

# STATE OF NEW YORK

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3008--B

## IN ASSEMBLY

January 22, 2025

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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.

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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:**

1 Section 1. This act enacts into law major components of legislation  
 2 necessary to implement the state transportation, economic development  
 3 and environmental conservation budget for the 2025-2026 state fiscal  
 4 year. Each component is wholly contained within a Part identified as  
 5 Parts A through EEE. The effective date for each particular provision  
 6 contained within such Part is set forth in the last section of such  
 7 Part. Any provision in any section contained within a Part, including  
 8 the effective date of the Part, which makes a reference to a section "of  
 9 this act", when used in connection with that particular component, shall  
 10 be deemed to mean and refer to the corresponding section of the Part in  
 11 which it is found. Section three of this act sets forth the general  
 12 effective date of this act.

13 PART A

14 Intentionally Omitted

15 PART B

1 Section 1. Section 1 of part I of chapter 413 of the laws of 1999  
2 relating to providing for mass transportation payments, as amended by  
3 section 1 of part E of chapter 58 of the laws of 2024, is amended to  
4 read as follows:

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

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

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

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

	Percentage of Matching Payment
Local Jurisdiction	
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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 Trans- portation District:	
Albany .....	54.05
Rensselaer .....	22.45
Saratoga .....	3.95
Schenectady .....	15.90
Montgomery .....	1.44
Warren .....	2.21
In the Central New York Re- gional Transportation Dis- trict:	
Cayuga .....	<del>[ 5.11 ]</del> <u>5.05</u>
Onondaga .....	<del>[ 75.83 ]</del> <u>74.94</u>
Oswego .....	<del>[ 2.85 ]</del> <u>2.82</u>

1	Oneida .....	[ <del>16.21</del> ]	16.02	
2	<u>Cortland.....</u>		<u>1.17</u>	
3	In the Rochester-Genesee Re-			
4	gional Transportation Dis-			
5	trict:			
6	Genesee .....	1.36		
7	Livingston .....	.90		
8	Monroe .....	90.14		
9	Wayne .....	.98		
10	Wyoming .....	.51		
11	Seneca .....	.64		
12	Orleans .....	.77		
13	Ontario .....	4.69		
14	In the Niagara Frontier Trans-			
15	portation District: Erie .....			89.20
16	Niagara .....	10.80		

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

26 Notwithstanding the reporting date provision of section 17-a of the  
27 transportation law, the reports of each regional transportation authori-  
28 ty and other major public transportation systems receiving mass trans-  
29 portation operating assistance shall be submitted on or before July 15  
30 of each year in the format prescribed by the commissioner of transporta-  
31 tion. Copies of such reports shall also be filed with the chairpersons  
32 of the senate finance committee and the assembly ways and means commit-  
33 tee and the director of the budget. The commissioner of transportation  
34 may withhold future state operating assistance payments to public trans-  
35 portation systems or private operators that do not provide such reports.

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

47 The commissioner of transportation shall be required to annually eval-  
48 uate the operating and financial performance of each major public trans-  
49 portation system. Where the commissioner's evaluation process has iden-  
50 tified a problem related to system performance, the commissioner may  
51 request the system to develop plans to address the performance deficien-  
52 cies. The commissioner of transportation may withhold future state oper-  
53 ating assistance payments to public transportation systems or private  
54 operators that do not provide such operating, financial, or other infor-

1 mation as may be required by the commissioner to conduct the evaluation  
2 process.

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

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

26 Notwithstanding the provisions of subdivision 4 of section 18-b of the  
27 transportation law, the commissioner of transportation is authorized to  
28 continue to use prior quarter statistics to determine current quarter  
29 payment amounts, as initiated in the April to June quarter of 1981. In  
30 the event that actual revenue passengers and actual total number of  
31 vehicle, nautical or car miles are not available for the preceding quar-  
32 ter, estimated statistics may be used as the basis of payment upon  
33 approval by the commissioner of transportation. In such event, the  
34 succeeding payment shall be adjusted to reflect the difference between  
35 the actual and estimated total number of revenue passengers and vehicle,  
36 nautical or car miles used as the basis of the estimated payment. The  
37 chief executive officer may apply for less aid than the system is eligi-  
38 ble to receive. Each quarterly payment shall be attributable to operat-  
39 ing expenses incurred during the quarter in which it is received, unless  
40 otherwise specified by such commissioner. In the event that a public  
41 transportation system ceases to participate in the program, operating  
42 assistance due for the final quarter that service is provided shall be  
43 based upon the actual total number of revenue passengers and the actual  
44 total number of vehicle, nautical or car miles carried during that quar-  
45 ter.

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

48 In the event that an audit of a public transportation system or  
49 private operator receiving funds discloses the existence of an overpay-  
50 ment of state operating assistance, regardless of whether such an over-  
51 payment results from an audit of revenue passengers and the actual  
52 number of revenue vehicle miles statistics, or an audit of private oper-  
53 ators in cases where more than a reasonable return based on equity or  
54 operating revenues and expenses has resulted, the commissioner of trans-  
55 portation, in addition to recovering the amount of state operating

1 assistance overpaid, shall also recover interest, as defined by the  
2 department of taxation and finance, on the amount of the overpayment.

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

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

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

19

## PART C

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

23 § 399-s. Pilot program scope and duration. The commissioner shall  
24 conduct a pilot program designed to evaluate utilizing the internet for  
25 delivering an approved pre-licensing course required by subparagraph (i)  
26 of paragraph (a) of subdivision four of section five hundred two of this  
27 chapter, by permitting qualified applicants to participate in the pilot  
28 program from June thirtieth, two thousand twenty to June thirtieth, two  
29 thousand ~~twenty-five~~ thirty. Provided that applicants for class DJ  
30 and class MJ licenses shall not be eligible to participate in such pilot  
31 program.

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

34 § 399-s. Pilot program scope and duration. The commissioner shall  
35 conduct a pilot program designed to evaluate utilizing the internet for  
36 delivering an approved pre-licensing course required by subparagraph (i)  
37 of paragraph (a) of subdivision four of section five hundred two of this  
38 chapter, by permitting qualified applicants to participate in the pilot  
39 program from June thirtieth, two thousand twenty to June thirtieth, two  
40 thousand thirty. Provided that applicants for [~~class DJ and class MJ~~  
41 drivers' licenses who are twenty-one years of age or younger shall not  
42 be eligible to participate in such pilot program.

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

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

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

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

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

20 PART D

21 Intentionally Omitted

22 PART E

23 Intentionally Omitted

24 PART F

25 Intentionally Omitted

26 PART G

27 Intentionally Omitted

28 PART H

29 Intentionally Omitted

30 PART I

31 Section 1. Section 3 of part PP of chapter 54 of the laws of 2016  
32 amending the public authorities law and the general municipal law relat-  
33 ing to the New York transit authority and the metropolitan transporta-  
34 tion authority, as amended by section 1 of part A of chapter 58 of the  
35 laws of 2024, is amended to read as follows:

36 § 3. This act shall take effect immediately; provided that the amend-  
37 ments to subdivision 1 of section 119-r of the general municipal law  
38 made by section two of this act shall expire and be deemed repealed  
39 April 1, [~~2025~~] 2026, and provided further that such repeal shall not

1 affect the validity or duration of any contract entered into before that  
2 date pursuant to paragraph f of such subdivision.  
3 § 2. This act shall take effect immediately.

4 PART J

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

9 § 45. This act shall take effect immediately; except that: (a) para-  
10 graph (d) of subdivision 3 of section 1263 of the public authorities  
11 law, as added by section twenty-six of this act, shall be deemed to have  
12 been in full force and effect on and after August 5, 1986; (b) sections  
13 thirty-three and thirty-four of this act shall not apply to a certified  
14 or recognized public employee organization which represents any public  
15 employees described in subdivision 16 of section 1204 of the public  
16 authorities law and such sections shall expire on July 1, [~~2025~~] 2027  
17 and nothing contained within these sections shall be construed to divest  
18 the public employment relations board or any court of competent juris-  
19 diction of the full power or authority to enforce any order made by the  
20 board or such court prior to the effective date of this act; (c) the  
21 provisions of section thirty-five of this act shall expire on March 31,  
22 1987; and (d) provided, however, the commissioner of taxation and  
23 finance shall have the power to enforce the provisions of sections two  
24 through nine of this act beyond December 31, 1990 to enable such commis-  
25 sioner to collect any liabilities incurred prior to January 1, 1991.  
26 § 2. This act shall take effect immediately.

27 PART K

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

31 (a) Whenever the authority determines in consultation with the city of  
32 New York that it is necessary to obtain the temporary or permanent use,  
33 occupancy, control or possession of vacant or undeveloped or underuti-  
34 lized but replaceable real property, or any interest therein, or subsur-  
35 face real property or any interest therein then owned by the city of New  
36 York for a project in [~~the two thousand fifteen to two thousand nineteen~~  
37 ~~or the two thousand twenty to two thousand twenty four approved capital~~  
38 ~~programs~~] a capital program approved pursuant to section twelve hundred  
39 sixty-nine-b of this title to (i) install one or more elevators to make  
40 one or more subway stations more accessible, (ii) construct or recon-  
41 struct an electrical substation to increase available power to the  
42 subway system to expand passenger capacity or reliability, or (iii) in  
43 connection with the capital project to construct four commuter railroad  
44 passengers stations in the borough of the Bronx known as Penn Station  
45 access, the authority upon approval by the board of the metropolitan  
46 transportation authority and upon suitable notice and with the consent  
47 of the city of New York may cause the title to such real property, or  
48 any interest therein, to be transferred to the authority by adding it to  
49 the agreement of lease dated June first, nineteen hundred fifty-three,  
50 as amended, renewed and supplemented, authorized by section twelve  
51 hundred three of this article, or may itself acquire title to such prop-  
52 erty from the city of New York, and any such transfer or acquisition of

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

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

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

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

19 PART L

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

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

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

43 § 9. This act shall take effect immediately[~~, provided that sections~~  
 44 ~~five through seven of this act shall expire and be deemed repealed June~~  
 45 ~~30, 2030, and provided further that such repeal shall not affect or~~  
 46 ~~otherwise reduce amounts owed to the metropolitan transportation author-~~  
 47 ~~ity paratransit assistance fund to meet the city's share of the net~~  
 48 ~~paratransit operating expenses of the MTA for services provided prior to~~  
 49 ~~June 30, 2030].~~

50 § 3. This act shall take effect immediately.

51 PART M

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

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

13 (b) The city and state's share of funds provided concurrently pursuant  
14 to section one of this act shall be scheduled and paid to the MTA on a  
15 schedule to be determined by the state director of the budget. In order  
16 to determine the adequacy and pace of the level of state and city fund-  
17 ing in support of the MTA's capital program, and to gauge the availabil-  
18 ity of MTA capital resources planned for the capital program, the direc-  
19 tor of the budget and the city may request, and the MTA shall provide,  
20 periodic reports on the MTA's capital programs and financial activities.  
21 The city shall certify to the state comptroller and the New York state  
22 director of the budget, no later than seven days after making each  
23 payment pursuant to this section, the amount of the payments and the  
24 date upon which such payments were made.

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

39 (b) Notwithstanding any provision of law to the contrary and as set  
40 forth in a plan or plans submitted by the New York state director of the  
41 budget pursuant to subdivision (a) of this section, the state comp-  
42 troller is hereby directed and authorized to: (i) transfer funds author-  
43 ized by any undisbursed general fund aid to localities appropriations or  
44 state special revenue fund aid to localities appropriations, excluding  
45 debt service, fiduciary, and federal fund appropriations, to the city to  
46 the Metropolitan Transportation Authority capital assistance fund estab-  
47 lished by section 92-ii of the state finance law in accordance with such  
48 plan; and/or (ii) collect and deposit into the Metropolitan Transporta-  
49 tion Authority capital assistance fund established by section 92-ii of  
50 the state finance law funds from any other revenue source of the city,  
51 including the sales and use tax, in accordance with such plan. The state  
52 comptroller is hereby authorized and directed to make such transfers,  
53 collections and deposits as soon as practicable but not more than 3 days  
54 following the transmittal of such plan to the comptroller in accordance  
55 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

1 Section 1. Section 4 of chapter 495 of the laws of 2004, amending the  
2 insurance law and the public health law relating to the New York state  
3 health insurance continuation assistance demonstration project, as  
4 amended by section 1 of part BB of chapter 58 of the laws of 2024, is  
5 amended to read as follows:

6 § 4. This act shall take effect on the sixtieth day after it shall  
7 have become a law; provided, however, that this act shall remain in  
8 effect until July 1, [~~2025~~] 2026 when upon such date the provisions of  
9 this act shall expire and be deemed repealed; provided, further, that a  
10 displaced worker shall be eligible for continuation assistance retroac-  
11 tive to July 1, 2004.

12 § 2. This act shall take effect immediately.

13 PART T

14 Intentionally Omitted

15 PART U

16 Intentionally Omitted

17 PART V

18 Intentionally Omitted

19 PART W

20 Intentionally Omitted

21 PART X

22 Intentionally Omitted

23 PART Y

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

26 ARTICLE 14-B

27 BUY-NOW-PAY-LATER LENDERS

28 Section 735. Short title.

29 736. Definitions.

30 737. License.

31 738. Conditions precedent to issuing a license; procedure where  
32 application is denied.

33 739. License provisions and posting.

34 740. Application for acquisition of control of buy-now-pay-later  
35 lender by purchase of stock.

36 741. Grounds for revocation or suspension of license; procedure.

37 742. Superintendent authorized to examine.

38 743. Licensee's books and records; reports.

39 744. Acts prohibited.

1 745. Interest and other charges.

2 746. Consumer protections.

3 747. Authority of superintendent.

4 748. Penalties.

5 749. Severability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 5. As used in this section, the term "control" means the possession,  
21 directly or indirectly, of the power to direct or cause the direction of  
22 the management and policies of a licensee, whether through the ownership  
23 of voting stock of such licensee, the ownership of voting stock of any  
24 person which possesses such power or otherwise. Control shall be  
25 presumed to exist if any person, directly or indirectly, owns, controls  
26 or holds with power to vote ten per centum or more of the voting stock  
27 of any licensee or of any person which owns, controls or holds with  
28 power to vote ten per centum or more of the voting stock of any licen-  
29 see, but no person shall be deemed to control a licensee solely by  
30 reason of being an officer or director of such licensee or person. The  
31 superintendent may in the superintendent's discretion, upon the applica-  
32 tion of a licensee or any person who, directly or indirectly, owns,  
33 controls or holds with power to vote or seeks to own, control or hold  
34 with power to vote any voting stock of such licensee, determine whether  
35 or not the ownership, control or holding of such voting stock consti-  
36 tutes or would constitute control of such licensee for purposes of this  
37 section.

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

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

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

45 (c) the licensee has failed to pay any sum of money lawfully demanded  
46 by the superintendent or to comply with any demand, ruling or require-  
47 ment of the superintendent.

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

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

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

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

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

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

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

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

37 § 743. Licensee's books and records; reports. 1. A buy-now-pay-later  
38 lender shall keep and use in its business such books, accounts and  
39 records as will enable the superintendent to determine whether such  
40 buy-now-pay-later lender is complying with the provisions of this arti-  
41 cle and with the rules and regulations promulgated by the superintendent  
42 thereunder. Every buy-now-pay-later lender shall preserve such books,  
43 accounts and records for at least two years after making the final entry  
44 in respect to any buy-now-pay-later loan recorded therein; provided,  
45 however, the preservation of photographic or digital reproductions ther-  
46 eof or records in photographic or digital form shall constitute compli-  
47 ance with this requirement.

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

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

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

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

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

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

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

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

19 (e) make any false statement or make any omission of a material fact  
20 in connection with any information or reports filed with a governmental  
21 agency or in connection with any investigation conducted by the super-  
22 intendent or another governmental agency.

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

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

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

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

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

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

1 report, or maintain in the file on a borrower the credit worthiness,  
2 credit standing, or credit capacity of members of the borrower's social  
3 network for purposes of determining the credit worthiness of the borrow-  
4 er; the average credit worthiness, credit standing, or credit capacity  
5 of members of the borrower's social network; or any group score that is  
6 not the borrower's own credit worthiness, credit standing, or credit  
7 capacity.

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

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

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

41 6. A buy-now-pay-later lender may use, sell, or share the data of a  
42 consumer, other than in connection with the making of a particular buy-  
43 now-pay-later loan to the consumer, only with the consumer's consent. A  
44 buy-now-pay-later lender shall disclose or cause to be disclosed to a  
45 consumer in a clear and conspicuous manner how such consumer's data may  
46 be used, shared, or sold by the buy-now-pay-later lender before obtain-  
47 ing such consumer's consent and also shall disclose or cause to be  
48 disclosed to such consumer in a clear and conspicuous manner how such  
49 consumer may subsequently withdraw consent to such use, sharing, or  
50 sale. The superintendent, in their discretion, may by regulation prohib-  
51 it certain uses of consumer data. A buy-now-pay-later lender shall main-  
52 tain policies and procedures regarding its use, sale, and sharing of  
53 consumers' data.

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

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

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

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

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

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

23 (c) such rules and regulations as may define the terms used in this  
24 article and as may be necessary and appropriate to interpret and imple-  
25 ment the provisions of this article; and

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

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

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

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

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

7 § 749. Severability. If any provision of this article or the applica-  
8 tion thereof to any person or circumstances is held to be invalid, such  
9 invalidity shall not affect other provisions or applications of this  
10 article which can be given effect without the invalid provision or  
11 application, and to this end the provisions of this article are severa-  
12 ble.

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

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

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

25 10. All reports of examinations and investigations, correspondence and  
26 memoranda concerning or arising out of such examination and investi-  
27 gations, including any duly authenticated copy or copies thereof in the  
28 possession of any banking organization, bank holding company or any  
29 subsidiary thereof (as such terms "bank holding company" and "subsid-  
30 iary" are defined in article three-A of this chapter), any corporation  
31 or any other entity affiliated with a banking organization within the  
32 meaning of subdivision six of this section and any non-banking subsid-  
33 iary of a corporation or any other entity which is an affiliate of a  
34 banking organization within the meaning of subdivision six-a of this  
35 section, foreign banking corporation, licensed lender, licensed buy-now-  
36 pay-later lender, licensed cashier of checks, licensed mortgage banker,  
37 registered mortgage broker, licensed mortgage loan originator, licensed  
38 sales finance company, registered mortgage loan servicer, licensed  
39 student loan servicer, licensed insurance premium finance agency,  
40 licensed transmitter of money, licensed budget planner, any other person  
41 or entity subject to supervision under this chapter, or the department,  
42 shall be confidential communications, shall not be subject to subpoena  
43 and shall not be made public unless, in the judgment of the superinten-  
44 dent, the ends of justice and the public advantage will be subserved by  
45 the publication thereof, in which event the superintendent may publish  
46 or authorize the publication of a copy of any such report or any part  
47 thereof in such manner as may be deemed proper or unless such laws  
48 specifically authorize such disclosure. For the purposes of this subdivi-  
49 sion, "reports of examinations and investigations, and any correspond-  
50 ence and memoranda concerning or arising out of such examinations and  
51 investigations", includes any such materials of a bank, insurance or  
52 securities regulatory agency or any unit of the federal government or  
53 that of this state any other state or that of any foreign government  
54 which are considered confidential by such agency or unit and which are  
55 in the possession of the department or which are otherwise confidential

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

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

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

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

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

26 § 39. Orders of superintendent. 1. To appear and explain an apparent  
27 violation. Whenever it shall appear to the superintendent that any bank-  
28 ing organization, bank holding company, registered mortgage broker,  
29 licensed mortgage banker, licensed student loan servicer, registered  
30 mortgage loan servicer, licensed mortgage loan originator, licensed  
31 lender, licensed buy-now-pay-later lender, licensed casher of checks,  
32 licensed sales finance company, licensed insurance premium finance agen-  
33 cy, licensed transmitter of money, licensed budget planner, out-of-state  
34 state bank that maintains a branch or branches or representative or  
35 other offices in this state, or foreign banking corporation licensed by  
36 the superintendent to do business or maintain a representative office in  
37 this state has violated any law or regulation, [~~he or she~~] the super-  
38 intendent may, in [~~his or her~~] the superintendent's discretion, issue an  
39 order describing such apparent violation and requiring such banking  
40 organization, bank holding company, registered mortgage broker, licensed  
41 mortgage banker, licensed student loan servicer, licensed mortgage loan  
42 originator, licensed lender, licensed buy-now-pay-later lender, licensed  
43 casher of checks, licensed sales finance company, licensed insurance  
44 premium finance agency, licensed transmitter of money, licensed budget  
45 planner, out-of-state state bank that maintains a branch or branches or  
46 representative or other offices in this state, or foreign banking corpo-  
47 ration to appear before [~~him or her~~] the superintendent, at a time and  
48 place fixed in said order, to present an explanation of such apparent  
49 violation.

50 2. To discontinue unauthorized or unsafe and unsound practices. When-  
51 ever it shall appear to the superintendent that any banking organiza-  
52 tion, bank holding company, registered mortgage broker, licensed mort-  
53 gage banker, licensed student loan servicer, registered mortgage loan  
54 servicer, licensed mortgage loan originator, licensed lender, licensed  
55 buy-now-pay-later lender, licensed casher of checks, licensed sales  
56 finance company, licensed insurance premium finance agency, licensed

1 transmitter of money, licensed budget planner, out-of-state state bank  
2 that maintains a branch or branches or representative or other offices  
3 in this state, or foreign banking corporation licensed by the super-  
4 intendent to do business in this state is conducting business in an  
5 unauthorized or unsafe and unsound manner, [~~he or she~~] the superinten-  
6 dent may, in [~~his or her~~] the superintendent's discretion, issue an  
7 order directing the discontinuance of such unauthorized or unsafe and  
8 unsound practices, and fixing a time and place at which such banking  
9 organization, bank holding company, registered mortgage broker, licensed  
10 mortgage banker, licensed student loan servicer, registered mortgage  
11 loan servicer, licensed mortgage loan originator, licensed lender,  
12 licensed buy-now-pay-later lender, licensed cashier of checks, licensed  
13 sales finance company, licensed insurance premium finance agency,  
14 licensed transmitter of money, licensed budget planner, out-of-state  
15 state bank that maintains a branch or branches or representative or  
16 other offices in this state, or foreign banking corporation may volun-  
17 tarily appear before [~~him or her~~] the superintendent to present any  
18 explanation in defense of the practices directed in said order to be  
19 discontinued.

20 3. To make good impairment of capital or to ensure compliance with  
21 financial requirements. Whenever it shall appear to the superintendent  
22 that the capital or capital stock of any banking organization, bank  
23 holding company or any subsidiary thereof which is organized, licensed  
24 or registered pursuant to this chapter, is impaired, or the financial  
25 requirements imposed by subdivision one of section two hundred two-b of  
26 this chapter or any regulation of the superintendent on any branch or  
27 agency of a foreign banking corporation or the financial requirements  
28 imposed by this chapter or any regulation of the superintendent on any  
29 licensed lender, licensed buy-now-pay-later lender, registered mortgage  
30 broker, licensed mortgage banker, licensed student loan servicer,  
31 licensed cashier of checks, licensed sales finance company, licensed  
32 insurance premium finance agency, licensed transmitter of money,  
33 licensed budget planner or private banker are not satisfied, the super-  
34 intendent may, in the superintendent's discretion, issue an order  
35 directing that such banking organization, bank holding company, branch  
36 or agency of a foreign banking corporation, registered mortgage broker,  
37 licensed mortgage banker, licensed student loan servicer, licensed lend-  
38 er, licensed buy-now-pay-later lender, licensed cashier of checks,  
39 licensed sales finance company, licensed insurance premium finance agen-  
40 cy, licensed transmitter of money, licensed budget planner, or private  
41 banker make good such deficiency forthwith or within a time specified in  
42 such order.

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

1 5. To keep books and accounts as prescribed. Whenever it shall appear  
2 to the superintendent that any banking organization, bank holding compa-  
3 ny, registered mortgage broker, licensed mortgage banker, licensed  
4 student loan servicer, registered mortgage loan servicer, licensed mort-  
5 gage loan originator, licensed lender, licensed buy-now-pay-later lend-  
6 er, licensed cashier of checks, licensed sales finance company, licensed  
7 insurance premium finance agency, licensed transmitter of money,  
8 licensed budget planner, agency or branch of a foreign banking corpora-  
9 tion licensed by the superintendent to do business in this state, does  
10 not keep its books and accounts in such manner as to enable [~~him or her~~]  
11 the superintendent to readily ascertain its true condition, [~~he or she~~]  
12 the superintendent may, in [~~his or her~~] the superintendent's discretion,  
13 issue an order requiring such banking organization, bank holding compa-  
14 ny, registered mortgage broker, licensed mortgage banker, licensed  
15 student loan servicer, registered mortgage loan servicer, licensed mort-  
16 gage loan originator, licensed lender, licensed buy-now-pay-later lend-  
17 er, licensed cashier of checks, licensed sales finance company, licensed  
18 insurance premium finance agency, licensed transmitter of money,  
19 licensed budget planner, or foreign banking corporation, or the officers  
20 or agents thereof, or any of them, to open and keep such books or  
21 accounts as [~~he or she~~] the superintendent may, in [~~his or her~~] the  
22 superintendent's discretion, determine and prescribe for the purpose of  
23 keeping accurate and convenient records of its transactions and  
24 accounts.

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

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

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

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

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

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

45 3. The name of every proposed corporation, private banker, branch of a  
46 foreign banking corporation, licensed lender, licensed buy-now-pay-later  
47 lender and licensed cashier of checks to which a certificate of authori-  
48 zation or a license has been refused and the date of notice of refusal.

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

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

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

1 5. The name of every banking organization, licensed lender, licensed  
2 cashier of checks, licensed buy-now-pay-later lender and foreign corpo-  
3 ration which has applied for leave to change its place or one of its  
4 places of business and the places from and to which the change is  
5 proposed to be made; the name of every banking organization which has  
6 applied to change the designation of its principal office to a branch  
7 office and to change the designation of one of its branch offices to its  
8 principal office, and the location of the principal office which is  
9 proposed to be redesignated as a branch office and of the branch office  
10 which is proposed to be redesignated as the principal office.

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

13 6. The name of every banking organization, licensed lender, licensed  
14 cashier of checks, licensed buy-now-pay-later lender and foreign corpo-  
15 ration authorized to change its place or one of its places of business  
16 and the date when and the places from and to which the change is author-  
17 ized to be made; the name of every banking organization authorized to  
18 change the designation of its principal office to a branch office and to  
19 change the designation of a branch office to its principal office, the  
20 location of the redesignated principal office and of the redesignated  
21 branch office, and the date of such change.

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

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

39 § 13. This act shall take effect on the one hundred eightieth day  
40 after the department of financial services shall have promulgated rules  
41 and/or regulations to effectuate the provisions of this act; provided  
42 that the department of financial services shall notify the legislative  
43 bill drafting commission upon the occurrence of the promulgation of the  
44 rules and regulations necessary to effectuate and enforce the provisions  
45 of section two of this act, in order that the commission may maintain an  
46 accurate and timely effective data base of the official text of the laws  
47 of the state of New York in furtherance of effectuating the provisions  
48 of section 44 of the legislative law and section 70-b of the public  
49 officers law. Effective immediately, the addition, amendment and/or  
50 repeal of any rule or regulation authorized to be made by the super-  
51 intendent pursuant to this act is authorized to be made and completed on  
52 or before such effective date.

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PART Z

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Intentionally Omitted

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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:

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

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

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

21 PART HH

22 Intentionally Omitted

23 PART II

24 Intentionally Omitted

25 PART JJ

26 Intentionally Omitted

27 PART KK

28 Section 1. The opening paragraph of subdivision (h) of section 121 of  
29 chapter 261 of the laws of 1988, amending the state finance law and  
30 other laws relating to the New York state infrastructure trust fund, as  
31 amended by section 1 of part Y of chapter 58 of the laws of 2024, is  
32 amended to read as follows:

33 The provisions of sections sixty-two through sixty-six of this act  
34 shall expire and be deemed repealed on July first, two thousand [~~twen-~~  
35 ~~ty-five~~] twenty-seven, except that:

36 § 1-a. Section 312-a of the executive law is amended by adding a new  
37 subdivision 3 to read as follows:

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

1 study delivered pursuant to subdivision one of this section. The direc-  
2 tor of the division of minority and women's business development is  
3 directed to transmit the disparity study to the governor and the legis-  
4 lature not later than July first, two thousand twenty-six, and to post  
5 the study on the website of the department of economic development.

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

10 PART LL

11 Section 1. Section 214 of the state finance law, as amended by section  
12 1 of part P of chapter 59 of the laws of 2007, is amended to read as  
13 follows:

14 § 214. Establishment and purpose; linked deposit program authori-  
15 zation. The excelsior linked deposit program is hereby created. The  
16 purpose of the program is to encourage and assist eligible businesses  
17 within the state to undertake eligible projects that will materially  
18 contribute to improving their performance and competitiveness. The comp-  
19 troller is hereby authorized to use any moneys of the state the comp-  
20 troller is authorized to invest pursuant to section ninety-eight-a of  
21 this chapter as linked deposits for the program. Not more than [~~four~~  
22 ~~hundred sixty million~~] one billion dollars of such moneys shall be on  
23 deposit pursuant to the program at any given time. The commissioner of  
24 taxation and finance is hereby authorized to use funds in the linked  
25 deposit program fund established pursuant to section ninety-two-v of  
26 this chapter as linked deposits for the program. Not more than one  
27 hundred million dollars from the linked deposit program fund shall be on  
28 deposit pursuant to the program at any given time.

29 § 2. This act shall take effect immediately.

30 PART MM

31 Intentionally Omitted

32 PART NN

33 Intentionally Omitted

34 PART OO

35 Intentionally Omitted

36 PART PP

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

40 11. "Tire service" means any person or business [~~in New York state~~]  
41 who sells or installs new tires for use on any vehicle and any person or  
42 business who engages in the retail sale of new motor vehicles. A person  
43 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.

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

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

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

11 (a) recapped or resold tires; or

12 (b) [~~mail order sales, or~~

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

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

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

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

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

35 § 4. Paragraph (a) of subdivision 6 of section 27-1913 of the environ-  
36 mental conservation law, as amended by section 2 of part MM of chapter  
37 58 of the laws of 2022, is amended to read as follows:

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

52 § 4-a. No later than December 31, 2027, the commissioner of environ-  
53 mental conservation shall prepare and submit to the governor and the  
54 legislature, and post on its website, a report on the status of the  
55 waste tire management and recycling program established pursuant to

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

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

6 (b) an update to the noncompliant waste tire stockpile abatement  
7 priority list initially required pursuant to subdivision one of section  
8 27-1907 of the environmental conservation law;

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

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

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

21 (f) recommendations on how to increase the responsibility of tire  
22 manufacturers and distributors for the collection, transportation, recy-  
23 cling, disposal, or other processing of waste tires.

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

25

## PART QQ

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

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

32 § 2. This act shall take effect immediately.

33

## PART RR

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

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

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

49 10. "Response costs" means the state's costs of developing, implement-  
50 ing, and/or overseeing an inactive hazardous waste disposal site remedi-  
51 al program.

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

3 (a) any person who currently owns or operates a site or any portion  
 4 thereof except for a volunteer, as defined in subdivision one of section  
 5 27-1405 of this article, that is participating under a brownfield clean-  
 6 up agreement pursuant to section 27-1407 of this article;

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

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

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

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

13 (f) any person who arranged for:

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

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

16 (g) any other person who is responsible according to the applicable  
 17 principles of statutory or common law liability pursuant to subdivision  
 18 four of section 27-1313 of this title and/or the Comprehensive Environ-  
 19 mental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §  
 20 9601 et seq.

21 12. "Disadvantaged community" shall have the same meaning as subdivi-  
 22 sion five of section 75-0101 of this chapter.

23 § 1-a. Subdivisions 1, 2, and 3 of section 27-1303 of the environ-  
 24 mental conservation law, as added by chapter 282 of the laws of 1979 and  
 25 subdivision 1 as amended by section 2 of part E of chapter 1 of the laws  
 26 of 2003, are amended to read as follows:

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

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

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

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

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

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

7 § 27-1305. Reports by the department; registry of sites.

8 1. The department shall maintain and make available for public  
9 inspection, either at each of its regional offices and regional sub-off-  
10 ices, at the office of the county clerk or register for each county and  
11 at the office of the town clerk for each town in Suffolk and Nassau  
12 counties, ~~or~~ and on its ~~[homepage on the internet]~~ website, a registry  
13 of inactive hazardous waste disposal sites in such region or, with  
14 respect to the office of the county clerk or register, in such county,  
15 or, with respect to its website, the entire state.

16 The department shall provide a written copy upon requests by any person. The department shall  
17 take all necessary action to ensure that the registry provides a  
18 complete and up-to-date listing of all such sites within the region. The  
19 department shall, on or before January first, two thousand four, and  
20 annually thereafter, transmit the updated registry to the legislature  
21 and the governor. A notice of the availability of the updated registry  
22 shall be sent to the department of health and the chief executive offi-  
23 cer of every county. Upon identification of an inactive hazardous waste  
24 disposal site not included in the registry for the immediately preceding  
25 year, the department shall, within ten days, notify in writing the chief  
26 executive officer of each county, city, town and village and the public  
27 water supplier which services the area in which such site is located  
28 that such site has been so identified. For the purposes of this section,  
29 "water supplier" shall mean any public water system as such term is  
30 defined for the purposes of the sanitary code of the state of New York  
31 as authorized by section two hundred twenty-five of the public health  
32 law. Such registry shall include but need not be limited to those items  
33 among the following which the commissioner determines to be necessary:

34 a. A description of the sites consisting of:

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

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

41 (iii) an assessment prepared by the department of health of any seri-  
42 ous health problems in the immediate vicinity of the site and any health  
43 problems deemed by the department of health to be related to conditions  
44 at the site;

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

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

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

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

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

- 1 d. Name of the current owner and operator and names of any past and  
2 reported owners and operators during the time period of use for disposal  
3 of hazardous waste;
- 4 e. Names of persons responsible for the generation and transportation  
5 of hazardous waste disposed of;
- 6 f. Type and quantity of hazardous waste disposed of;
- 7 g. Manner of disposal of hazardous waste;
- 8 h. Nature of soils at the site;
- 9 i. Depth of water table at the site;
- 10 j. Location, nature and size of aquifers at the site;
- 11 k. Direction of present and historic groundwater flows and history of  
12 flooding, including flood hazard map designation, at the site;
- 13 l. Location, nature and size of all surface waters at and near the  
14 site;
- 15 m. Levels of contaminants, if any, in groundwater, surface water, air  
16 and soils at and near the site resulting from hazardous wastes disposed  
17 of at the site or from any other cause and areas known to be directly  
18 affected or contaminated by wastes from the site;
- 19 n. As determined by the department of health, current quality of all  
20 drinking water drawn from or distributed through the area in which the  
21 site is located when the department of health determines that water  
22 quality may have been affected by the site in question and any known  
23 change in the quality of such drinking water over time;
- 24 o. Proximity of the site to private residences, public buildings or  
25 property, school, daycare, medical, or senior care facilities,  
26 libraries, places of work, or other areas where individuals may be pres-  
27 ent, or location within a disadvantaged community; [~~and~~]
- 28 p. The name, address and telephone number of the public water supplier  
29 which services the area in which such site is located[~~+~~];
- 30 q. Proximity of the site to, or location within, a designated flood-  
31 way, delineated wetland, or other ecologically sensitive area; and
- 32 r. Location of the site within a disaster-prone area, including an  
33 assessment by the department of the site's sensitivity to natural disas-  
34 ters such as coastal and riverine flooding, hurricanes, strong winds,  
35 wildfires, and extreme winter weather.
- 36 2. a. The department shall conduct investigations of the sites listed  
37 in the registry and shall timely investigate areas or sites which it has  
38 reason to believe should be included in the registry. The purpose of  
39 these investigations shall be to develop the information required by  
40 subdivision one of this section to be included in the registry.
- 41 b. The department shall, as part of the registry, assess and, based  
42 upon new information received, reassess by March thirty-first of each  
43 year, in cooperation with the department of health, the relative need  
44 for action at each site to remedy environmental and health problems  
45 resulting from the presence of hazardous wastes at such sites including  
46 in such assessment how sites shall be prioritized in the state inactive  
47 hazardous waste remedial plan; provided, however, that if at the time of  
48 such assessment or reassessment, the department has not placed a site in  
49 classification 1 or 2, as described in subparagraphs one and two of this  
50 paragraph, and such site is the subject of negotiations for, or imple-  
51 mentation of, a brownfield site cleanup agreement pursuant to title  
52 fourteen of this article, obligating the person subject to such agree-  
53 ment to, at a minimum, eliminate or mitigate all significant threats to  
54 the public health and environment posed by the hazardous waste pursuant  
55 to such agreement, the department shall defer its assessment or reas-  
56 sessment during the period such person is engaged in good faith negoti-

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

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

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

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

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

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

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

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

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

44 (4) The commissioner may not delete any site from the registry without  
45 providing public notice no less than sixty days prior to the proposed  
46 deletion. Such notice of deletion shall be published in the next avail-  
47 able environmental notice bulletin, on the department's website, and in  
48 a newspaper of general circulation in the county in which the site is  
49 located. The commissioner shall also notify in writing any owner or  
50 operator of the site, if applicable, no less than sixty days prior to  
51 the proposed deletion. The commissioner shall provide meaningful oppor-  
52 tunities for public participation including, at a minimum, a thirty-day  
53 period for submission of written comments and [~~may provide~~] an opportu-  
54 nity for submission of oral comments at a public meeting at or near the  
55 site. The commissioner shall summarize any comments received and make  
56 the summary available to the public on the department's website. The

1 commissioner may convene an administrative hearing to determine whether  
2 a particular site should be deleted from the registry, receive a modi-  
3 fied site classification or whether any information regarding the site  
4 should be modified.

5 (5) The department shall notify, as soon as possible and within avail-  
6 able resources all public repositories of the registry, including updat-  
7 ing its website, of any modifications or deletions to such registry. The  
8 department shall also note any such deletions or modifications in the  
9 next annual report and publication of the registry.

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

13 d. (1) Within seven months after the effective date of this subdivi-  
14 sion the department shall notify by certified mail the owner of all or  
15 any part of each site or area included in the registry, of the inclusion  
16 of the site or area by mailing notice to such owner at the owner's last  
17 known address. Thereafter, fifteen days before any site or area is added  
18 to the registry, the department shall notify in writing by certified  
19 mail the owner of all or any part of such site or area of the inclusion  
20 of such site or area by mailing notice to each such owner at the owner's  
21 last known address.

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

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

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

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

41 3. The department shall, as soon as possible but in no event later  
42 than January first, nineteen hundred eighty-four, and annually thereaft-  
43 er prepare and submit in writing a "state inactive hazardous waste reme-  
44 dial plan," hereinafter referred to as "the plan" to the state superfund  
45 management board. Such board, after providing meaningful opportunities  
46 for public participation including, at a minimum, a thirty-day period  
47 for submission of written comments and a public hearing, shall then  
48 approve of the plan or make such modification as it is empowered to do  
49 pursuant to section 27-1319 of this [~~chapter~~] title and submit the  
50 approved plan or modified plan, to the governor and the legislature, and  
51 make public on the department's website, on or before March first, nine-  
52 teen hundred eighty-four and annually thereafter. In preparing, compil-  
53 ing and updating the plan, the department shall:

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

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

5 b. Make any subsurface borings and any analyses or tests of samples  
 6 taken as may be necessary or desirable to effectuate the field investi-  
 7 gations of sites as required under this section subject to the require-  
 8 ments of this title.

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

12 d. Consider the effects on the health, environment and economy of the  
 13 state, as well as the effects on disadvantaged communities, when assess-  
 14 ing the relative priority of sites as required by this section, espe-  
 15 cially any actual or significant threat of direct human contact or  
 16 contamination of groundwater or drinking water.

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

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

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

43 b. Such accounting to separately list:

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

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

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

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

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

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

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

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

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

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

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

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

17 (1) a list of sites added to, or removed under paragraph (c) of subdivi-  
18 vision two of this section from, the registry of inactive hazardous  
19 waste disposal sites;

20 (2) the stage or progress of each active site within the program,  
21 including site investigation, remedial investigations, feasibility  
22 studies, remedial design studies, interim remedial measures, remedial  
23 construction activities, and ongoing operation, maintenance, and moni-  
24 toring activities, and the length of time each such site has remained at  
25 that stage;

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

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

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

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

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

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

10 (i) the technological feasibility of all actions;

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

13 (iii) the extent to which the actions would reduce such danger to  
14 human health or the environment or would otherwise benefit human health  
15 or the environment, including if the actions would benefit a disadvan-  
16 tagged community.

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

26 7. Moneys for actions taken or to be taken by the department, the  
27 department of health or any other state agency in connection with the  
28 elimination of conditions dangerous to life or health pursuant to subdi-  
29 vision five of section thirteen hundred eighty-nine-b of the public  
30 health law or with the elimination of a significant threat to the envi-  
31 ronment pursuant to this section shall be payable directly to such agen-  
32 cies from the hazardous waste remedial fund pursuant to section ninety-  
33 seven-b of the state finance law. This includes any inspection or  
34 sampling of wastes, soils, air, surface water and groundwater, or other  
35 natural resources, done on behalf of a state agency whether or not such  
36 action is taken prior to the issuance of a declaration pursuant to  
37 subdivision two of section thirteen hundred eighty-nine-b of the public  
38 health law or a finding pursuant to subdivision three of this [~~section~~]  
39 section and any administrative expenses related thereto.

40 § 4. Intentionally omitted.

41 § 4-a. Section 27-1316 of the environmental conservation law is  
42 amended by adding a new subdivision 4 to read as follows:

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

47 § 4-b. Subdivisions 1, 2, and 8 of section 27-1319 of the environ-  
48 mental conservation law, as added by chapter 38 of the laws of 1985,  
49 subdivision 1 and paragraph b of subdivision 2 as amended by chapter 490  
50 of the laws of 1989, and subdivision 8 as amended by chapter 218 of the  
51 laws of 1994, are amended to read as follows:

52 1. a. There is hereby created within the department the "state super-  
53 fund management board" hereinafter referred to as the board. Such board  
54 shall consist of fourteen members, including the commissioners of envi-  
55 ronmental conservation and health, or their designees, and twelve at  
56 large members [~~appointed by the governor~~], two of whom shall be

1 appointed [~~upon recommendation of~~] by the temporary president of the  
 2 senate and two of whom shall be appointed [~~upon recommendation of~~] by  
 3 the speaker of the assembly, one of whom shall be appointed [~~upon recom-~~  
 4 ~~mendation of~~] by the minority leader of the senate and one of whom shall  
 5 be appointed [~~upon recommendation of~~] by the minority leader of the  
 6 assembly, and, of the remaining six, which shall be appointed by the  
 7 governor, two shall live within a municipality within which exists an  
 8 inactive hazardous waste site, or sites, as listed pursuant to section  
 9 27-1305 of this title, and have been involved in a citizen's organiza-  
 10 tion that has a purpose relating to the site or sites within that muni-  
 11 cipality, two shall be representatives of organizations whose prime  
 12 function is the protection of natural resources and enhancement of the  
 13 environmental quality of the state and two shall be representatives of  
 14 industries that generate hazardous waste in the state. None of the  
 15 members appointed by the governor shall be officers or employees of any  
 16 state department or agency and each shall be, by professional training  
 17 or experience and attainment, qualified to analyze and interpret matters  
 18 pertaining to hazardous waste management and the remediation of inactive  
 19 hazardous waste disposal sites.

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

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

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

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

36 § 5. Intentionally omitted.

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

39 § 27-1325. Financial responsibility provisions.

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

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

52 3. In any case where the responsible party is in bankruptcy, reorgan-  
 53 ization, or arrangement pursuant to the Federal Bankruptcy Code or  
 54 where, with reasonable diligence, jurisdiction in any state or federal  
 55 court within the state cannot be obtained over a responsible party like-  
 56 ly to be solvent at the time of judgment, any claim arising from conduct

1 for which evidence of financial responsibility shall be provided under  
2 this section may be asserted directly against the guarantor providing  
3 such evidence of financial responsibility. In the case of any action  
4 pursuant to this subdivision, such guarantor shall be entitled to invoke  
5 all rights and defenses which would have been available to the responsi-  
6 ble party if any action had been brought against the responsible party  
7 by the claimant and which would have been available to the guarantor if  
8 an action had been brought against the guarantor by the responsible  
9 party.

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

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

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

25 § 27-1327. Recovery of response costs and natural resource damages.

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

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

41 3. In an action to recover response costs and/or natural resource  
42 damages, the commissioner may also seek civil penalties under section  
43 71-2705 of this chapter.

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

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

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

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

5 6. An environmental lien shall attach when:

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

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

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

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

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

23 (ii) the lien is released by the commissioner pursuant to this subdivi-  
24 vision;

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

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

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

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

40 (ii) the attachment or enforcement of the environmental lien is deter-  
41 mined by the commissioner not to be in the public interest.

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

47 9. A notice of environmental lien shall state:

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

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

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

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

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

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

6 f. that an environmental lien has attached to the described real prop-  
7 erty.

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

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

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

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

34 § 8. Intentionally omitted.

35 § 8-a. Section 71-2705 of the environmental conservation law, as added  
36 by chapter 550 of the laws of 1980, subdivision 1 as amended by section  
37 30 and subdivision 2 as amended by section 31 of part C of chapter 62 of  
38 the laws of 2003, is amended to read as follows:

39 § 71-2705. Violations of titles 9, 11 and 13 of article 27 of this chap-  
40 ter.

41 1. Civil and administrative sanctions. Any person who violates any of  
42 the provisions of, or who fails to perform any duty imposed by titles 9,  
43 11 and 13 of article 27 or any rule or regulation promulgated pursuant  
44 thereto, or any term or condition of any certificate or permit issued  
45 pursuant thereto, or any final determination or order of the commis-  
46 sioner made pursuant to this title shall be liable in the case of a first  
47 violation, for a civil penalty not to exceed [~~thirty-seven~~] sixty-five  
48 thousand [~~five-hundred~~] dollars and an additional penalty of not more  
49 than [~~thirty-seven~~] sixty-five thousand [~~five-hundred~~] dollars for each  
50 day during which such violation continues, to be assessed by the commis-  
51 sioner after an opportunity to be heard pursuant to the provisions of  
52 section 71-1709 of this article, or by the court in any action or  
53 proceeding pursuant to section 71-2727 of this title, and, in addition  
54 thereto, such person may by similar process be enjoined from continuing  
55 such violation and any permit or certificate issued to such person may  
56 be revoked or suspended or a pending renewal application denied. In the

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

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

22 § 9. Intentionally omitted.

23 § 10. Intentionally omitted.

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

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

47 § 11-a. The state finance law is amended by adding a new section  
48 97-b-1 to read as follows:

49 § 97-b-1. Natural resource damages fund. 1. There is hereby estab-  
50 lished in the joint custody of the commissioner of taxation and finance  
51 and the state comptroller a special fund to be known as the "natural  
52 resource damages fund."

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

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

4 § 11-b. The environmental conservation law is amended by adding a new  
5 section 27-1329 to read as follows:

6 § 27-1329. Environmental remedial projects at municipal airports.

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

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

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

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

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

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

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

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

34 2. The department, in conjunction with the department of health,  
35 shall, in accordance with the prioritization criteria of the state inac-  
36 tive hazardous waste remedial plan, and using the criteria in subdivi-  
37 sion one of section 56-0505 of this chapter, select and implement envi-  
38 ronmental remedial projects pursuant to this section. The department  
39 shall only approve feasible mitigation measures that can be successfully  
40 carried out with available, implementable, and cost-effective technolo-  
41 gy.

42 3. Beginning July first, two thousand twenty-six and annually there-  
43 after, the department shall report on the status of such projects. The  
44 report, which may be included in the report issued pursuant to section  
45 27-1305 of this title, shall include information regarding the number  
46 and locations of sites remediated, the scope of PFAS contamination at  
47 each site, and an accounting of all monies expended or encumbered during  
48 the preceding fiscal year for such projects.

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

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

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

5 § 11-c. The environmental conservation law is amended by adding a new  
 6 section 27-1331 to read as follows:

7 § 27-1331. Labor protections.

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

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

16 § 12. This act shall take effect immediately, provided, however, that  
 17 section 11-b of this act shall expire and be deemed repealed July 2,  
 18 2028.

19 PART SS

20 Intentionally Omitted

21 PART TT

22 Intentionally Omitted

23 PART UU

24 Intentionally Omitted

25 PART VV

26 Section 1. Expenditures of moneys by the New York state energy  
 27 research and development authority for services and expenses of the  
 28 energy research, development and demonstration program, including  
 29 grants, the energy policy and planning program, and the Fuel NY program  
 30 shall be subject to the provisions of this section. Notwithstanding the  
 31 provisions of subdivision 4-a of section 18-a of the public service law,  
 32 all moneys committed or expended in an amount not to exceed \$28,725,000  
 33 shall be reimbursed by assessment against gas corporations, as defined  
 34 in subdivision 11 of section 2 of the public service law and electric  
 35 corporations as defined in subdivision 13 of section 2 of the public  
 36 service law, where such gas corporations and electric corporations have  
 37 gross revenues from intrastate utility operations in excess of \$500,000  
 38 in the preceding calendar year, and the total amount assessed shall be  
 39 allocated to each electric corporation and gas corporation in proportion  
 40 to its intrastate electricity and gas revenues in the calendar year  
 41 2023. Such amounts shall be excluded from the general assessment  
 42 provisions of subdivision 2 of section 18-a of the public service law.  
 43 The chair of the public service commission shall bill such gas and/or  
 44 electric corporations for such amounts on or before August 10, 2025 and  
 45 such amounts shall be paid to the New York state energy research and

1 development authority on or before September 10, 2025. Upon receipt,  
2 the New York state energy research and development authority shall  
3 deposit such funds in the energy research and development operating fund  
4 established pursuant to section 1859 of the public authorities law. The  
5 New York state energy research and development authority is authorized  
6 and directed to: (1) transfer up to \$4 million to the state general fund  
7 for climate change related services and expenses of the department of  
8 environmental conservation from the funds received; and (2) commencing  
9 in 2016, provide to the chair of the public service commission and the  
10 director of the budget and the chairs and secretaries of the legislative  
11 fiscal committees, on or before August first of each year, an itemized  
12 record, certified by the president and chief executive officer of the  
13 authority, or such chief executive officer's designee, detailing any and  
14 all expenditures and commitments ascribable to moneys received as a  
15 result of this assessment by the chair of the department of public  
16 service pursuant to section 18-a of the public service law. This item-  
17 ized record shall include an itemized breakdown of the programs being  
18 funded by this section and the amount committed to each program. The  
19 authority shall not commit for any expenditure, any moneys derived from  
20 the assessment provided for in this section, until the chair of such  
21 authority shall have submitted, and the director of the budget shall  
22 have approved, a comprehensive financial plan encompassing all moneys  
23 available to and all anticipated commitments and expenditures by such  
24 authority from any source for the operations of such authority. Copies  
25 of the approved comprehensive financial plan shall be immediately  
26 submitted by the chair to the chairs and secretaries of the legislative  
27 fiscal committees. Any such amount not committed by such authority to  
28 contracts or contracts to be awarded or otherwise expended by the  
29 authority during the fiscal year shall be refunded by such authority on  
30 a pro-rata basis to such gas and/or electric corporations, in a manner  
31 to be determined by the department of public service, and any refund  
32 amounts must be explicitly lined out in the itemized record described  
33 above.

34 § 1-a. The public authorities law is amended by adding a new section  
35 1874 to read as follows:

36 § 1874. Comprehensive electric vehicle fast charging station implemen-  
37 tation plan. 1. The authority, in consultation with the New York power  
38 authority, the department of transportation, the department of environ-  
39 mental conservation, the department of public service and the Fast  
40 Charge NY working group established pursuant to subdivision five of this  
41 section shall, no later than twenty-four months after the effective date  
42 of this section, develop a comprehensive electric vehicle fast charging  
43 station implementation plan to facilitate the deployment of fast elec-  
44 tric vehicle charging stations statewide. Such comprehensive electric  
45 vehicle fast charging plan shall incorporate the findings of the needs  
46 evaluation set forth in part QQ of chapter fifty-eight of the laws of  
47 two thousand twenty-four. As used in this section, the term "the plan"  
48 shall mean the comprehensive electric vehicle fast charging station  
49 implementation plan developed pursuant to this subdivision.

50 2. Such plan shall at a minimum include:

51 (a) methods to increase public availability;

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

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

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

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

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

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

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

16 (i) requirements for compliance with labor standards for the manufac-  
17 ture, construction, installation and maintenance of fast charging  
18 stations, including but not limited to Buy American provisions for  
19 component parts and manufacture of infrastructure related to the charg-  
20 ing stations, and prevailing wage pursuant to section two hundred twenty  
21 of the labor law for construction, installation and maintenance of fast  
22 charging stations.

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

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

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

39 (b) Members of the working group shall be reimbursed for their neces-  
40 sary and actual expenses incurred in the performance of their duties as  
41 members of the working group.

42 6. The authority shall update the plan annually.

43 § 1-b. Energy affordability study. 1. No later than April 1, 2026, the  
44 New York state energy research and development authority shall submit to  
45 the governor, temporary president of the senate, speaker of the assem-  
46 bly, and make public on its website, an update to the 2017 Low-to-Moder-  
47 ate-Income Market Characterization Study, which examined energy afford-  
48 ability in New York. The report shall include the most recently available  
49 data and include, at a minimum:

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

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

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

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

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

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

8 (v) the impact of utility costs related to the distribution of elec-  
9 tricity and gas; and,

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

12 (b) an evaluation and independent assessment of the impacts and effec-  
13 tiveness of existing major state and federal programs that are intended  
14 to reduce household energy burdens or promote energy affordability,  
15 including, but not limited to, the Energy Affordability Program, the  
16 Home Energy Affordability Program, the Renewable Energy Access and  
17 Community Help Program, the EmPower+ program and the EmPower+ affor-  
18 dability guarantee;

19 (c) an assessment of the impacts to energy affordability related to  
20 changes in statewide energy demand, including future energy demand fore-  
21 casts, and their interaction with national and global energy demand  
22 changes; and,

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

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

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

32 PART WW

33 Intentionally Omitted

34 PART XX

35 Section 1. Expenditures of moneys appropriated to the department of  
36 agriculture and markets from the special revenue funds-other/state oper-  
37 ations, miscellaneous special revenue fund-339, public service account  
38 shall be subject to the provisions of this section. Notwithstanding any  
39 other provision of law to the contrary, direct and indirect expenses  
40 relating to the department of agriculture and markets' participation in  
41 general ratemaking proceedings pursuant to section 65 of the public  
42 service law or certification proceedings or permits issued pursuant to  
43 article 7, 8, or 10 of the public service law, shall be deemed expenses  
44 of the department of public service within the meaning of section 18-a  
45 of the public service law. No later than August 15, 2026, the commis-  
46 sioner of the department of agriculture and markets shall submit an  
47 accounting of such expenses, including, but not limited to, expenses in  
48 the prior state fiscal year for personal and non-personal services and  
49 fringe benefits, to the chair of the public service commission for the  
50 chair's review pursuant to the provisions of section 18-a of the public  
51 service law.

1 § 2. Expenditures of moneys appropriated to the department of state  
2 from the special revenue funds-other/state operations, miscellaneous  
3 special revenue fund-339, public service account shall be subject to the  
4 provisions of this section. Notwithstanding any other provision of law  
5 to the contrary, direct and indirect expenses relating to the activities  
6 of the department of state's utility intervention unit pursuant to  
7 subdivision 4 of section 94-a of the executive law, including, but not  
8 limited to participation in general ratemaking proceedings pursuant to  
9 section 65 of the public service law or certification proceedings or  
10 permits issued pursuant to article 7, 8, or 10 of the public service  
11 law, shall be deemed expenses of the department of public service within  
12 the meaning of section 18-a of the public service law. No later than  
13 August 15, 2026, the secretary of state shall submit an accounting of  
14 such expenses, including, but not limited to, expenses in the prior  
15 state fiscal year for personal and non-personal services and fringe  
16 benefits, to the chair of the public service commission for the chair's  
17 review pursuant to the provisions of section 18-a of the public service  
18 law.

19 § 3. Expenditures of moneys appropriated to the office of parks,  
20 recreation and historic preservation from the special revenue funds-  
21 other/state operations, miscellaneous special revenue fund-339, public  
22 service account shall be subject to the provisions of this section.  
23 Notwithstanding any other provision of law to the contrary, direct and  
24 indirect expenses relating to the office of parks, recreation and  
25 historic preservation's participation in general ratemaking proceedings  
26 pursuant to section 65 of the public service law or certification  
27 proceedings or permits issued pursuant to article 7, 8, or 10 of the  
28 public service law, shall be deemed expenses of the department of public  
29 service within the meaning of section 18-a of the public service law.  
30 No later than August 15, 2026, the commissioner of the office of parks,  
31 recreation and historic preservation shall submit an accounting of such  
32 expenses, including, but not limited to, expenses in the prior state  
33 fiscal year for personal and non-personal services and fringe benefits,  
34 to the chair of the public service commission for the chair's review  
35 pursuant to the provisions of section 18-a of the public service law.

36 § 4. Expenditures of moneys appropriated to the department of environ-  
37 mental conservation from the special revenue funds-other/state oper-  
38 ations, environmental conservation special revenue fund-301, utility  
39 environmental regulation account shall be subject to the provisions of  
40 this section. Notwithstanding any other provision of law to the contra-  
41 ry, direct and indirect expenses relating to the department of environ-  
42 mental conservation's participation in state energy policy proceedings,  
43 or certification proceedings or permits issued pursuant to article 7, 8,  
44 or 10 of the public service law, shall be deemed expenses of the depart-  
45 ment of public service within the meaning of section 18-a of the public  
46 service law. No later than August 15, 2026, the commissioner of the  
47 department of environmental conservation shall submit an accounting of  
48 such expenses, including, but not limited to, expenses in the prior  
49 state fiscal year for personal and non-personal services and fringe  
50 benefits, to the chair of the public service commission for the chair's  
51 review pursuant to the provisions of section 18-a of the public service  
52 law.

53 § 5. Notwithstanding any other law, rule or regulation to the contra-  
54 ry, expenses of the department of health public service education  
55 program incurred pursuant to appropriations from the cable television  
56 account of the state miscellaneous special revenue funds shall be deemed

1 expenses of the department of public service. No later than August 15,  
2 2026, the commissioner of the department of health shall submit an  
3 accounting of expenses in the prior state fiscal year to the chair of  
4 the public service commission for the chair's review pursuant to the  
5 provisions of section 217 of the public service law.

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

10 § 7. This act shall take effect immediately and shall be deemed to  
11 have been in full force and effect on and after April 1, 2025 and shall  
12 expire and be deemed repealed April 1, 2026.

13 PART YY

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

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

22 § 2. Paragraph c of subdivision 1 of section 765 of the general busi-  
23 ness law, as amended by chapter 445 of the laws of 1995, is amended to  
24 read as follows:

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

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

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

1 deposited from the Northville settlement pursuant to section one hundred  
2 twenty-four of chapter three hundred nine of the laws of nineteen  
3 hundred ninety-six, provided however, that such moneys shall only be  
4 used for the cost of the purchase of private lands in the core area of  
5 the central Suffolk pine barrens pursuant to a consent order with the  
6 Northville industries signed on October thirteenth, nineteen hundred  
7 ninety-four and the related resource restoration and replacement plan,  
8 the amount of penalties required to be deposited therein by section  
9 71-2724 of the environmental conservation law, all moneys required to be  
10 deposited pursuant to article thirty-three of the environmental conser-  
11 vation law, all fees collected pursuant to subdivision eight of section  
12 70-0117 of the environmental conservation law, all moneys collected  
13 pursuant to title thirty-three of article fifteen of the environmental  
14 conservation law, beginning with the fiscal year commencing on April  
15 first, two thousand thirteen, nineteen million dollars, and all fiscal  
16 years thereafter, twenty-three million dollars plus all funds received  
17 by the state each fiscal year in excess of the greater of the amount  
18 received from April first, two thousand twelve through March thirty-  
19 first, two thousand thirteen or one hundred twenty-two million two  
20 hundred thousand dollars, from the payments collected pursuant to subdi-  
21 vision four of section 27-1012 of the environmental conservation law and  
22 all funds collected pursuant to section 27-1015 of the environmental  
23 conservation law, all moneys required to be deposited pursuant to  
24 sections 27-2805 and 27-2807 of the environmental conservation law, all  
25 moneys collected pursuant to section 71-2730 of the environmental  
26 conservation law, all moneys required to be deposited pursuant to  
27 section seven hundred sixty-five of the general business law, all moneys  
28 required to be deposited pursuant to section 27-3205 of the environ-  
29 mental conservation law, and all other moneys credited or transferred  
30 thereto from any other fund or source pursuant to law. All such revenue  
31 shall be initially deposited into the environmental protection fund, for  
32 application as provided in subdivision five of this section.

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

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

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

47 PART ZZ

48 Intentionally Omitted

49 PART AAA

50 Intentionally Omitted

1

## PART BBB

2 Section 1. Legislative intent. Pursuant to 2 U.S.C. § 2131, every  
3 state is invited to provide and furnish to the United States Capitol two  
4 statues, in marble or bronze, of deceased persons who were distinguished  
5 and prominent citizens of the state for placement in the National Statu-  
6 ary Hall Collection. New York is currently represented in the National  
7 Statuary Hall Collection at the United States Capitol by Robert R.  
8 Livingston and George Clinton, statues which were placed there in the  
9 1870s.

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

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

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

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

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

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

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

48

## PART CCC

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

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

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

5 § 3. 1. The task force shall consist of sixteen members as follows:

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

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

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

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

14 iv. a representative from the financial services industry;

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

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

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

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

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

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

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

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

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

37 5. The task force may consult with any organization, government enti-  
38 ty, or person, in the development of its report required under section  
39 four of this act.

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

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

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

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

50 c. the number of exchanges operating in New York state and their aver-  
51 age monthly trade volume;

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

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

- 1 f. the energy consumption necessary for coin mining operations and
  - 2 other policy considerations related thereto;
  - 3 g. the environmental impact of coin mining operations;
  - 4 h. the transparency of the digital currency marketplace and the
  - 5 related potential of market manipulation and other illegal activities;
  - 6 i. a review of laws and regulations on digital currency used by other
  - 7 states, the federal government, foreign countries, and foreign political
  - 8 and economic unions to regulate the marketplace; and
  - 9 j. legislative and regulatory recommendations, if any, to increase
  - 10 transparency and security, enhance consumer protections, and to address
  - 11 the long-term impact related to the use of cryptocurrency.
- 12 § 5. This act shall take effect immediately and shall expire December
- 13 15, 2027 when upon such date the provisions of this act shall be deemed
- 14 repealed.

PART DDD

16 Section 1. Section 1 of chapter 174 of the laws of 1968, constituting

17 the New York state urban development corporation act, is amended by

18 adding a new section 16-jj to read as follows:

19 § 16-jj. Adult-use cannabis cultivator and microbusiness revolving

20 loan fund program. 1. The adult-use cannabis cultivator and microbusi-

21 ness revolving loan fund program is hereby created. The corporation is

22 authorized, subject to available appropriations, to provide low interest

23 or zero interest loans to a duly licensed adult-use cannabis cultivator

24 ("cultivator") or adult-use cannabis microbusiness ("microbusiness")

25 pursuant to article 4 of the cannabis law.

26 2. In order for a cultivator or microbusiness to be eligible to

27 receive program funds, they must be duly licensed pursuant to article 4

28 of the cannabis law. The corporation shall show preference in providing

29 loans to cultivators and microbusinesses who had once held an adult-use

30 conditional cultivator license as approved by the cannabis control board

31 pursuant to chapter 18 of the laws of 2022 and chapter 135 of the laws

32 of 2023.

33 3. Loans from the adult-use cannabis cultivator and microbusiness

34 revolving loan fund program may be used for, but shall not be limited

35 to: (a) working capital; (b) the acquisition and/or improvement of real

36 property; (c) the acquisition of machinery and equipment, property or

37 process improvement; or (d) the refinancing of debt obligations related

38 to expenses incurred while licensed as an adult-use conditional cultiva-

39 tor pursuant to chapter 18 of the laws of 2022 and chapter 135 of the

40 laws of 2023.

41 4. The principal amount of each individual loan allocated pursuant to

42 the adult-use cannabis cultivator and microbusiness revolving loan fund

43 program shall not exceed one hundred thousand dollars.

44 (a) Such loan agreements shall outline the terms and conditions for

45 loans that are below the prime interest rate or at zero interest to

46 eligible licensed cultivators or microbusinesses. Such loan agreements,

47 at a minimum, shall require that: (i) loans authorized under this

48 section shall not exceed five years in length; (ii) loans authorized

49 under this section shall not be granted to licensed cultivators or

50 microbusinesses who hold an outstanding balance from a previous loan

51 authorized pursuant to this section; (iii) only one loan shall be

52 authorized by this section for licensed cultivators or microbusinesses

53 that co-locate at a single location; and (iv) the proceeds, if any, from

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

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

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

19 § 2. This act shall take effect immediately.

20 PART EEE

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

23 § 27-1213. Mitigation of contaminants in private wells.

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

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

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

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

43 c. Private well owners who have received a test result from an accred-  
44 ited laboratory showing a maximum contaminant, action, or notification  
45 level exceedance of an emerging contaminant.

46 3. For the purposes of this section:

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

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

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

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

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

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

11 7. For purposes of this section, "private well" shall mean any perma-  
12 rently installed water well, including any source, collection, pumping,  
13 treatment, transmission, storage, and distribution systems used in  
14 connection with such water well, which provides water to a private resi-  
15 dence for potable purposes, and which is not owned or operated in  
16 connection with any public water supply system.

17 § 2. This act shall take effect immediately.

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

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