastes from the site;

n. As determined by the department of health, current quality of all drinking water drawn from or distributed through the area in which the site is located when the department of health determines that water quality may have been affected by the site in question and any known change in the quality of such drinking water over time;

o. Proximity of the site to private residences, public buildings or property, school**, daycare, medical, or senior care** facilities**, libraries**, places of work**,** or other areas where individuals may be present**, or location within a disadvantaged community**; [~~and~~]

p. The name, address and telephone number of the public water supplier which services the area in which such site is located[~~.~~]**;**

q. Proximity of the site to, or location within, a designated floodway, delineated wetland, or other ecologically sensitive area; and

r. Location of the site within a disaster-prone area, including an assessment by the department of the site's sensitivity to natural disasters such as coastal and riverine flooding, hurricanes, strong winds, wildfires, and extreme winter weather.

2. a. The department shall conduct investigations of the sites listed in the registry and shall **timely** investigate areas or sites which it has reason to believe should be included in the registry. The purpose of these investigations shall be to develop the information required by subdivision one of this section to be included in the registry.

b. The department shall, as part of the registry, assess and, based upon new information received, reassess by March thirty-first of each year, in cooperation with the department of health, the relative need for action at each site to remedy environmental and health problems resulting from the presence of hazardous wastes at such sites **including in such assessment how sites shall be prioritized in the state inactive hazardous waste remedial plan**; provided, however, that if at the time of such assessment or reassessment, the department has not placed a site in classification 1 or 2, as described in subparagraphs one and two of this paragraph, and such site is the subject of negotiations for, or implementation of, a brownfield site cleanup agreement pursuant to title fourteen of this article, obligating the person subject to such agreement to, at a minimum, eliminate or mitigate all significant threats to the public health and environment posed by the hazardous waste pursuant to such agreement, the department shall defer its assessment or reassessment during the period such person is engaged in good faith negoti-

ations to enter into such an agreement and, following its execution, is in compliance with the terms of such agreement, and shall assess or reassess such site upon completion of remediation to the department's satisfaction. In making its assessments, the department shall place every site in one of the following classifications:

(1) Causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment--immediate action required;

(2) Significant threat to the public health or environment--action required;

(3) Does not present a significant threat to the public health or environment--action may be deferred;

(4) Site properly closed--requires continued management;

(5) Site properly closed, no evidence of present or potential adverse impact--no further action required.

c. (1) Any owner or operator of a site listed pursuant to this section may petition the commissioner for deletion of such site, modification of the site classification, or modification of any information regarding such site by submitting a written statement in such form as the commissioner may require setting forth the grounds of the petition.

(2) Within ninety days after the submittal of such petition, the commissioner may convene an administrative hearing to determine whether a particular site should be deleted from the registry, receive a modified site classification or whether any information regarding the site should be modified. In any such hearing the burden of proof shall be on the petitioner. No less than thirty days prior to the hearing the commissioner shall cause a notice of hearing to be published in the next available environmental notice bulletin**, on the department's website,** and in a newspaper of general circulation in the county in which the site is located. The commissioner shall also notify in writing any owner or operator of the site**, as well as the owners of record of adjacent lands,** no less than thirty days prior to the hearing. The cost of any such hearing, including the cost of any public notification, shall be at the petitioner's expense.

(3) No later than thirty days following receipt of the complete record as that term is defined in the state administrative procedure act, or following the decision not to hold a hearing the commissioner shall provide the owner or operator with a written determination accompanied by reason therefor regarding the deletion of such site, modification of the site classification or modification of any information regarding such site. Any final decision rendered by the commissioner shall be reviewable under article seventy-eight of the civil practice law and rules.

(4) The commissioner may not delete any site from the registry without providing public notice no less than sixty days prior to the proposed deletion. Such notice of deletion shall be published in the next available environmental notice bulletin**, on the department's website,** and in a newspaper of general circulation in the county in which the site is located. The commissioner shall also notify in writing any owner or operator of the site, if applicable, no less than sixty days prior to the proposed deletion. The commissioner shall provide **meaningful opportunities for public participation including, at a minimum,** a thirty-day period for submission of written comments and [**~~may provide~~**] an opportunity for submission of oral comments at a public meeting at or near the site. The commissioner shall summarize any comments received and make the summary available to the public **on the department's website**. The

commissioner may convene an administrative hearing to determine whether a particular site should be deleted from the registry, receive a modified site classification or whether any information regarding the site should be modified.

(5) The department shall notify, as soon as possible and within available resources all public repositories of the registry**, including updating its website,** of any modifications or deletions to such registry. The department shall also note any such deletions or modifications in the next annual report and publication of the registry.

(6) The department shall, within ten days of any determination notify the local governments of jurisdiction whenever a change is made in the registry pursuant to this subdivision.

d. (1) Within seven months after the effective date of this subdivision the department shall notify by certified mail the owner of all or any part of each site or area included in the registry, of the inclusion of the site or area by mailing notice to such owner at the owner's last known address. Thereafter, fifteen days before any site or area is added to the registry, the department shall notify in writing by certified mail the owner of all or any part of such site or area of the inclusion of such site or area by mailing notice to each such owner at the owner's last known address.

(2) Notice pursuant to paragraph a of this subdivision shall include but not be limited to a description of the duties and restrictions imposed by section 27-1317 of this title and by section one thousand three hundred eighty-nine-d of the public health law.

(3) Non-receipt of any notice mailed to an owner pursuant to this subdivision shall in no way affect the responsibilities, duties or liabilities imposed on any person by this title or title XII-A of article thirteen of the public health law.

e. The department shall, in consultation with the department of health, **in developing the state inactive hazardous waste remedial plan pursuant to subdivision three of this section,** evaluate existing site evaluation systems and shall develop a system to select and prioritize sites for remedial action. Such system shall incorporate environmental, natural resource**,** and public health concerns **including, but not limited to, a site's location within a disadvantaged community**.

f. The department shall develop a site status reporting system and utilize such system to ensure that the registry required by subdivision one of this section provides a complete and up-to-date listing of all sites in each region.

3. The department shall, as soon as possible but in no event later than January first, nineteen hundred eighty-four, and annually thereafter prepare and submit in writing a "state inactive hazardous waste remedial plan," hereinafter referred to as "the plan" to the state superfund management board. Such board**, after providing meaningful opportunities for public participation including, at a minimum, a thirty-day period for submission of written comments and a public hearing,** shall then approve of the plan or make such modification as it is empowered to do pursuant to section 27-1319 of this [~~chapter~~] **title** and submit the approved plan or modified plan, to the governor and the legislature**, and make public on the department's website,** on or before March first, nineteen hundred eighty-four and annually thereafter. In preparing, compiling and updating the plan, the department shall:

a. Conduct or cause to be conducted field investigations of high priority sites listed in the inactive hazardous waste disposal sites registry for the purpose of further defining necessary remedial action.

To the maximum extent practicable, the department shall utilize existing information including, but not limited to, subsurface borings and any analyses or tests of samples taken from such sites by owners or operators, other responsible persons and any federal or non-federal agencies.

b. Make any subsurface borings and any analyses or tests of samples taken as may be necessary or desirable to effectuate the field investigations of sites as required under this section subject to the requirements of this title.

c. Make any record searches or document reviews as may be necessary or desirable to effectuate the purposes of this section subject to the requirements of this title.

d. Consider the effects on the health, environment and economy of the state**, as well as the effects on disadvantaged communities,** when assessing the relative priority of sites as required by this section, especially any actual or significant threat of direct human contact or contamination of groundwater or drinking water.

e. Detail**, in accordance with the relative priority assessment of sites required by this section,** the recommended strategy, methods and time frame by which remedial action at sites shall be carried out, except that no information or work product associated with actual or pending litigation shall be divulged unless otherwise required by law.

f. Estimate, with reasonable specificity, based upon the field investigations, assessments, analyses, document reviews and other appropriate data gathering, the costs of remedial action for sites included in the plan, considering the appropriate methods and techniques as currently exist in the field of hazardous waste management and any such estimates or recommendations shall reflect such costs as are reasonably necessary to contain, alleviate or end the threat to life or health or to the environment.

4. **a.** On or before July first, nineteen hundred eighty-six and July first of each succeeding year, the department shall prepare a status report on the implementation of the plan, and an update of the policies, program objectives, methods and strategies as outlined in the plan which guide the overall inactive hazardous waste site remediation program. Such status report shall reflect information available to the department as of March thirty-first of each year, and shall include **a status update of all registered sites and** an accounting of all monies expended or encumbered from the environmental quality bond act of nineteen hundred eighty-six [~~or~~]**,** the hazardous waste remedial fund**, the natural resource damages fund established pursuant to section ninety-seven-b-one of the state finance law, or any other monies otherwise appropriated for the implementation of this title,** during the preceding fiscal year[~~, such~~]**.**

b. Such accounting to separately list:

[~~a.~~] **(1)** monies expended or encumbered for the purpose of conducting site investigations;

[~~b.~~] **(2)** monies expended or encumbered for the purpose of conducting remedial investigations and feasibility studies;

[~~c.~~] **(3)** monies expended or encumbered for the purpose of conducting remedial design studies;

[~~d.~~] **(4)** monies expended or encumbered for the purpose of conducting remedial construction activities;

[~~e.~~] **(5)** monies expended or encumbered for operation, maintenance, and monitoring activities;

[~~f.~~] **(6)** monies expended or encumbered for interim remedial measures;

[~~g.~~] (7) monies expended or encumbered for administrative personnel costs associated with activities conducted at inactive hazardous waste disposal sites;

[~~h.~~] (8) monies expended or encumbered for oversight activities at inactive hazardous waste disposal sites;

[~~i.~~] (9) monies expended or encumbered in stand-by contracts entered into pursuant to section 3-0309 of this chapter and the purposes for which these stand-by contracts were entered into; [~~and~~]

[~~j.~~] (10) an accounting of payments received and payments obligated to be received pursuant to this title, and a report of the department's attempts to secure such obligations; and

(11) an accounting of all response costs or natural resource damages recovered, including through settlement or agreement, commissioner order, judicial determination and award, a required instrument of financial responsibility, or an environmental lien.

c. Such status update of all registered sites shall include:

(1) a list of sites added to, or removed under paragraph (c) of subdivision two of this section from, the registry of inactive hazardous waste disposal sites;

(2) the stage or progress of each active site within the program, including site investigation, remedial investigations, feasibility studies, remedial design studies, interim remedial measures, remedial construction activities, and ongoing operation, maintenance, and monitoring activities, and the length of time each such site has remained at that stage;

(3) a list of sites reclassified, now participating in the brownfield cleanup program pursuant to title fourteen of this article, or removed from the program due to completion of all response action and the achievement of cleanup objectives; and

(4) an estimation of the average time from discovery of a site to completion of all response actions not related to ongoing operation, maintenance, or monitoring activities.

§ 3. Paragraphs b, c, and f of subdivision 5 and subdivision 7 of section 27-1313 of the environmental conservation law, paragraph b of subdivision 5 and subdivision 7 as amended and paragraphs c and f of subdivision 5 as added by chapter 857 of the laws of 1982, are amended to read as follows:

b. In the event that the commissioner has found that hazardous wastes at a site constitute a significant threat to the environment, but after a reasonable attempt to determine who may be responsible is either unable to determine who may be responsible, or is unable to locate a person who may be responsible, the department may, in accordance with the relative priority assessment of the state inactive hazardous waste remedial plan, develop and implement an inactive hazardous waste disposal site remedial program for such site. The commissioner shall make every effort, in accordance with the requirements for notice, hearing and review provided for in this title, to secure appropriate relief from any person subsequently identified or located who is responsible for the disposal of hazardous waste at such site, including, but not limited to, [~~development and implementation of an inactive hazardous waste disposal site remedial program, payment of the cost of such a program, recovery of any reasonable expenses incurred by the state, money damages~~] response costs, natural resource damages, and penalties.

c. Whenever the commissioner has made findings pursuant to paragraph b of subdivision three of this section or the commissioner of health has made a declaration and finding pursuant to paragraph (b) of subdivision

three of section one thousand three hundred eighty-nine-b of the public health law, the department may develop and implement an inactive hazardous waste disposal site remedial program to contain, alleviate or end the threat to life or health or to the environment. The costs incurred by the department in developing and implementing such a program shall be in an amount commensurate with the actions the department deems necessary to eliminate such danger. In determining the scope, nature and content of such program, the department shall consider among others, the following factors:

(i) the technological feasibility of all actions;

(ii) the nature of the danger to human health and the environment which the actions are designed to address; and

(iii) the extent to which the actions would reduce such danger to human health or the environment or would otherwise benefit human health or the environment**, including if the actions would benefit a disadvantaged community**.

f. The commissioner shall make every effort, in accordance with the requirements for notice, hearing and review provided for in this title to secure appropriate relief from the owner or operator of such site and/or any person responsible for the disposal of hazardous wastes at such site, including, but not limited to, development and implementation of an inactive hazardous waste disposal site remedial program, payment of the cost of such program, [~~recovery of any reasonable expenses incurred by the state, money damages~~] **including recovery of response costs, natural resource damages,** and penalties.

7. Moneys for actions taken or to be taken by the department, the department of health or any other state agency in connection with the elimination of conditions dangerous to life or health pursuant to subdivision five of section thirteen hundred eighty-nine-b of the public health law or with the elimination of a significant threat to the environment pursuant to this section shall be payable directly to such agencies from the hazardous waste remedial fund pursuant to section ninety-seven-b of the state finance law. This includes any inspection or sampling of wastes, soils, air, surface water and groundwater**, or other natural resources,** done on behalf of a state agency whether or not such action is taken prior to the issuance of a declaration pursuant to subdivision two of section thirteen hundred eighty-nine-b of the public health law or a finding pursuant to subdivision three of this [~~seciton~~] **section** and any administrative expenses related thereto.

§ 4. Intentionally omitted.

§ 4-a. Section 27-1316 of the environmental conservation law is amended by adding a new subdivision 4 to read as follows:

4. The commissioner shall provide a technical assistance grant to any community group qualified under subdivision one of this section to receive assistance where the site of interest is located in a disadvantaged community or on or adjacent to a day care facility or school.

§ 4-b. Subdivisions 1, 2, and 8 of section 27-1319 of the environmental conservation law, as added by chapter 38 of the laws of 1985, subdivision 1 and paragraph b of subdivision 2 as amended by chapter 490 of the laws of 1989, and subdivision 8 as amended by chapter 218 of the laws of 1994, are amended to read as follows:

1. a. There is hereby created within the department the "state superfund management board" hereinafter referred to as the board. Such board shall consist of fourteen members, including the commissioners of environmental conservation and health, or their designees, and twelve at large members [~~appointed by the governor~~], two of whom shall be

appointed [~~upon recommendation of~~] by the temporary president of the senate and two of whom shall be appointed [~~upon recommendation of~~] by the speaker of the assembly, one of whom shall be appointed [~~upon recommendation of~~] by the minority leader of the senate and one of whom shall be appointed [~~upon recommendation of~~] by the minority leader of the assembly, and, of the remaining six, which shall be appointed by the governor, two shall live within a municipality within which exists an inactive hazardous waste site, or sites, as listed pursuant to section 27-1305 of this title, and have been involved in a citizen's organization that has a purpose relating to the site or sites within that municipality, two shall be representatives of organizations whose prime function is the protection of natural resources and enhancement of the environmental quality of the state and two shall be representatives of industries that generate hazardous waste in the state. None of the members appointed by the governor shall be officers or employees of any state department or agency and each shall be, by professional training or experience and attainment, qualified to analyze and interpret matters pertaining to hazardous waste management and the remediation of inactive hazardous waste disposal sites.

b. No at large member of the board may appoint a designee to temporarily or permanently assume [~~his~~] their place on the board.

2. a. The commissioner of environmental conservation shall serve as [~~chairman~~] chair of the board and the board shall elect a vice [~~chairman~~] chair from among the appointed members to preside in the absence of the [~~chairman~~] chair.

b. Of the twelve at large members [~~appointed by the governor~~], each shall be [~~reaffirmed or reappointed on~~] appointed by January thirty-first, [~~nineteen hundred ninety-one~~] two thousand twenty-seven and every two years thereafter and each shall hold office until [~~such time as the board shall cease to exist or until he~~] they shall resign or be removed in the manner provided by law. Any vacancy on the board shall be filled by appointment pursuant to subdivision one of this section for the unexpired balance of the term.

[~~8. The board shall cease to exist on the thirty-first day of March, nineteen hundred ninety-nine.~~]

§ 5. Intentionally omitted.

§ 6. The environmental conservation law is amended by adding a new section 27-1325 to read as follows:

§ 27-1325. Financial responsibility provisions.

1. The department shall promulgate regulations regarding financial responsibility for the implementation of an inactive hazardous waste disposal site remedial program.

2. Financial responsibility required by subdivision one of this section may be established in accordance with regulations promulgated by the commissioner by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the commissioner is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this article.

3. In any case where the responsible party is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where, with reasonable diligence, jurisdiction in any state or federal court within the state cannot be obtained over a responsible party likely to be solvent at the time of judgment, any claim arising from conduct

for which evidence of financial responsibility shall be provided under this section may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this subdivision, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the responsible party if any action had been brought against the responsible party by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the responsible party.

4. The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the responsible party under this chapter. Nothing in this subdivision shall be construed to limit any other state or federal statutory, contractual or common law liability of a guarantor to its responsible party including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this subdivision shall be construed to diminish the liability of any person under section 27-1313 of this article or other applicable law.

5. For the purpose of this section, the term "guarantor" means any person, other than the responsible party, who provides evidence of financial responsibility for a responsible party under this section.

§ 7. The environmental conservation law is amended by adding a new section 27-1327 to read as follows:

§ 27-1327. Recovery of response costs and natural resource damages.

1. Each responsible person as defined in section 27-1301 of this title shall be strictly liable, jointly and severally, for all response costs and for all natural resource damages resulting from the disposal of hazardous waste at an inactive hazardous waste disposal site. The commissioner may request the attorney general commence an action in a court of competent jurisdiction to recover the response costs and/or natural resource damages. The commissioner shall prioritize securing relief or other action pursuant to the state inactive hazardous waste remedial plan and other priority requirements of this title.

2. A determination or assessment of natural resource damages for the purposes of this section made or adopted by the commissioner in accordance with any applicable regulations promulgated under section 27-1315 of this title or under section 9651(c) of title 42 of the United States Code shall have the force and effect of a rebuttable presumption on behalf of the commissioner in any judicial proceeding.

3. In an action to recover response costs and/or natural resource damages, the commissioner may also seek civil penalties under section 71-2705 of this chapter.

4. All amounts received to satisfy liability for natural resource damages shall be credited to the natural resource damages fund, pursuant to section ninety-seven-b-one of the state finance law, to be used exclusively to pay or reimburse costs of assessing natural resource damages and restore, replace, and/or acquire the equivalent of the affected natural resources on each such respective site.

5. The state shall have a lien for all response costs incurred by the state and for all natural resource damages for which a judicial determination of liability has been made upon such real property located within the state:

a. owned by a person liable to the state for such response costs and/or natural resource damages under this title at the time a notice of environmental lien is filed; and

b. upon which the disposal of hazardous wastes occurred, except that the state shall not have a lien against real property that is currently the subject of a brownfield cleanup project undertaken by a volunteer pursuant to title fourteen of this article.

6. An environmental lien shall attach when:

a. response costs are incurred by the state and/or a judicial judgment of liability for natural resource damages is entered;

b. the responsible person fails to pay such costs within ninety days after a written demand therefor by the state is mailed by certified or registered mail, return receipt requested, and/or fails to pay such natural resource damages within ninety days after entry of judgment; and

c. a notice of environmental lien is filed by the department as provided in paragraph a of subdivision ten of this section; provided, however, that a copy of the notice of environmental lien is served upon the owner of the real property subject to the environmental lien within thirty days of such filing in accordance with the provisions of section eleven of the lien law.

7. a. An environmental lien shall continue against the real property until:

(i) the claim or judgment against the person referred to in subdivision one of this section for response costs and/or natural resource damages is satisfied or becomes unenforceable;

(ii) the lien is released by the commissioner pursuant to this subdivision;

(iii) the lien is discharged by payment of monies into court; or

(iv) the lien is otherwise vacated by court order.

b. Upon the occurrence of any event under subparagraphs (i) through (iv) of paragraph a of this subdivision, except where the lien is vacated by court order, the commissioner shall execute the release of an environmental lien and file the release as provided in subdivision nine of this section. The commissioner may release an environmental lien where:

(i) a legally enforceable agreement satisfactory to the commissioner has been executed relating to the response costs and/or natural resource damages that are the subject of the lien; or reimbursing the state for such response costs and/or natural resource damages; or an owner or operator of the site subject to the lien agrees to perform remedial work, site management, or other in-kind services of sufficient value to the commissioner; or

(ii) the attachment or enforcement of the environmental lien is determined by the commissioner not to be in the public interest.

8. An environmental lien is subject to the rights of any other person, including an owner, purchaser, holder of a mortgage or security interest, or judgment lien creditor, whose interest is perfected before a lien notice has been filed as provided in subdivision ten of this section.

9. A notice of environmental lien shall state:

a. that the lienor is the state of New York;

b. the name of the record owner of the real property on which the environmental lien has attached;

c. the real property subject to the lien, with a description thereof sufficient for identification;

d. that the real property described in the notice is the property upon which a disposal of hazardous wastes occurred and that response costs have been incurred by the lienor and/or that natural resource damages

have been judicially determined to be due to the lienor as a result of such disposal;

e. that the owner is potentially liable for response costs and/or subject to a judgment for natural resource damages pursuant to this title; and

f. that an environmental lien has attached to the described real property.

10. a. A notice of environmental lien shall be filed in the clerk's office of the county where the property is situated. If such property is situated in two or more counties, the notice of environmental lien shall be filed in the office of the clerk of each of such counties. The notice of lien shall be indexed by the county clerk in accordance with the provisions of section ten of the lien law. The notice of lien shall be served upon the owner of the real property subject to the lien in accordance with the provisions of section eleven of the lien law.

b. A release of an environmental lien shall be filed in the clerk's office of each county where the notice of environmental lien was filed and shall be indexed in the manner prescribed for indexing environmental liens.

11. An environmental lien may be enforced against the property specified in the notice of environmental lien, and an environmental lien may be vacated or discharged, as prescribed in article three of the lien law; provided, however, that nothing in this article or in article three of the lien law shall affect the right of the state to bring an action to recover response costs and/or natural resource damages under section one hundred seven of the federal comprehensive environmental response, compensation, and liability act (42 U.S.C. § 9601 et seq).

12. Amounts received by the commissioner to satisfy all or part of an environmental lien for response costs shall be deposited in the department's hazardous waste remedial fund, and amounts received to satisfy all or part of an environmental lien for natural resource damages shall be deposited in the natural resource damages fund, pursuant to section ninety-seven-b-one of the state finance law.

§ 8. Intentionally omitted.

§ 8-a. Section 71-2705 of the environmental conservation law, as added by chapter 550 of the laws of 1980, subdivision 1 as amended by section 30 and subdivision 2 as amended by section 31 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

§ 71-2705. Violations of titles 9, 11 and 13 of article 27 of this chapter.

1. Civil and administrative sanctions. Any person who violates any of the provisions of, or who fails to perform any duty imposed by titles 9, 11 and 13 of article 27 or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be liable in the case of a first violation, for a civil penalty not to exceed [~~thirty-seven~~] sixty-five thousand [~~five hundred~~] dollars and an additional penalty of not more than [~~thirty-seven~~] sixty-five thousand [~~five hundred~~] dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2727 of this title, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied. In the

case of a second and any further violation, the liability shall be for a civil penalty not to exceed [~~seventy-five~~] one hundred twenty-five thousand dollars for each such violation and an additional penalty not to exceed [~~seventy-five~~] one hundred twenty-five thousand dollars for each day during which such violation continues.

2. Criminal sanctions. Any person who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of or who fails to perform any duty imposed by titles 9, 11 and 13 of article 27 or any rules and regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be guilty of a misdemeanor and, upon conviction thereof, shall for a first conviction be punished by a fine not to exceed [~~thirty-seven~~] sixty-five thousand [~~five hundred~~] dollars per day of violation or by imprisonment for a term of not more than one year, or both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed [~~seventy-five~~] one hundred twenty-five thousand dollars per day of violation, or by imprisonment for not more than two years or by both such fine and imprisonment.

§ 9. Intentionally omitted.

§ 10. Intentionally omitted.

§ 11. Subdivision 3 of section 1285-q of the public authorities law, as amended by section 43 of part BB of chapter 56 of the laws of 2015, is amended to read as follows:

3. The maximum amount of bonds that may be issued for the purpose of financing hazardous waste site remediation projects and environmental restoration projects authorized by this section shall not exceed [~~two~~] three billion [~~two~~] seven hundred million dollars [~~and shall not exceed one hundred million dollars for appropriations enacted for any state fiscal year~~], provided that the bonds not issued for such appropriations may be issued pursuant to reappropriation in subsequent fiscal years. No bonds shall be issued for the repayment of any new appropriation enacted after March thirty-first, two thousand [~~twenty-six~~] thirty-six for hazardous waste site remediation projects authorized by this section. Amounts authorized to be issued by this section shall be exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by this state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 11-a. The state finance law is amended by adding a new section 97-b-1 to read as follows:

§ 97-b-1. Natural resource damages fund. 1. There is hereby established in the joint custody of the commissioner of taxation and finance and the state comptroller a special fund to be known as the "natural resource damages fund."

2. Such fund shall consist of moneys collected by the department of environmental conservation or the office of attorney general pursuant to the provisions of section 27-1327 of the environmental conservation law.

3. Moneys of the fund shall be available to the department of environmental conservation for the purposes of carrying out the provisions of sections 27-1313 and 27-1327 of the environmental conservation law.

§ 11-b. The environmental conservation law is amended by adding a new section 27-1329 to read as follows:

§ 27-1329. Environmental remedial projects at municipal airports.

1. For the purposes of this section the following terms shall have the following meanings:

a. "Airport" shall have the same meaning as provided in subdivision five of section two hundred forty of the general business law.

b. "Class B firefighting foam" shall have the same meaning as provided in paragraph a of subdivision one of section three hundred ninety-one-u of the general business law.

c. "Contamination" shall have the same meaning as hazardous waste as provided in subdivision one of section 27-1301 of this title.

d. "Environmental remedial project" shall mean a project developed and implemented by a municipality pursuant to a remedial program approved by the department to mitigate PFAS contamination at airports located on, or emanating from real property held in title by a municipality.

e. "Municipality" shall mean a local public authority or public benefit corporation, a county, city, town, village, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York state, or any combination thereof.

f. "PFAS contamination" shall mean contamination from PFAS substances resulting from the use of class B firefighting foam, prior to January first, two thousand twenty, which was mandated by state or federal law.

g. "PFAS substances" shall mean a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom for which a testing method has been recommended, certified, approved, or is in use by the federal environmental protection agency, the department of health or the department.

2. The department, in conjunction with the department of health, shall, in accordance with the prioritization criteria of the state inactive hazardous waste remedial plan, and using the criteria in subdivision one of section 56-0505 of this chapter, select and implement environmental remedial projects pursuant to this section. The department shall only approve feasible mitigation measures that can be successfully carried out with available, implementable, and cost-effective technology.

3. Beginning July first, two thousand twenty-six and annually thereafter, the department shall report on the status of such projects. The report, which may be included in the report issued pursuant to section 27-1305 of this title, shall include information regarding the number and locations of sites remediated, the scope of PFAS contamination at each site, and an accounting of all monies expended or encumbered during the preceding fiscal year for such projects.

4. The department is authorized to approve environmental remedial projects to eliminate or mitigate all significant threats to the public health and environment posed by the PFAS contamination at such site.

5. Reimbursement shall occur in the manner provided in paragraph g of subdivision five of section 27-1313 of this title. Provided however, the total of all environmental remedial projects under this section, which shall be funded from the hazardous waste remedial fund, shall not exceed a total cost of twenty million dollars.

6. The department, in consultation with the department of health, shall promulgate rules and regulations necessary to effectuate the purposes of this section, including at a minimum, eligibility and selection criteria.

§ 11-c. The environmental conservation law is amended by adding a new section 27-1331 to read as follows:

§ 27-1331. Labor protections.

Remedial work on inactive hazardous waste sites conducted pursuant to this title shall be subject to prevailing wage requirements pursuant to section two hundred twenty-four-a of the labor law.

§ 11-d. The department of environmental conservation shall review the remedial program requirements of section 27-1415 of the environmental conservation law no less than every two years, and shall update groundwater, surface water, air, and soil cleanup objectives to include parameters of PFAS no later than January first, two thousand twenty-seven.

§ 12. This act shall take effect immediately, provided, however, that section 11-b of this act shall expire and be deemed repealed July 2, 2028.

PART SS

Intentionally Omitted

PART TT

Intentionally Omitted

PART UU

Intentionally Omitted

PART VV

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 2023. 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, 2025 and such amounts shall be paid to the New York state energy research and

development authority on or before September 10, 2025. 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 such chief executive officer's 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.

§ 1-a. The public authorities law is amended by adding a new section 1874 to read as follows:

§ 1874. Comprehensive electric vehicle fast charging station implementation plan. 1. The authority, in consultation with the New York power authority, the department of transportation, the department of environmental conservation, the department of public service and the Fast Charge NY working group established pursuant to subdivision five of this section shall, no later than twenty-four months after the effective date of this section, develop a comprehensive electric vehicle fast charging station implementation plan to facilitate the deployment of fast electric vehicle charging stations statewide. Such comprehensive electric vehicle fast charging plan shall incorporate the findings of the needs evaluation set forth in part QQ of chapter fifty-eight of the laws of two thousand twenty-four. As used in this section, the term "the plan" shall mean the comprehensive electric vehicle fast charging station implementation plan developed pursuant to this subdivision.

2. Such plan shall at a minimum include:

(a) methods to increase public availability;

(b) geographic information pertaining to current fast charger deployment including specific information relating to the fast chargers being deployed. Such information shall include, but not be limited to the number of ports and charging capacity;

(c) the number and location of fast chargers currently in development and estimated future needs for the next five years;

(d) each state and utility-administered program currently, or within the prior two years, providing funding or oversight of electrical vehicle charging stations, including but not limited to Charge NY and Charge Ready NY;

(e) methods to prevent overlap of state programs and maximize fast charger coverage;

(f) guidance to municipalities for technical and planning assistance to facilitate the adoption of curbside charging;

(g) support and guidance to facilitate the deployment of charging stations for existing commercial fleets to help offset air pollution in disadvantaged communities, as defined in section 75-0101 of the environmental conservation law;

(h) areas currently underserved by fast charger coverage; and

(i) requirements for compliance with labor standards for the manufacture, construction, installation and maintenance of fast charging stations, including but not limited to Buy American provisions for component parts and manufacture of infrastructure related to the charging stations, and prevailing wage pursuant to section two hundred twenty of the labor law for construction, installation and maintenance of fast charging stations.

3. Once completed, the authority shall publish the plan on its website and provide for a thirty-day public comment period prior to adoption of such plan.

4. The authority shall publish a final report following adoption of the plan that shall include guidance for the deployment of electric vehicle fast charging stations statewide.

5. (a) The authority shall establish a "Fast Charge NY working group" consisting of thirteen members, including one member representing each statewide municipal organization; two members representing environmental justice groups; two members representing statewide environmental groups; two members representing public utilities; and two members representing charging station developers, which shall include a New York based developer. Such working group members shall be appointed as follows: five members shall be appointed by the governor; four members shall be appointed by the temporary president of the senate and four members shall be appointed by the speaker of the assembly.

(b) Members of the working group shall be reimbursed for their necessary and actual expenses incurred in the performance of their duties as members of the working group.

6. The authority shall update the plan annually.

§ 1-b. Energy affordability study. 1. No later than April 1, 2026, the New York state energy research and development authority shall submit to the governor, temporary president of the senate, speaker of the assembly, and make public on its website, an update to the 2017 Low-to-Moderate-Income Market Characterization Study, which examined energy affordability in New York. The report shall include the most recently available data and include, at a minimum:

(a) an evaluation of household energy burdens, including all costs directly and indirectly related to the provision of safe and adequate energy service to residential customers, including, but not limited to, an evaluation of:

(i) the most significant factors of household energy burdens;

(ii) the distribution of energy burdens across various household income groups, including those income groups that may not be eligible

for existing affordability programs but may face significant energy burdens or other financial challenges;

(iii) recent changes and trends in household energy burdens and an examination of the most significant factors that have influenced these changes and trends;

(iv) the impact of utility costs related to the supply of electricity and gas;

(v) the impact of utility costs related to the distribution of electricity and gas; and,

(vi) the impact of costs related to the supply and delivery of other fuel sources used for residential heating.

(b) an evaluation and independent assessment of the impacts and effectiveness of existing major state and federal programs that are intended to reduce household energy burdens or promote energy affordability, including, but not limited to, the Energy Affordability Program, the Home Energy Affordability Program, the Renewable Energy Access and Community Help Program, the EmPower+ program and the EmPower+ affordability guarantee;

(c) an assessment of the impacts to energy affordability related to changes in statewide energy demand, including future energy demand forecasts, and their interaction with national and global energy demand changes; and,

(d) a list of legislative recommendations that could promote statewide energy affordability.

2. The New York state energy research and development authority, in completing the report required under subdivision one of this section is empowered to coordinate with other relevant state agencies, the federally designated bulk system operator, utility corporations, and other appropriate stakeholders.

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

PART WW

Intentionally Omitted

PART XX

Section 1. Expenditures of moneys appropriated to the department of agriculture and markets from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the department of agriculture and markets' participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings 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 15, 2026, 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 15, 2026, 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 15, 2026, 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 15, 2026, 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 15, 2026, 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, 2025 and shall expire and be deemed repealed April 1, 2026.

PART YY

Section 1. Paragraph a of subdivision 1 of section 765 of the general business law, as amended by section 6 of part X of chapter 57 of the laws of 2013, is amended to read as follows:

a. Failure to comply with any provision of this article shall subject an excavator or an operator to a civil penalty of up to [~~two thousand five hundred~~] **three thousand seven hundred and fifty** dollars for the first violation and up to an additional [~~ten~~] **fifteen** thousand dollars for each succeeding violation that occurs within a twelve month period.

§ 2. Paragraph c of subdivision 1 of section 765 of the general business law, as amended by chapter 445 of the laws of 1995, is amended to read as follows:

c. An action to recover a penalty under this article may be brought in the supreme court in the judicial district in which the violation was alleged to have occurred which shall be commenced and prosecuted by the attorney general. The public service commission shall, pursuant to section one hundred nineteen-b of the public service law, forward to the attorney general its determination of the amount of the penalty for violations or rules and regulations adopted to implement the requirements of this article. Upon receipt of such determination, the attorney general may commence an action to recover such penalty. All moneys recovered in any such action, together with the costs thereof, **and all moneys recovered as the result of any such public service commission determination** shall be paid into the [~~state treasury to the credit of the general fund~~] **environmental protection fund established pursuant to section ninety-two-s of the state finance law**.

§ 3. Subdivision 3 of section 92-s of the state finance law, as amended by chapter 734 of the laws of 2021, is amended to read as follows:

3. Such fund shall consist of the amount of revenue collected within the state from the amount of revenue, interest and penalties deposited pursuant to section fourteen hundred twenty-one of the tax law, the amount of fees and penalties received from easements or leases pursuant to subdivision fourteen of section seventy-five of the public lands law and the money received as annual service charges pursuant to section four hundred four-n of the vehicle and traffic law, all moneys required to be deposited therein from the contingency reserve fund pursuant to section two hundred ninety-four of chapter fifty-seven of the laws of nineteen hundred ninety-three, all moneys required to be deposited pursuant to section thirteen of chapter six hundred ten of the laws of nineteen hundred ninety-three, repayments of loans made pursuant to section 54-0511 of the environmental conservation law, all moneys to be

deposited from the Northville settlement pursuant to section one hundred twenty-four of chapter three hundred nine of the laws of nineteen hundred ninety-six, provided however, that such moneys shall only be used for the cost of the purchase of private lands in the core area of the central Suffolk pine barrens pursuant to a consent order with the Northville industries signed on October thirteenth, nineteen hundred ninety-four and the related resource restoration and replacement plan, the amount of penalties required to be deposited therein by section 71-2724 of the environmental conservation law, all moneys required to be deposited pursuant to article thirty-three of the environmental conservation law, all fees collected pursuant to subdivision eight of section 70-0117 of the environmental conservation law, all moneys collected pursuant to title thirty-three of article fifteen of the environmental conservation law, beginning with the fiscal year commencing on April first, two thousand thirteen, nineteen million dollars, and all fiscal years thereafter, twenty-three million dollars plus all funds received by the state each fiscal year in excess of the greater of the amount received from April first, two thousand twelve through March thirty-first, two thousand thirteen or one hundred twenty-two million two hundred thousand dollars, from the payments collected pursuant to subdivision four of section 27-1012 of the environmental conservation law and all funds collected pursuant to section 27-1015 of the environmental conservation law, all moneys required to be deposited pursuant to sections 27-2805 and 27-2807 of the environmental conservation law, all moneys collected pursuant to section 71-2730 of the environmental conservation law, **all moneys required to be deposited pursuant to section seven hundred sixty-five of the general business law,** all moneys required to be deposited pursuant to section 27-3205 of the environmental conservation law, and all other moneys credited or transferred thereto from any other fund or source pursuant to law. All such revenue shall be initially deposited into the environmental protection fund, for application as provided in subdivision five of this section.

§ 4. Section 4 of chapter 522 of the laws of 2000, amending the state finance law and the general business law relating to establishing the underground facilities safety training account, as amended by section 1 of item YY of subpart B of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

§ 4. This act shall take effect thirty days after it shall have become a law and **sections one and three of this act** shall expire and be deemed repealed October 1, 2025.

§ 5. This act shall take effect immediately; provided, however, that the amendments to paragraph c of subdivision 1 of section 765 of the general business law made by section two of this act shall take effect on the same date and in the same manner as the reversion of such paragraph as provided in section 4 of chapter 522 of the laws of 2000, as amended.

PART ZZ

Intentionally Omitted

PART AAA

Intentionally Omitted

PART BBB

Section 1. Legislative intent. Pursuant to 2 U.S.C. § 2131, every state is invited to provide and furnish to the United States Capitol two statues, in marble or bronze, of deceased persons who were distinguished and prominent citizens of the state for placement in the National Statuary Hall Collection. New York is currently represented in the National Statuary Hall Collection at the United States Capitol by Robert R. Livingston and George Clinton, statues which were placed there in the 1870s.

Pursuant to 2 U.S.C. § 2132, a state has the option to replace statues in the National Statuary Hall, that have been displayed for at least 10 years, by making a request to the Joint Committee on the Library of Congress.

The Legislature recognizes that Harriet Tubman was a distinguished and prominent New Yorker who meets the high standards required to represent the great state of New York in the United States Capitol. One of America's most famous abolitionists, Harriet Tubman was born enslaved in Maryland in 1822 before escaping to freedom. She became a leading figure of the Underground Railroad and she risked her life to help free dozens of enslaved people. During the Civil War she became one of the first African American woman to serve in the military. In 1859, Harriet Tubman purchased property in Auburn, NY, where she would live until her death in 1913.

§ 2. Commission. (a) A commission is hereby established to replace the statue of Robert R. Livingston with a statue of Harriet Tubman in the National Statuary Hall of the United States Capitol. The commission shall consist of the following appointees: the Governor, or a designee, the Temporary President of the Senate, or a designee, the Speaker of the Assembly, or a designee, the Executive director of the council on the arts, or a designee, and the Commissioner of the office of general services, or a designee.

(b) The commission shall be responsible for selecting the design of the statue of Harriet Tubman. The statue shall be designed and created in accordance with the published guidelines set forth by the Architect of the United States Capitol.

(c) The Governor, along with the commission, shall submit an official, written request, along with a copy of this act to the Joint Committee on the Library of Congress, the Architect of the Capitol, the Speaker of the United States House of Representatives, and the Presiding Officer of the United States Senate. The request shall include a description of the location in the state where the replaced statue of Robert R. Livingston will be displayed after it is transferred.

(d) Upon approval for replacement of the statue of Robert R. Livingston by the Architect of the Capitol with a statue of Harriet Tubman, the Governor shall formalize an agreement between the Architect of the Capitol and the State of New York to complete the process.

§ 3. This act shall take effect September 1, 2025.

PART CCC

Section 1. Short title. This act shall be known and may be cited as the "New York state cryptocurrency and blockchain study act".

§ 2. There is hereby established the New York state cryptocurrency and blockchain study task force (hereinafter referred to as "the task force") within the Department of Financial Services to provide the

governor and the legislature with information on the effects of the widespread use of cryptocurrencies and other forms of digital currencies and their ancillary systems, including but not limited to blockchain technology, in the state.

§ 3. 1. The task force shall consist of sixteen members as follows:

a. six members appointed by the governor, which shall include the following members:

i. the superintendent of the department of financial services, or such superintendent's designee;

ii. the commissioner of the department of environmental conservation, or such commissioner's designee;

iii. the commissioner of taxation and finance or such commissioner's designee;

iv. a representative from the financial services industry;

v. a representative from a state or national organization promoting environmental conservation; and

vi. a representative who is a faculty member of an accredited college or university in New York state with experience in economic studies.

b. the comptroller of the state of New York, or the comptroller's designee;

c. four members appointed by the temporary president of the senate, two of which are representatives from two separate cryptocurrency trade groups, organizations, or companies;

d. four members appointed by the speaker of the assembly, two of which are representatives from two separate cryptocurrency trade groups, organizations, or companies; and

e. the attorney general of the state of New York, or the attorney general's designee.

2. To the extent practicable, members appointed to the task force shall have relevant experience and knowledge concerning the digital currency, cryptocurrency and blockchain industries.

3. The members of the task force shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this act.

4. Any vacancies in the membership of the task force shall be filled in the same manner provided for in the initial appointment.

5. The task force may consult with any organization, government entity, or person, in the development of its report required under section four of this act.

6. The members of the task force shall be appointed no later than ninety days after the effective date of this act.

§ 4. On or before December 15, 2027, the task force shall submit to the governor, the temporary president of the senate and the speaker of the assembly a report containing, but not limited to, the following information based on available data:

a. a review of the digital currency, cryptocurrency and blockchain industries in New York state;

b. the number of digital currencies currently being traded and their approximate percentage of market share;

c. the number of exchanges operating in New York state and their average monthly trade volume;

d. the use of digital currencies' impact on state and local tax receipts;

e. the types of investment entities that are large investors in digital currency;

f. the energy consumption necessary for coin mining operations and other policy considerations related thereto;

g. the environmental impact of coin mining operations;

h. the transparency of the digital currency marketplace and the related potential of market manipulation and other illegal activities;

i. a review of laws and regulations on digital currency used by other states, the federal government, foreign countries, and foreign political and economic unions to regulate the marketplace; and

j. legislative and regulatory recommendations, if any, to increase transparency and security, enhance consumer protections, and to address the long-term impact related to the use of cryptocurrency.

§ 5. This act shall take effect immediately and shall expire December 15, 2027 when upon such date the provisions of this act shall be deemed repealed.

PART DDD

Section 1. 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-jj to read as follows:

§ 16-jj. Adult-use cannabis cultivator and microbusiness revolving loan fund program. 1. The adult-use cannabis cultivator and microbusiness revolving loan fund program is hereby created. The corporation is authorized, subject to available appropriations, to provide low interest or zero interest loans to a duly licensed adult-use cannabis cultivator ("cultivator") or adult-use cannabis microbusiness ("microbusiness") pursuant to article 4 of the cannabis law.

2. In order for a cultivator or microbusiness to be eligible to receive program funds, they must be duly licensed pursuant to article 4 of the cannabis law. The corporation shall show preference in providing loans to cultivators and microbusinesses who had once held an adult-use conditional cultivator license as approved by the cannabis control board pursuant to chapter 18 of the laws of 2022 and chapter 135 of the laws of 2023.

3. Loans from the adult-use cannabis cultivator and microbusiness revolving loan fund program may be used for, but shall not be limited to: (a) working capital; (b) the acquisition and/or improvement of real property; (c) the acquisition of machinery and equipment, property or process improvement; or (d) the refinancing of debt obligations related to expenses incurred while licensed as an adult-use conditional cultivator pursuant to chapter 18 of the laws of 2022 and chapter 135 of the laws of 2023.

4. The principal amount of each individual loan allocated pursuant to the adult-use cannabis cultivator and microbusiness revolving loan fund program shall not exceed one hundred thousand dollars.

(a) Such loan agreements shall outline the terms and conditions for loans that are below the prime interest rate or at zero interest to eligible licensed cultivators or microbusinesses. Such loan agreements, at a minimum, shall require that: (i) loans authorized under this section shall not exceed five years in length; (ii) loans authorized under this section shall not be granted to licensed cultivators or microbusinesses who hold an outstanding balance from a previous loan authorized pursuant to this section; (iii) only one loan shall be authorized by this section for licensed cultivators or microbusinesses that co-locate at a single location; and (iv) the proceeds, if any, from

loans and/or repayment of loans awarded by the fund shall be reinvested back into the fund.

(b) The corporation is authorized to enter into agreements as may be necessary for the administration and reporting of funds repaid, received, expended or collected. The use of such funds by the corporation shall be consistent with the terms, conditions and restrictions set forth under this subdivision to provide financial assistance to eligible cultivators and microbusinesses as provided for in this section.

5. The corporation, in consultation with the office of cannabis management, shall issue a report annually on the effectiveness of the adult-use cannabis cultivator and microbusiness loan fund program, including but not limited to the number of loans issued, the geographic location of such loans, the balance of such revolving fund, and any other information deemed necessary and appropriate. Such report shall be published on the corporation's website, the office of cannabis management's website and presented to the governor, the majority leader of the senate and the speaker of the assembly.

§ 2. This act shall take effect immediately.

PART EEE

Section 1. The environmental conservation law is amended by adding a new section 27-1213 to read as follows:

§ 27-1213. Mitigation of contaminants in private wells.

1. The department, in conjunction with the department of health, may, within the fifteen million dollars appropriated for such purposes pursuant to the Clean Water Infrastructure Act of 2017, and in addition to any other actions permitted under this title, undertake all reasonable and necessary mitigation measures to address contamination in private wells that satisfy the requirements of subdivision two of this section to ensure that drinking water meets applicable water quality standards, including maximum contaminant levels, notification levels or action levels established by the department of health. The department shall employ feasible mitigation measures that can be successfully carried out with available, implementable, and cost-effective technology.

2. Mitigation measures may be initiated when any of the following requirements are met:

a. For private wells in reasonable proximity to public water systems for which the commissioner of health has taken action pursuant to paragraph (a) of subdivision three of section 27-1205 of this title;

b. For private wells in reasonable proximity to solid waste sites meeting the criteria of subdivision six of section 27-1203 of this title; and

c. Private well owners who have received a test result from an accredited laboratory showing a maximum contaminant, action, or notification level exceedance of an emerging contaminant.

3. For the purposes of this section:

a. Mitigation measures shall also include costs of connection to a public water system and the reimbursement of testing costs incurred pursuant to paragraph c of subdivision two of this section.

b. All reasonable costs of mitigation measures undertaken pursuant to this section may be covered for each private well owner.

4. The department, in conjunction with the department of health, shall promulgate rules and regulations necessary to effectuate the purposes of this section, including at a minimum, criteria to determine what consti-

tutes reasonable proximity for each of the eligibility requirements of subdivision two of this section.

5. Information regarding the availability of mitigation funding shall, at a minimum, be included in the educational material developed pursuant to section eleven hundred thirteen of the public health law.

6. The department shall report annually on the amount of money spent on mitigation measures and the number of private wells mitigated, including information identifying the number for each criterion pursuant to subdivision four of this section. Such report may be included within the reporting provisions of section 27-1207 of this title.

7. For purposes of this section, "private well" shall mean any permanently installed water well, including any source, collection, pumping, treatment, transmission, storage, and distribution systems used in connection with such water well, which provides water to a private residence for potable purposes, and which is not owned or operated in connection with any public water supply system.

§ 2. This act shall take effect immediately.

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

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