

STATE OF NEW YORK

9008--B

IN SENATE

January 21, 2026

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

AN ACT to amend part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part A); to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof (Part B); to amend the vehicle and traffic law in relation to requiring the completion of the motorcycle rider safety course to obtain a motorcycle license (Part C); to amend the vehicle and traffic law and the general municipal law, in relation to requiring the installation of intelligent speed assistance devices for repeated violation of maximum speed limits; and providing for the repeal of such provisions upon expiration thereof (Part D); to amend the vehicle and traffic law, in relation to allowing for-hire autonomous vehicles outside of New York City; to amend part FF of chapter 55 of the laws of 2017, relating to motor vehicles equipped with autonomous vehicle technology, in relation to the effectiveness thereof (Part E); to amend the penal law, in relation to penalties for violence against highway workers; and to amend the vehicle and traffic law, in relation to license suspension for certain crimes against highway workers and establishing new penalties for intrusion into an active work zone (Part F); to amend the vehicle and traffic law, in relation to expanding the automated work zone speed enforcement program to include additional New York roadways (Part G); 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 incre-

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

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ment financing provisions (Part H); authorizing the Metropolitan Transportation Authority to conduct environmental reviews under the State Environmental Quality Review Act for the crosstown extension of the Second Avenue Subway project in two stages (Part I); to amend the agriculture and markets law, in relation to dairy promotion and marketing of agricultural products in New York state; and to repeal sections 16-x, 16-y and 16-z of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, in relation thereto (Part J); to amend the tax law, in relation to extending the refundability of the investment tax credit for farmers (Part K); to amend the public authorities law, the public service law and the real property law, in relation to the green jobs-green New York program (Part L); intentionally omitted (Part M); to amend the public service law, in relation to executive compensation disclosure by gas, electric, steam and water-works corporations; limiting retention of revenues derived from their actual return on equity in excess of authorized rates of return; prohibiting public utilities from using funds for certain activities (Part N); to amend the public service law, in relation to procedures for new rates or charges proposed by utilities (Part O); to amend the public service law, in relation to establishing an energy affordability index (Part P); to amend the real property law and the public service law, in relation to prohibiting utility service terminations in multiple dwellings (Part Q); to amend the environmental conservation law and the public housing law, in relation enacting the "sustainable housing and sprawl prevention act" (Part R); to amend the environmental conservation law, in relation to removing the statutory caps on rebates for certain infrastructure projects and vehicle purchases by municipalities (Part S); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part T); in relation to authorizing the trustees of the state university of New York to lease and contract to make available certain land on the state university of New York at Farmingdale's campus (Subpart A); in relation to authorizing the trustees of the state university of New York to lease and contract to make available certain land on the state university of New York at Stony Brook's campus (Subpart B); and in relation to authorizing the lease of certain lands at SUNY college of environmental science and forestry for the purpose of building undergraduate and graduate student housing (Subpart C) (Part U); 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 V); 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 W); to amend the general business law, in relation to requiring synthetic content creations system providers to include provenance data on synthetic content produced or modified by a synthetic content creations system that the synthetic content creations system provider makes available (Part X); to amend the general business law, in relation to establishing the "Safe by Design Act" (Part Y); intentionally omitted (Part Z); to amend the general business law, in relation to enacting the "data broker accountability act" (Part AA); to amend the insurance law, in

relation to premium increase explanations (Part BB); to amend the insurance law, in relation to the determination of a benchmark loss ratio for homeowners' insurance (Part CC); to amend the insurance law, in relation to insurance discounts for real property (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); to amend the insurance law, in relation to requiring annual reports on insurance for multi-family buildings (Part GG); to amend the insurance law, in relation to the annual consumer guide of health insurers (Subpart A); to amend the insurance law and the public health law, in relation to ongoing treatment by an out-of-network provider during pregnancy (Subpart B); to amend the insurance law, in relation to accessible formulary drug lists (Subpart C); and to amend the insurance law and the public health law, in relation to utilization reviews for treatment for a chronic health condition (Subpart D) (Part HH); to amend the insurance law, in relation to providing motor vehicle liability, comprehensive and collision insurance premium deductions for the installation of a dashboard camera (Part II); to amend the general business law and the civil practice law and rules, in relation to protecting private education loan borrowers and cosigners (Part JJ); to amend the insurance law, in relation to extending the policy period for excess profit refunds to motor vehicle policyholders (Part KK); 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 LL); intentionally omitted (Part MM); in relation to enacting the "Long Island MacArthur Airport terminal and rail integration project act" (Part NN); to amend the public authorities law, in relation to authorizing the New York state environmental facilities corporation to award grants and loans to non-public entities for certain water quality projects (Part OO); to amend the New York state urban development corporation act, in relation to enacting the food retail establishment subsidization for healthy communities (FRESH Communities) act (Part PP); to amend the executive law, in relation to enacting the "climate resilient New York act of 2026" (Part QQ); to amend the public authorities law, in relation to establishing the zero-emission vehicles rebate program; and providing for the repeal of such provisions upon expiration thereof (Part RR); to amend the public service law, in relation to utility intervenor reimbursement; and to amend the state finance law, in relation to establishing the utility intervenor account (Part SS); to amend the public authorities law, in relation to directing the New York state energy research and development authority to establish a ride clean rebate program (Part TT); to direct the department of financial services to conduct a study on the banking development district program and to make recommendations to improve such program (Part UU); to amend the environmental conservation law, in relation to the availability of technical assistance grants in brownfield site remedial programs (Part VV); to amend the environmental conservation law, in relation to environmental restoration projects; and to repeal certain provisions of such law relating thereto (Part WW); to amend the environmental conservation law, in relation to the management of PFAS in biosolids; and to amend the agriculture and markets law and the state finance law, in relation to establishing the PFAS agricultural response program and the agricultural PFAS response Fund (Part XX); to amend the environmental conservation law, in relation to directing the department of environmental conservation to establish a perfluoroalkyl

and polyfluoroalkyl substances removal treatment installation grant program and a perfluoroalkyl and polyfluoroalkyl substances removal treatment maintenance rebate program (Part YY); to amend the public authorities law, in relation to a ten percent fare rate reduction program in the metropolitan transportation authority for veterans (Part ZZ); enacting the one city, one fare act (Part AAA); to amend the public authorities law, in relation to limiting certain fees and fines for tolls charged by a public authority (Part BBB); to amend the transportation law, in relation to maximum grant awards for airport improvement and revitalization (Part CCC); to amend the vehicle and traffic law, in relation to fines imposed for failure to exercise due care and move over when approaching parked, stopped or standing motor vehicles on the shoulder of a highway (Part DDD); to amend the vehicle and traffic law, in relation to increasing penalties for certain speed violations (Part EEE); to amend the public authorities law, in relation to tickets purchased for the Long Island Rail Road and the Metro-North Commuter Railroad Company (Part FFF); to amend the public authorities law, in relation to directing the New York state energy research and development authority to establish a heat pump rebate program; and providing for the repeal of such provisions upon the expiration thereof (Part GGG); to amend the financial services law, in relation to establishing the office of digital innovation, governance, integrity and trust (Part HHH); to amend the environmental conservation law and the public service law, in relation to enacting the accelerate solar for affordable power (ASAP) act (Part IIII); 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 Rochester-Genesee Regional Transportation District and adding Yates County to such District (Part JJJ); to amend the public authorities law, in relation to requiring the metropolitan transportation authority to publish certain information pertaining to capital project data for projects that are committed for construction on the capital program dashboard (Part KKK); to amend the agriculture and markets law, in relation to establishing farm security resiliency grant awards for farm employers who have suffered eligible losses as a result of eligible weather conditions or events (Part LLL); to amend the transportation law, in relation to a state transportation plan (Part MMM); to amend the public service law, in relation to establishing the excelsior power program (Part NNN); and to amend the vehicle and traffic law, in relation to school bus stop-arm cameras (Part OOO)

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 2026-2027 state fiscal
4 year. Each component is wholly contained within a Part identified as
5 Parts A through OOO. 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

1 which it is found. Section three of this act sets forth the general
2 effective date of this act.

3 PART A

4 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003,
5 amending the vehicle and traffic law and other laws relating to increas-
6 ing certain motor vehicle transaction fees, as amended by section 1 of
7 part G of chapter 58 of the laws of 2024, is amended to read as follows:

8 § 13. This act shall take effect immediately; provided however that
9 sections one through seven of this act, the amendments to subdivision 2
10 of section 205 of the tax law made by section eight of this act, and
11 section nine of this act shall expire and be deemed repealed on April 1,
12 ~~2026~~ 2028; provided further, however, that the provisions of section
13 eleven of this act shall take effect April 1, 2004 and shall expire and
14 be deemed repealed on April 1, ~~2026~~ 2028.

15 § 2. Section 2 of part B of chapter 84 of the laws of 2002, amending
16 the state finance law relating to the costs of the department of motor
17 vehicles, as amended by section 2 of part G of chapter 58 of the laws of
18 2024, is amended to read as follows:

19 § 2. This act shall take effect April 1, 2002; provided, however, if
20 this act shall become a law after such date it shall take effect imme-
21 diately and shall be deemed to have been in full force and effect on and
22 after April 1, 2002; provided further, however, that this act shall
23 expire and be deemed repealed on April 1, ~~2026~~ 2028.

24 § 3. This act shall take effect immediately.

25 PART B

26 Section 1. Section 5 of chapter 751 of the laws of 2005, amending the
27 insurance law and the vehicle and traffic law relating to establishing
28 the accident prevention course internet technology pilot program, as
29 amended by section 1 of part F of chapter 58 of the laws of 2024, is
30 amended to read as follows:

31 § 5. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law and shall expire and be deemed repealed April
33 1, ~~2026~~ 2028; provided that any rules and regulations necessary to
34 implement the provisions of this act on its effective date are author-
35 ized and directed to be completed on or before such date.

36 § 2. This act shall take effect immediately.

37 PART C

38 Section 1. Subdivision 4 of section 502 of the vehicle and traffic law
39 is amended by adding a new paragraph (i) to read as follows:

40 (i) Motorcycle rider safety course. Upon submission of an application
41 for a class M license, the applicant shall submit proof to the commis-
42 sioner of the applicant's successful completion of the motorcycle rider
43 safety course established and administered pursuant to section four
44 hundred ten-a of this chapter. The completion of the motorcycle rider
45 safety course required herein shall supplement, and not substitute, the
46 course requirement of subparagraph (i) of paragraph (a) of this subdivi-
47 sion and shall only apply to class M license applicants who have neither
48 previously held a class M license issued by the commissioner nor a
49 motorcycle license issued in another state as it is defined by section
50 five hundred sixteen of this title.

1 § 2. This act shall take effect one year after it shall have become a
2 law.

3 PART D

4 Section 1. The vehicle and traffic law is amended by adding a new
5 section 119-c to read as follows:

6 § 119-c. Intelligent speed assistance device. A device which is
7 installed in a motor vehicle and utilizes technology to limit the speed
8 of a motor vehicle at five miles per hour more than the maximum speed
9 limits established pursuant to title eight and article thirty of this
10 chapter. The technology shall allow for slight acceleration past the
11 speed limit, if necessary, based on traffic conditions.

12 § 2. Subdivision (h) of section 1180 of the vehicle and traffic law is
13 amended by adding a new paragraph 6 to read as follows:

14 6. (i) Upon a conviction or convictions for any violation or set of
15 violations of section eleven hundred eighty-two of this article or
16 subdivision (b), (c), (d), (f) or (g) of this section which results in
17 an accumulation of eleven or more points on the driving record of any
18 person for violations of such subdivisions that occurred during the
19 preceding eighteen month period, the commissioner shall, in addition to
20 the imposition of any fine or period of imprisonment or sanction set
21 forth in this chapter, order a hearing by the administrative tribunal
22 created pursuant to article two-A of this chapter, or by a traffic
23 violations bureau created pursuant to section three hundred seventy of
24 the general municipal law, or, if there be none, by the court having
25 jurisdiction over traffic infractions where the violation occurred or
26 over a criminal charge relating to traffic or a traffic infraction to
27 determine whether such person shall install and maintain an intelligent
28 speed assistance device under this paragraph. The procedure of such
29 hearing shall be governed by the provisions of the applicable law or
30 regulation that govern such tribunal, bureau, or court. Whenever the
31 tribunal, bureau or court finds, after such hearing, that such person
32 has accumulated eleven or more points within the preceding eighteen
33 month period, the tribunal, bureau or court shall order the installment
34 of an intelligent speed assistance device in any motor vehicle owned or
35 operated by such person for a minimum period of time as prescribed in
36 subparagraph (iii) of this paragraph. The person shall then provide
37 proof of installation as outlined in subparagraph (iv) of this paragraph
38 and pursuant to such order. The period of time prescribed in subpara-
39 graph (iii) of this paragraph shall commence on the date of the instal-
40 lation of the intelligent speed assistance device.

41 (ii) (A) Upon the finding of vehicle owner liability for failure of an
42 operator to comply with certain posted maximum speed limits through a
43 photo speed violation monitoring system pursuant to section eleven
44 hundred eighty-b of this article, where such person has been found
45 liable for notices of liability for no less than sixteen notices of
46 liability for such vehicle for failure to comply with such limits within
47 the past twelve months, the commissioner shall order a hearing by the
48 administrative tribunal created pursuant to article two-A of this chap-
49 ter to determine whether such person shall install and maintain an
50 intelligent speed assistance device under this paragraph. The procedure
51 of such hearing shall be governed by the provisions of the applicable
52 law or regulation. Whenever the tribunal finds, after such hearing, that
53 such person has been found liable for notices of liability for no less
54 than sixteen notices of liability within the past twelve months, the

1 tribunal shall order the installment of an intelligent speed assistance
2 device in any motor vehicle owned or operated by such person for a mini-
3 imum period of time as prescribed in subparagraph (iii) of this para-
4 graph. The person shall then provide proof of installation as outlined
5 in subparagraph (iv) of this paragraph and pursuant to such order. The
6 period of time prescribed in subparagraph (iii) of this paragraph shall
7 commence on the date of the installation of the intelligent speed
8 assistance device.

9 (B) Notwithstanding any provisions of this paragraph to the contrary,
10 where a municipality does not utilize a photo speed violation monitoring
11 system pursuant to section eleven hundred eighty-b of this title, such
12 municipality may require the installation of an intelligent speed
13 assistance device under this paragraph for the top one percent of
14 persons who receive notices of liability for failure to comply with
15 posted maximum speed limits as documented through the use of a photo
16 speed violation-monitoring system. Where a person has been found liable
17 for sufficient notices of liability at such threshold for failure to
18 comply with such limits within the past twelve months, the commissioner
19 shall order a hearing by the traffic violations bureau created pursuant
20 to section three hundred seventy of the general municipal law, or, if
21 there be none, by the court having jurisdiction over traffic infractions
22 where the violation occurred or over a criminal charge related to traf-
23 fic or a traffic infraction, to determine whether such person shall
24 install and maintain an intelligent speed assistance device under this
25 paragraph. The procedure of such hearing shall be governed by the
26 provisions of the applicable law or regulation. Whenever the tribunal
27 finds, after such hearing, that such person has been found liable for
28 such notices of liability within the past twelve months, the tribunal
29 shall order the installment of an intelligent speed assistance device in
30 any motor vehicle owned or operated by such person for the minimum peri-
31 od of time as prescribed in subparagraph (iii) of this paragraph. The
32 person shall then provide proof of installation as outlined in subpara-
33 graph (iv) of this paragraph and pursuant to such order. The period of
34 time prescribed in subparagraph (iii) of this paragraph shall commence
35 on the date of the installation of the intelligent speed assistance
36 device.

37 (iii) Where a person is mandated to install an intelligent speed
38 assistance device for the first time under this subdivision, such person
39 shall be required to install such device in any motor vehicle owned or
40 operated by such person for a period of twelve months. At the conclusion
41 of the twelve-month period, provided that the person has successfully
42 completed the term of installation with no further violations described
43 in subparagraph (i) or (ii) of this paragraph, the commissioner shall
44 provide a letter authorizing the removal of such device. Where a person
45 is mandated to install an intelligent speed assistance device a second
46 time under this subdivision within ten years of completing the first
47 term of installation, such person shall be required to install such
48 device in any motor vehicle owned or operated by such person for a peri-
49 od of twenty-four months. At the conclusion of the twenty-four month
50 period, provided that the person has successfully completed the term of
51 installation with no further violations described in subparagraph (i) or
52 (ii) of this paragraph, the commissioner shall provide a letter author-
53 izing the removal of such device. Where a person is mandated to install
54 an intelligent speed assistance device a third time under this subdivi-
55 sion within fifteen years of completing the first term of installation,
56 such person shall be required to install such device in any motor vehi-

1 cle owned or operated by such person for a period of thirty-six months.
2 A person who is mandated to install an intelligent speed assistance
3 device for a fourth or subsequent time under this subparagraph shall not
4 remove such device until such time as the commissioner approves such
5 removal.

6 (iv) Proof of installation of a speed limiter required under this
7 paragraph shall occur within ten days of the tribunal, bureau or court
8 order described in subparagraphs (i) and (ii) of this paragraph.

9 (v) The cost of installing, leasing, maintaining, and removing an
10 intelligent speed assistance device shall be borne by the person subject
11 to the tribunal, bureau or court order described in subparagraphs (i)
12 and (ii) of this paragraph, unless such tribunal, bureau or court deter-
13 mines that such person is unable to financially afford the cost of the
14 device, in which case such cost may be imposed pursuant to payment plan
15 or waived. A person shall be presumptively unable to afford the cost of
16 the device if they receive public assistance benefits under the social
17 services law. Within thirty days after the initial installation of an
18 intelligent speed assistance device, the device shall be inspected by a
19 qualified service center to ensure the device is properly installed. The
20 commissioner shall promulgate regulations governing the monitoring of
21 compliance by the department of persons ordered to install and maintain
22 intelligent speed assistance devices.

23 (vi) At the end of the required installation period a device shall be
24 returned to the qualified service provider that installed the device.
25 If deemed to be in working order after being returned to such qualified
26 service provider, the device may be installed on any other motor vehicle
27 required to have such device installed under this paragraph.

28 (vii) The commissioner shall create a list of approved intelligent
29 speed assistance devices and update such list no less that once every
30 two years. Approved intelligent speed assistance devices must be capa-
31 ble of accurately detecting speed limits across road and weather condi-
32 tions, and the commissioner may promulgate any rules and regulations
33 necessary to further ensure that devices operate reliably.

34 (viii) The commissioner shall create a list of service providers which
35 are qualified to install, service, inspect, and remove approved intelli-
36 gent speed assistance devices and shall update such list no less than
37 once every two years.

38 (ix) (A) The commissioner shall promulgate regulations governing the
39 monitoring of compliance by the department of persons ordered to install
40 and maintain intelligent speed assistance devices, including but not
41 limited to reporting by the vendor of the intelligent speed assistance
42 device on tampering, unauthorized removal, or other similar violations.

43 (B) The commissioner shall promulgate regulations concerning data
44 privacy and protection. Notwithstanding any other provision of law to
45 the contrary, all trip data, personal information, images, videos, and
46 other recorded images collected by a provider or any affiliate pursuant
47 to this chapter shall be for the exclusive use of such provider and
48 tribunal, bureau or court in order to implement this section, and shall
49 not be sold, distributed, transferred or otherwise made accessible to
50 any person or entity except where strictly necessary for one or more of
51 the following:

52 (i) to the person who is the subject of such data information or
53 record;

54 (ii) to respond to, process, facilitate, adjust, or defend an insur-
55 ance claim;

1 (iii) to investigate, establish, exercise, prepare for, or defend
2 legal claims; or

3 (iv) if necessary to comply with a lawful court order, judicial
4 warrant signed by a judge appointed pursuant to article three of the
5 United States Constitution, or subpoena for individual data, information
6 or records properly issued pursuant to the criminal procedure law or the
7 civil practice law and rules.

8 (x) The commissioner shall develop a method by which a peace officer
9 may easily determine by visual inspection whether an intelligent speed
10 assistance device is installed in a motor vehicle. For the purposes of
11 this subdivision, "peace officer" has the same meaning as in section
12 2.10 of the criminal procedure law.

13 (xi) (A) No person shall tamper with or circumvent an otherwise
14 operable intelligent speed assistance device.

15 (B) No person subject to the order described in subparagraph (i) or
16 (ii) of this paragraph shall operate a motor vehicle without such
17 device, including but not limited to operating a motor vehicle without
18 the ordered device after the ten day installation period.

19 (C) No vehicle owner shall operate, or permit another person to oper-
20 ate, a motor vehicle that they own without an intelligent speed assist-
21 ance device when such vehicle is mandated to have such device.

22 (D) In addition to any other provisions of law, any person convicted
23 of a violation of clause (A), (B) or (C) of this subparagraph shall be
24 guilty of a class A misdemeanor.

25 (xii) A violation of any provision of this paragraph, or a finding
26 that any person has assisted a driver to violate this paragraph, may be
27 charged with a class A misdemeanor.

28 (xiii) This paragraph shall not apply to motor vehicles operated by a
29 person subject to an order to install and maintain an intelligent speed
30 assistance device as described in subparagraph (i) or (ii) of this para-
31 graph where such person is required to operate such vehicle in the
32 course and scope of such person's employment and such vehicle is owned
33 by such person's employer. A motor vehicle owned by a business entity
34 where such business entity is owned or partly owned or controlled by a
35 person otherwise subject to a court ordered intelligent speed assistance
36 device under this paragraph is not a motor vehicle owned by the
37 employer for purposes of the exemption provided in this subpara-
38 graph.

39 (xiv) (A) The commissioner shall submit a report every twenty-four
40 months on the results of the use of the program to the governor, the
41 temporary president of the senate and the speaker of the assembly begin-
42 ning on or before June first next succeeding the effective date of this
43 paragraph. Such report shall include without limitation the following
44 information:

45 (1) Number of individuals actively required to have intelligent speed
46 assistance devices installed in motor vehicles they own or operate on an
47 annual basis, disaggregated by the number of individuals required to
48 install intelligent speed assistance devices under subparagraph (i) of
49 this paragraph and the number of individuals required to install intel-
50 ligent speed assistance devices for failure to comply with certain post-
51 ed maximum speed limits through a photo speed violation monitoring
52 system under subparagraph (ii) of this paragraph.

53 (2) Number of motor vehicles required to have intelligent speed
54 assistance devices installed on an annual basis.

55 (3) Number of fee waivers approved to waive the entire fee for
56 installing an intelligent speed assistance device on an annual basis.

1 (4) Number of individuals placed on a payment plan for an intelligent
2 speed assistance device on an annual basis.

3 (B) To the extent the information is maintained by the department of
4 motor vehicles in this state, the report shall include the following
5 information about the intelligent speed assistance device program under
6 this paragraph, on an annual basis:

7 (1) Number of speeding tickets issued to individuals with intelligent
8 speed assistance devices installed.

9 (2) Number of other traffic infractions committed by individuals with
10 intelligent speed assistance devices installed, organized by category or
11 type of traffic infraction.

12 (3) Number of reported accidents involving individuals with intelli-
13 gent speed assistance devices installed.

14 (4) Number of known individuals who have not complied with the
15 provisions of this paragraph, separated by three categories: not
16 initially installing a device as required, removing the device before a
17 follow-up inspection, and being cited for not having a device properly
18 installed during a traffic stop.

19 (C) Such report shall also be made publicly available on the depart-
20 ment of transportation and department of motor vehicles websites.

21 (xv) The commissioner may promulgate any rules and regulations neces-
22 sary to implement the provisions of this paragraph.

23 § 3. The purchase or lease of equipment for a demonstration program
24 established pursuant to paragraph 6 of subdivision (h) of section 1180
25 of the vehicle and traffic law, as added by section two of this act,
26 shall be subject to the provisions of section 103 of the general municip-
27 al law.

28 § 4. The section heading and paragraph (c) of subdivision 1 of section
29 514 of the vehicle and traffic law, the section heading as amended by
30 chapter 406 of the laws of 2001 and paragraph (c) of subdivision 1 as
31 amended by chapter 892 of the laws of 1983, are amended to read as
32 follows:

33 Certifying convictions, findings of liability, forfeitures and nonap-
34 pearances to the commissioner and recording convictions and findings of
35 liability.

36 (c) Notwithstanding the provisions of paragraphs (a) and (b) of this
37 subdivision, the commissioner may prescribe time limitations for the
38 reporting of judgments of conviction or findings of liability and trans-
39 mission of such license that are longer than those prescribed by this
40 section for any courts to which this section is applicable.

41 § 5. Subdivision 3 of section 241 of the vehicle and traffic law, as
42 added by chapter 437 of the laws of 1979, is amended to read as follows:

43 3. A judgment entered pursuant to the provisions of this section shall
44 remain in full force and effect for eight years notwithstanding any
45 other provision of law. Upon entry of a final determination imposing
46 monetary liability upon a person as a motor vehicle owner for a
47 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
48 eighty of this chapter pursuant to a demonstration program established
49 pursuant to section eleven hundred eighty-b, eleven hundred eighty-e,
50 eleven hundred eighty-f, eleven hundred eighty-g, or eleven hundred
51 eighty-h of this chapter in jurisdictions using a parking violations
52 bureau, the hearing examiner or clerk thereof shall within fifteen days
53 certify the finding of liability to the commissioner in such form and in
54 such manner as may be prescribed by the commissioner, who shall record
55 the same in their office. If any such finding of liability shall be
56 reversed upon appeal therefrom, or shall be vacated, or set aside, the

1 person whose finding of liability has been so reversed, vacated, or set
2 aside may serve on the commissioner a certified copy of the appropriate
3 order and the commissioner shall thereupon record the same in connection
4 with the record of such finding of liability. Provided, however, that
5 the commissioner may prescribe time limitations for the reporting of
6 judgments or findings of liability regarding the imposition of monetary
7 liability upon a person as a motor vehicle owner for a violation of
8 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
9 this chapter pursuant to a demonstration program established pursuant to
10 section eleven hundred eighty-b, eleven hundred eighty-e, eleven hundred
11 eighty-f, eleven hundred eighty-g, or eleven hundred eighty-h of this
12 chapter that are longer than those prescribed by this section for any
13 bureau to which this section is applicable.

14 § 6. Section 373 of the general municipal law, as added by chapter 530
15 of the laws of 1932, and as renumbered by chapter 281 of the laws of
16 1934, is amended to read as follows:

17 § 373. Records. A traffic violations bureau as herein authorized shall
18 keep a record of all violations of which each person has been guilty,
19 whether such guilt was established in court or in the bureau, and also a
20 record of all fines collected and the disposition thereof. It shall also
21 perform such other or additional duties and keep such other or addi-
22 tional records as shall be prescribed by the court and/or the local
23 legislative body. Upon a judgment of conviction of any person for any
24 violation or set of violations of subdivision (b), (c), (d), (f) or
25 (g) of section eleven hundred eighty or section eleven hundred eighty-
26 two of the vehicle and traffic law or, in jurisdictions using a traffic
27 violations bureau, a final determination imposing monetary liability
28 upon a person as a motor vehicle owner for a violation of subdivision
29 (b), (d), (f) or (g) of section eleven hundred eighty of the vehicle and
30 traffic law pursuant to a demonstration program established pursuant to
31 section eleven hundred eighty-e, eleven hundred eighty-f, eleven hundred
32 eighty-g, or eleven hundred eighty-h of the vehicle and traffic law, the
33 court or bureau or clerk thereof shall within fifteen days certify the
34 facts of the case to the commissioner of the department of motor vehi-
35 cles in such form and in such manner as may be prescribed by such
36 commissioner, who shall record the same in their office. Such certifi-
37 cate shall be presumptive evidence of the facts recited therein. If any
38 such conviction shall be reversed upon appeal therefrom, or shall be
39 vacated or set aside, the person whose conviction has been so reversed,
40 vacated, or set aside may serve on the commissioner a certified copy of
41 the appropriate order and such commissioner shall thereupon record the
42 same in connection with the record of such conviction. Provided, howev-
43 er, that such commissioner may prescribe time limitations for the
44 reporting of judgments of conviction and transmission of such license
45 that are longer than those prescribed by this section for any courts or
46 bureaus to which this section is applicable.

47 § 7. This act shall take effect on the one hundred eightieth day after
48 it shall have become a law and shall expire ten years after it shall
49 have become a law; provided, however, that subparagraph (ii) of para-
50 graph 6 of subdivision (h) of section 1180 of the vehicle and traffic
51 law, as added by section two of this act, shall take effect one year
52 after such effective date.

1 Section 1. Section 3 of part FF of chapter 55 of the laws of 2017,
2 relating to motor vehicles equipped with autonomous vehicle technology,
3 as amended by section 1 of part J of chapter 58 of the laws of 2024, is
4 amended to read as follows:

5 § 3. This act shall take effect April 1, 2017; provided, however, that
6 section one of this act shall expire and be deemed repealed April 1,
7 [~~2026~~] 2028.

8 § 2. This act shall take effect immediately.

9

PART F

10 Section 1. Subdivision 11 of section 120.05 of the penal law, as
11 amended by section 2 of part Z of chapter 55 of the laws of 2024, is
12 amended to read as follows:

13 11. With intent to cause physical injury to a train operator, ticket
14 inspector, conductor, signalperson, bus operator, station agent, station
15 cleaner, terminal cleaner, station customer assistant, traffic checker;
16 person whose official duties include the sale or collection of tickets,
17 passes, vouchers, or other revenue payment media for use on a train,
18 bus, or ferry the collection or handling of revenues therefrom; a person
19 whose official duties include the construction, maintenance, repair,
20 inspection, troubleshooting, testing or cleaning of buses or ferries, a
21 transit signal system, elevated or underground subway tracks, transit
22 station or transportation structure, including fare equipment, esca-
23 lators, elevators and other equipment necessary to passenger service,
24 commuter rail tracks or stations, train yard, revenue train in passenger
25 service, a ferry station, or a train or bus station or terminal, or any
26 roadways, walkways, tunnels, bridges, tolling facilities or their
27 supporting systems, buildings or structures; or a supervisor of such
28 personnel, employed by any transit or commuter rail agency, authority or
29 company, public or private, whose operation is authorized or established
30 by New York state or any of its political subdivisions, a city marshal,
31 a school crossing guard appointed pursuant to section two hundred
32 eight-a of the general municipal law, a traffic enforcement officer,
33 traffic enforcement agent, motor vehicle license examiner, motor vehicle
34 representative, automotive facilities inspector, highway worker as
35 defined in section one hundred eighteen-a of the vehicle and traffic
36 law, motor carrier investigator as defined in section one hundred twen-
37 ty-four-a of the vehicle and traffic law, motor vehicle inspector as
38 defined in section one hundred twenty-four-b of the vehicle and traffic
39 law, prosecutor as defined in subdivision thirty-one of section 1.20 of
40 the criminal procedure law, sanitation enforcement agent, New York city
41 sanitation worker, public health sanitarian, New York city public health
42 sanitarian, registered nurse, licensed practical nurse, emergency
43 medical service paramedic, or emergency medical service technician, [~~he~~
44 ~~or she~~] such person causes physical injury to such train operator, tick-
45 et inspector, conductor, signalperson, bus operator, station agent,
46 station cleaner, terminal cleaner, station customer assistant, traffic
47 checker; person whose official duties include the sale or collection of
48 tickets, passes, vouchers or other revenue payment media for use on a
49 train, bus, or ferry or the collection or handling of revenues there-
50 from; a person whose official duties include the construction, mainte-
51 nance, repair, inspection, troubleshooting, testing or cleaning of buses
52 or ferries, a transit signal system, elevated or underground subway
53 tracks, transit station or transportation structure, including fare
54 equipment, escalators, elevators and other equipment necessary to

1 passenger service, commuter rail tracks or stations, train yard, revenue
2 train in passenger service, a ferry station, or a train or bus station
3 or terminal, or any roadways, walkways, tunnels, bridges, tolling facil-
4 ities or their supporting systems, buildings or structures; or a super-
5 visor of such personnel, city marshal, school crossing guard appointed
6 pursuant to section two hundred eight-a of the general municipal law,
7 traffic enforcement officer, traffic enforcement agent, motor vehicle
8 license examiner, motor vehicle representative, automotive facilities
9 inspector, highway worker as defined in section one hundred eighteen-a
10 of the vehicle and traffic law, motor carrier investigator as defined
11 in section one hundred twenty-four-a of the vehicle and traffic law,
12 motor vehicle inspector as defined in section one hundred twenty-four-b
13 of the vehicle and traffic law, prosecutor as defined in subdivision
14 thirty-one of section 1.20 of the criminal procedure law, registered
15 nurse, licensed practical nurse, public health sanitarian, New York city
16 public health sanitarian, sanitation enforcement agent, New York city
17 sanitation worker, emergency medical service paramedic, or emergency
18 medical service technician, while such employee is performing [~~an~~
19 ~~assigned duty on, or directly related to,~~ a lawful act related, direct-
20 ly or indirectly, to an employment responsibility, including but not
21 limited to the operation of a train or bus, cleaning of a train or bus
22 station or terminal, assisting customers, checking traffic, the sale or
23 collection of tickets, passes, vouchers, or other revenue media for use
24 on a train, bus, or ferry or maintenance or cleaning of a train, a bus,
25 a ferry, or bus station or terminal, signal system, elevated or under-
26 ground subway tracks, transit station or transportation structure,
27 including fare equipment, escalators, elevators and other equipment
28 necessary to passenger service, commuter rail tracks or stations, train
29 yard or revenue train in passenger service, a ferry station, or such
30 city marshal, school crossing guard, traffic enforcement officer, traf-
31 fic enforcement agent, motor vehicle license examiner, motor vehicle
32 representative, automotive facilities inspector, highway worker as
33 defined in section one hundred eighteen-a of the vehicle and traffic
34 law, motor carrier investigator as defined in section one hundred twen-
35 ty-four-a of the vehicle and traffic law, motor vehicle inspector as
36 defined in section one hundred twenty-four-b of the vehicle and traffic
37 law, prosecutor as defined in subdivision thirty-one of section 1.20 of
38 the criminal procedure law, registered nurse, licensed practical nurse,
39 public health sanitarian, New York city public health sanitarian, sani-
40 tation enforcement agent, New York city sanitation worker, emergency
41 medical service paramedic, or emergency medical service technician is
42 performing an assigned duty; or

43 § 2. The penal law is amended by adding a new section 120.13-a to read
44 as follows:

45 § 120.13-a Menacing a highway worker.

46 A person is guilty of menacing a highway worker when they inten-
47 tionally place or attempt to place a highway worker in reasonable fear
48 of death, imminent serious physical injury or physical injury. For
49 purposes of this section, the term "highway worker" shall have the same
50 meaning as defined in section one hundred eighteen-a of the vehicle and
51 traffic law.

52 Menacing a highway worker is a class E felony.

53 § 3. The vehicle and traffic law is amended by adding three new
54 sections 118-a, 124-a and 124-b to read as follows:

55 § 118-a. Highway worker. Any person employed by or on behalf of the
56 state, a county, city, town or village, a public authority, local

1 authority, or public utility company, or the agent or contractor of any
2 such entity, or a flagperson, who has been assigned to perform work on a
3 highway, public highway, roadway, access highway, or qualifying highway,
4 or within the highway right of way. Such work may include, but shall not
5 be limited to, construction, reconstruction, inspection, maintenance,
6 improvement, flagging, utility installation, or the operation of equip-
7 ment. For purposes of this section, the term "highway right of way"
8 shall mean the entire width between the boundary line of all property
9 which has been purchased, appropriated, or designated by the state, a
10 municipal entity, or a public benefit corporation for highway purposes,
11 all property over which the commissioner of transportation, any municip-
12 al entity, or public benefit corporation has assumed jurisdiction for
13 highway purposes, and all property that has become part of a highway
14 system through dedication or use, including any property deemed neces-
15 sary for the maintenance, construction, reconstruction, or improvement
16 of any highway. Such work may include, but shall not be limited to
17 construction, reconstruction, maintenance, improvement, flagging, utili-
18 ty installation, or the operation of equipment.

19 § 124-a. Motor carrier investigator. Any person employed by the
20 department of transportation who has been assigned to perform investi-
21 gations of any motor carriers regulated by the commissioner of transpor-
22 tation.

23 § 124-b. Motor vehicle inspector. Any person employed by the depart-
24 ment of transportation who has been assigned to perform inspections of
25 any motor vehicles regulated by the commissioner of transportation.

26 § 4. Paragraph b of subdivision 2 of section 510 of the vehicle and
27 traffic law is amended by adding a new subparagraph (xviii) to read as
28 follows:

29 (xviii) for a period of not less than thirty nor greater than one
30 hundred eighty days where the holder is convicted of the crime of
31 assault in the second degree as defined in subdivision eleven of section
32 120.05 of the penal law or assault in the third degree as defined in
33 section 120.00 of the penal law, where such offense was committed
34 against a motor vehicle license examiner, motor vehicle representative,
35 automotive facilities inspector, highway worker, motor carrier investi-
36 gator, motor vehicle inspector, or where the holder is convicted of the
37 crime of menacing a highway worker as defined in article one hundred
38 twenty of the penal law.

39 § 5. The vehicle and traffic law is amended by adding a new section
40 1221-a to read as follows:

41 § 1221-a. Intrusion into an active work zone. 1. No driver of a vehi-
42 cle shall enter or intrude into an active work zone except upon direc-
43 tion from a flagperson, police officer or other visibly designated
44 person in charge of traffic control or direction from a traffic control
45 device regulating entry therein. For purposes of this section, the term
46 "active work zone" shall mean the physical area of a highway, street or
47 private road on which construction, maintenance or utility work is being
48 conducted, which area is marked by any signs, channeling devices, barri-
49 ers, pavement markings, or work vehicles, and where workers are phys-
50 ically present.

51 2. A violation of subdivision one of this section shall constitute a
52 class B misdemeanor punishable by a fine of not less than two hundred
53 fifty dollars nor more than five hundred dollars, or by a period of
54 imprisonment not to exceed three months, or by both such fine and impri-
55 sonment.

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

3 PART G

4 Section 1. Paragraph 1 of subdivision (a) of section 1180-e of the
5 vehicle and traffic law, as amended by section 1 of part Q of chapter 58
6 of the laws of 2025, is amended to read as follows:

7 1. Notwithstanding any other provision of law, the commissioner of
8 transportation is hereby authorized to establish a demonstration program
9 imposing monetary liability on the owner of a vehicle for failure of an
10 operator thereof to comply with posted maximum speed limits in a highway
11 construction or maintenance work area located on a [~~controlled-access~~]
12 highway (i) when highway construction or maintenance work is occurring
13 and a work area speed limit is in effect as provided in paragraph two of
14 subdivision (d) or subdivision (f) of section eleven hundred eighty of
15 this article or (ii) when highway construction or maintenance work is
16 occurring and other speed limits are in effect as provided in subdivi-
17 sion (b) or (g) or paragraph one of subdivision (d) of section eleven
18 hundred eighty of this article. Such demonstration program shall empower
19 the commissioner to install photo speed violation monitoring systems
20 within no more than forty highway construction or maintenance work areas
21 located on [~~controlled-access~~] highways and to operate such systems
22 within such work areas (iii) when highway construction or maintenance
23 work is occurring and a work area speed limit is in effect as provided
24 in paragraph two of subdivision (d) or subdivision (f) of section eleven
25 hundred eighty of this article or (iv) when highway construction or
26 maintenance work is occurring and other speed limits are in effect as
27 provided in subdivision (b) or (g) or paragraph one of subdivision (d)
28 of section eleven hundred eighty of this article. The commissioner, in
29 consultation with the superintendent of the division of state police,
30 shall determine the location of the highway construction or maintenance
31 work areas located on a [~~controlled-access~~] highway in which to install
32 and operate photo speed violation monitoring systems. In selecting a
33 highway construction or maintenance work area in which to install and
34 operate a photo speed violation monitoring system, the commissioner
35 shall consider criteria including, but not limited to, the speed data,
36 crash history, and roadway geometry applicable to such highway
37 construction or maintenance work area. A photo speed violation monitor-
38 ing system shall not be installed or operated on a [~~controlled-access~~]
39 highway exit ramp.

40 § 2. Subdivision (b) of section 1180-e of the vehicle and traffic law,
41 as amended by section 2 of part Q of chapter 58 of the laws of 2025, is
42 amended to read as follows:

43 (b) If the commissioner or chair of the thruway authority, Triborough
44 bridge and tunnel authority, or bridge authority establishes a demon-
45 stration program pursuant to subdivision (a) of this section, the owner
46 of a vehicle shall be liable for a penalty imposed pursuant to this
47 section if such vehicle was used or operated with the permission of the
48 owner, express or implied, within a highway construction or maintenance
49 work area located on a [~~controlled-access~~] highway, the thruway, Tribor-
50 ough bridge and tunnel authority facilities or bridge authority facili-
51 ties, as applicable in violation of paragraph two of subdivision (d) or
52 subdivision (f), or when other speed limits are in effect in violation
53 of subdivision (b) or (g) or paragraph one of subdivision (d), of
54 section eleven hundred eighty of this article, such vehicle was travel-

1 ing at a speed of more than ten miles per hour above the posted speed
2 limit in effect within such highway construction or maintenance work
3 area, and such violation is evidenced by information obtained from a
4 photo speed violation monitoring system; provided however that no owner
5 of a vehicle shall be liable for a penalty imposed pursuant to this
6 section where the operator of such vehicle has been convicted of the
7 underlying violation of subdivision (b), (d), (f) or (g) of section
8 eleven hundred eighty of this article.

9 § 3. Paragraphs 5 and 9 of subdivision (c) of section 1180-e of the
10 vehicle and traffic law, as amended by section 2 of part Q of chapter 58
11 of the laws of 2025, are amended to read as follows:

12 5. [~~"controlled access highway" shall mean a controlled access highway~~
13 ~~as defined by section one hundred nine of this chapter under the commis-~~
14 ~~sioner's jurisdiction which has been functionally classified by the~~
15 ~~department of transportation as principal arterial - interstate or prin-~~
16 ~~icipal arterial - other freeway/expressway on official functional classi-~~
17 ~~fication maps approved by the federal highway administration pursuant to~~
18 ~~part 470.105 of title 23 of the code of federal regulations, as amended~~
19 ~~from time to time]~~ "highway" shall mean any real property owned,
20 controlled, or under the jurisdiction of the commissioner, the thruway
21 authority, Triborough bridge and tunnel authority, or bridge authority;

22 9. "photo speed violation monitoring system" shall mean a vehicle
23 sensor installed to work in conjunction with a speed measuring device
24 which automatically produces two or more photographs, two or more micro-
25 photographs, a videotape or other recorded images of each vehicle at the
26 time it is used or operated in a highway construction or maintenance
27 work area located on a [~~controlled access~~] highway, the thruway, Tribor-
28 ough bridge and tunnel authority facility or bridge authority facility
29 in violation of subdivision (b), (d), (f) or (g) of section eleven
30 hundred eighty of this article in accordance with the provisions of this
31 section;

32 § 4. Paragraphs 2, 4, and 6 of subdivision (m) of section 1180-e of
33 the vehicle and traffic law, as amended by section 2 of part Q of chap-
34 ter 58 of the laws of 2025, are amended to read as follows:

35 2. the aggregate number, type and severity of crashes, fatalities,
36 injuries and property damage reported within all highway construction or
37 maintenance work areas on [~~controlled access~~] highways, the thruway,
38 Triborough bridge and tunnel authority facilities or bridge authority
39 facilities, as applicable, to the extent the information is maintained
40 by the commissioner, the chair of the thruway authority, Triborough
41 bridge and tunnel authority, or bridge authority, or the department of
42 motor vehicles of this state;

43 4. the number of violations recorded within all highway construction
44 or maintenance work areas on [~~controlled access~~] highways, the thruway,
45 Triborough bridge and tunnel authority facilities or bridge authority
46 facilities, in the aggregate on a daily, weekly and monthly basis to the
47 extent the information is maintained by the commissioner, the chair of
48 the thruway authority, Triborough bridge and tunnel authority, or bridge
49 authority, or the department of motor vehicles of this state;

50 6. to the extent the information is maintained by the commissioner,
51 the chair of the thruway authority, Triborough bridge and tunnel author-
52 ity, or bridge authority, or the department of motor vehicles of this
53 state, the number of violations recorded within all highway construction
54 or maintenance work areas on [~~controlled access~~] highways, the thruway,
55 Triborough bridge and tunnel authority facilities or bridge authority
56 facilities, that were:

1 (i) more than ten but not more than twenty miles per hour over the
2 posted speed limit;
3 (ii) more than twenty but not more than thirty miles per hour over the
4 posted speed limit;
5 (iii) more than thirty but not more than forty miles per hour over the
6 posted speed limit; and
7 (iv) more than forty miles per hour over the posted speed limit;
8 § 5. This act shall take effect immediately; provided, however, that
9 the amendments made to section 1180-e of the vehicle and traffic law by
10 sections one, two, three and four of this act shall not affect the
11 repeal of such section and shall expire and be deemed repealed there-
12 with.

13

PART H

14 Section 1. Section 3 of part PP of chapter 54 of the laws of 2016
15 amending the public authorities law and the general municipal law relat-
16 ing to the New York transit authority and the metropolitan transporta-
17 tion authority, as amended by section 1 of part I of chapter 58 of the
18 laws of 2025, is amended to read as follows:

19 § 3. This act shall take effect immediately; provided that the amend-
20 ments to subdivision 1 of section 119-r of the general municipal law
21 made by section two of this act shall expire and be deemed repealed
22 April 1, [~~2026~~] 2028, and provided further that such repeal shall not
23 affect the validity or duration of any contract entered into before that
24 date pursuant to paragraph f of such subdivision.

25 § 2. This act shall take effect immediately.

26

PART I

27 Section 1. Definitions. Whenever used in this act, the following terms
28 shall have the following meanings:

29 1. "Authority" shall mean the metropolitan transportation authority
30 created by section twelve hundred sixty-three of the public authorities
31 law.

32 2. "125 Street Subway Extension project" shall mean a project within
33 the metropolitan commuter transportation district to be undertaken by
34 the Authority to extend subway service westward from the northern termi-
35 nus of the Second Avenue Subway Phase Two Project to the west side of
36 Manhattan. Such project includes construction of a subterranean tunnel
37 running from 125 Street and Lenox Avenue west along 125 Street past
38 Broadway, and the construction of additional stations, and any ancillary
39 facilities, connecting with north and south subway lines.

40 3. "Subterranean Tunnel Component" shall mean the component of the 125
41 Street Subway Extension Project consisting of construction of a subter-
42 ranean tunnel running from 125 Street and Lenox Avenue west along 125
43 Street past Broadway.

44 4. "Metropolitan commuter transportation district" shall mean the
45 commuter transportation district created by section twelve hundred
46 sixty-two of the public authorities law.

47 5. "Second Avenue Subway Phase Two Project" shall mean a project with-
48 in the metropolitan commuter transportation district, commenced by the
49 Authority as of the effective date of this chapter, to extend the Q line
50 subway into Harlem through construction of two new stations on Second
51 Avenue at 106 and 116 streets and extending Q line subway service to a

1 third new station at 125 Street and Lexington Avenue that will connect
2 to the 4, 5, and 6 subway lines and Metro-North railroad.

3 § 2. The Authority shall conduct the applicable environmental review
4 of the Subterranean Tunnel Component in accordance with the provisions
5 of article eight of the environmental conservation law, provided that
6 such environmental review shall not be required to be conducted concu-
7 rent with, or inclusive of, the environmental review specified in
8 section three of this act.

9 § 3. The Authority shall conduct the applicable environmental review
10 of all other components of the 125 Street Subway Extension project,
11 including construction of the stations and any ancillary facilities, in
12 accordance with the provisions of article eight of the environmental
13 conservation law; provided that such environmental review shall not be
14 required to be conducted concurrent with, or inclusive of, the environ-
15 mental review specified in section two of this act.

16 § 4. (1) The Authority shall not approve, permit, acquire real proper-
17 ty pursuant to the eminent domain procedure law, or undertake any
18 discretionary action required to construct the Subterranean Tunnel
19 Component described in section two of this act, and no agency, as
20 defined in section 8-0105 of the environmental conservation law, shall
21 permit or authorize any activity relating to construction of the Subter-
22 ranean Tunnel Component, until the Authority has completed the applica-
23 ble environmental review required pursuant to section two of this act.

24 (2) The Authority shall not approve, permit, acquire real property
25 pursuant to the eminent domain procedure law, or undertake any discre-
26 tionary action required to construct the other components of the 125
27 Street Subway Extension project described in section three of this act,
28 and no agency, as defined in section 8-0105 of the environmental conser-
29 vation law, shall permit or authorize any activity relating construction
30 of the other components of the 125 Street Subway Extension project,
31 until the Authority has completed the applicable environmental review
32 required pursuant to section three of the act.

33 (3) The preparation of a design or designs shall not be deemed to have
34 prejudiced any decision-making pursuant to article eight of the environ-
35 mental conservation law.

36 § 5. This act shall take effect immediately.

37 PART J

38 Section 1. Article 21-AA of the agriculture and markets law is amended
39 by adding a new section 258-aa to read as follows:

40 § 258-aa. Dairy promotion act. 1. Declaration of policy. It is hereby
41 declared that the dairy industry is a paramount agricultural industry of
42 this state, and is an industry affecting the health and welfare of the
43 inhabitants of the state; that the continued existence of the dairy
44 industry and the continued production of milk on the farms of this state
45 is of vast economic importance to the state and to the health and
46 welfare of the inhabitants thereof; that it is essential, in order to
47 assure such continued production of milk and its handling and distrib-
48 ution, that prices to producers be such as to return reasonable costs of
49 production, and at the same time assure an adequate supply of milk and
50 dairy products to consumers at reasonable prices; and to these ends it
51 is essential that consumers and others be adequately informed as to the
52 dietary needs and advantages of milk and dairy products and as to the
53 economies resulting from the use of milk and dairy products, and to
54 command for milk and dairy products, consumer attention and demand

1 consistent with their importance and value. It is further declared that
2 continued decline in the consumption of fluid milk and some other dairy
3 products will jeopardize the production of adequate supplies of milk and
4 dairy products because of increasing surpluses necessarily returning
5 less to producers; and that continued adequate supplies of milk and
6 dairy products is a matter of vital concern as affecting the health and
7 general welfare of the people of this state. It is therefore declared to
8 be the legislative intent and policy of the state:

9 (a) To enable milk producers and others in the dairy industry, with
10 the aid of the state, to more effectively promote the consumption of
11 milk and dairy products;

12 (b) To provide methods and means for the development of new and
13 improved dairy products, and to promote their use; and

14 (c) To this end, eliminate the possible impairment of the purchasing
15 power of the milk producers of this state and to assure an adequate
16 supply of milk for consumers at reasonable prices.

17 2. Definitions. As used in this section the following terms shall have
18 the following meanings:

19 (a) "Dairy products" means milk and products derived therefrom, and
20 products of which milk or a portion thereof is a significant part.

21 (b) "Producer" means any person in this state who is engaged in the
22 production of milk or who causes milk to be produced for any market in
23 this or any other state.

24 (c) "Advisory board" means the persons appointed by the commissioner
25 from nominations from producers as herein defined to assist the commis-
26 sioner in administering a dairy promotion order.

27 (d) "Milk dealer" means any person who purchases or handles or
28 receives or sells milk, including individuals, partnerships, corpora-
29 tions, cooperative associations, and unincorporated cooperative asso-
30 ciations.

31 (e) "Dairy promotion order" means an order issued by the commissioner,
32 pursuant to the provisions of this section.

33 (f) "Cooperative" means an association or federation or cooperative of
34 milk producers organized under the laws of New York state, or any other
35 state, having agreements with their producer members to market, bargain
36 for or sell the milk of such producers, and is actually performing one
37 or more of these services in the marketing of the milk produced by their
38 members, through the cooperative or through a federation of milk cooper-
39 atives in which the cooperative has membership.

40 3. Powers and duties of the commissioner. (a) The commissioner shall
41 administer and enforce the provisions of this section and shall have and
42 may exercise any or all the administrative powers conferred upon the
43 head of a department. In order to effectuate the declared policy of this
44 section the commissioner may, after due notice and hearing, make and
45 issue a dairy promotion order, or orders.

46 (b) Such order or orders shall be issued and amended or terminated in
47 accordance with the following procedures:

48 (i) Before any such order may become effective it shall be approved by
49 fifty-one per centum of the producers of milk voting in the referendum
50 for the area to be regulated by such order. Such referendum shall not
51 constitute valid approval unless fifty-one per centum of all milk
52 producers for the area to be regulated vote in the referendum.

53 (ii) Producers may vote by individual ballot or through their cooper-
54 atives in accordance with the following procedures:

55 (1) Cooperatives may submit written approval of such order within a
56 period of one hundred twenty days after the commissioner has announced a

1 referendum on a proposed order, for such producers who are listed and
2 certified to the commissioner as members of such cooperative, provided,
3 however, that any cooperative before submitting such written approval
4 shall give at least sixty days prior written notice to each producer who
5 is its member, of the intention of the cooperative to approve such
6 proposed order, and further provide that if such cooperative does not
7 intend to approve such proposed order, it shall likewise give written
8 notice of at least sixty days to each such producer who is its member,
9 of its intention not to approve of such proposed order.

10 (2) Any producer may obtain a ballot from the commissioner so that
11 they may register their own approval or disapproval of the proposed
12 order.

13 (3) A producer who is a member of a cooperative which has notified
14 such producer of its intent to approve or not to approve of a proposed
15 order, and who obtains a ballot and with such ballot expresses the
16 producer's approval or disapproval of the proposed order, shall notify
17 the commissioner as to the name of the cooperative of which the producer
18 is a member, and the commissioner shall remove such producer's name from
19 the list certified by such cooperative.

20 (4) In order to ensure that all milk producers are informed regarding
21 a proposed order, the commissioner shall notify all milk producers that
22 an order is being considered, and that each producer may register the
23 producer's approval or disapproval with the commissioner either directly
24 or through the producer's cooperative.

25 (5) The commissioner may appoint a referendum advisory committee to
26 assist and advise the commissioner in the conduct of the referendum.
27 Such committee shall review referendum procedures and the tabulation of
28 results and shall advise the commissioner of its findings. The final
29 certification of the referendum results shall be made by the commission-
30 er. The committee shall consist of not less than three members, none of
31 whom shall be persons directly affected by the promotion order being
32 voted upon. Two members shall be representatives of general farm organ-
33 izations which are not directly affected by the order being voted upon.
34 The members of the committee shall not receive a salary but shall be
35 entitled to actual and reasonable expenses incurred in the performance
36 of their duties.

37 (6) The commissioner may, and upon written petition of not less than
38 ten per centum of the producers in the area, either as individuals or
39 through cooperative representation shall, call a hearing to amend or
40 terminate such order, and any such amendment or termination shall be
41 effective only upon approval of fifty-one per centum of the producers of
42 milk for the area regulated participating in a referendum vote as
43 provided pursuant to this paragraph.

44 (c) The commissioner shall administer and enforce any such dairy
45 promotion order while it is in effect, for the purpose of:

46 (i) Encouraging the consumption of milk and dairy products by
47 acquainting consumers and others with the advantages and economy of
48 using more of such products.

49 (ii) Protecting the health and welfare of consumers by assuring an
50 adequate supply of milk and dairy products.

51 (iii) Providing for research programs designed to develop new and
52 improved dairy products.

53 (iv) Providing for research programs designed to acquaint consumers
54 and the public generally with the effects of the use of milk and dairy
55 products on the health of such consumers.

1 (d) Carrying out, in other ways, the declared policy and intent of
2 this section.

3 4. Provisions of dairy promotion orders. Any dairy promotion order or
4 orders may contain, among others, any or all of the following:

5 (a) Provision for levying an assessment against all producers subject
6 to the regulation for the purpose of carrying out the provisions of such
7 order and to pay the cost of administering and enforcing such order. In
8 order to collect any such assessments, provision shall be made for each
9 milk dealer who receives milk from producers to deduct the amount of
10 assessment from moneys otherwise due to producers for the milk so deliv-
11 ered. The rate of such assessment shall not exceed two per cent per
12 hundredweight of the gross value of the producer's milk, and there may
13 be credited against any such assessment the amounts per hundredweight
14 otherwise paid by any producer covered by the order by voluntary
15 contribution or otherwise pursuant to any other federal or state milk
16 market order for any similar research promotion or program. Notwith-
17 standing the provisions of paragraph (b) of subdivision three of this
18 section, the commissioner, upon written petition of no less than twen-
19 ty-five per cent of producers in the area, either as individuals or
20 through cooperative representation, may call a hearing for the sole
21 purpose of establishing a new rate of assessment hereunder and may
22 submit a proposed change in the rate of assessment to the producers for
23 acceptance or rejection without otherwise affecting the order. The
24 producers in the area may vote on the proposed rate either as individ-
25 uals or through cooperative representation. Notwithstanding the forego-
26 ing provisions of this paragraph and of paragraph (b) of subdivision
27 three of this section, or the provisions of any order promulgated pursu-
28 ant to this section, the rate of assessment, for any period during which
29 a dairy products promotion and research order established pursuant to
30 the federal dairy and tobacco adjustment act of 1983 is in effect, shall
31 not be less than an amount equal to the maximum credit which producers
32 participating in this state's dairy products promotion or nutrition
33 education programs may receive pursuant to subdivision (g) of section
34 113 of such federal act.

35 (b) Provision for payments to organizations engaged in campaigns by
36 advertisements or otherwise, including participation in similar regional
37 or national plans or campaigns to promote the increased consumption of
38 milk and dairy products, to acquaint the public with the dietary advan-
39 tages of milk and dairy products and with the economy of their inclusion
40 in the diet and to command, for milk and dairy products, consumer atten-
41 tion consistent with their importance and value.

42 (c) Provision for payments to institutions or organizations engaged in
43 research leading to the development of new or improved dairy products or
44 research with respect to the value of milk and dairy products in the
45 human diet.

46 (d) Provision for requiring records to be kept and reports to be filed
47 by milk dealers with respect to milk received from producers and with
48 respect to assessments on the milk of such producers.

49 (e) Provision for the auditing of the records of such milk dealers for
50 the purpose of verifying payment of producer assessments.

51 (f) Provision for an advisory board as hereinafter indicated.

52 (g) Such other provisions as may be necessary to effectuate the
53 declared policies of this section.

54 5. Matters to be considered. In carrying out the provisions of this
55 section and particularly in determining whether or not a dairy promotion

1 order shall be issued, the commissioner shall take into consideration,
2 among others, facts available to them with respect to the following:

3 (a) The total production of milk in the area and the proportion of
4 such milk being utilized in fluid form and in other products;

5 (b) The prices being received for milk by producers in the area;

6 (c) The level of consumption per capita for fluid milk and of other
7 dairy products;

8 (d) The purchasing power of consumers; and

9 (e) Other products which compete with milk and dairy products and
10 prices of such products.

11 6. Interstate orders for compacts. The commissioner is authorized to
12 confer and cooperate with the legally constituted authorities of other
13 states and of the United States with respect to the issuance and opera-
14 tion of joint and concurrent dairy promotion orders or other activities
15 tending to carry out the declared intent of this section. The commis-
16 sioner may join with such other authorities in conducting joint investi-
17 gations, holding joint hearings, and issuing joint or concurrent order
18 or orders complementary to those of the federal government and shall
19 have the authority to employ or designate a joint agent or joint agen-
20 cies to carry out and enforce such joint, concurrent, or supplementary
21 orders.

22 7. Prior assessments. Prior to the effective date of any dairy
23 promotion order as provided in this section, the commissioner may
24 require that cooperatives which have petitioned for such an order and
25 who have approved of the issuance of such an order, to deposit with the
26 commissioner such amounts as the commissioner may deem necessary to
27 defray the expense of administering and enforcing such order until such
28 time as the assessments as herein before provided are adequate for that
29 purpose. Such funds shall be received, deposited, and disbursed by the
30 commissioner in the same manner as other funds received pursuant to this
31 section and the commissioner shall reimburse those who paid these prior
32 assessments from other funds received pursuant to this section.

33 8. Status of funds. Any moneys collected under any market order issued
34 pursuant to this section shall not be deemed to be state funds and shall
35 be deposited in a bank or other depository in this state, approved by
36 the commissioner and the state comptroller, allocated to each dairy
37 promotion order under which they were collected, and shall be disbursed
38 by the commissioner only for the necessary expenses incurred by the
39 commissioner with respect to each separate order, all in accordance with
40 the rules and regulations of the commissioner. All such expenses shall
41 be audited by the state comptroller at least annually and within thirty
42 days after the completion thereof the state comptroller shall give a
43 copy thereof to the commissioner. Any moneys remaining in such fund
44 allocable to a particular order, after the termination of such order and
45 not required by the commissioner to defray the expenses of operating
46 such order, may in the discretion of the commissioner be refunded on a
47 pro-rata basis to all persons from whom assessments therefor were
48 collected; provided, however, that if the commissioner finds that the
49 amounts so refundable are so small as to make impracticable the computa-
50 tion and refunding of such moneys, the commissioner may use such moneys
51 to defray the expenses incurred by them in the promulgation, issuance,
52 administration or enforcement of any other similar dairy promotion order
53 or in the absence of any other such dairy promotion order, the commis-
54 sioner may pay such moneys to any organization or institution as
55 provided in paragraph (b) or (c) of subdivision four of this section.

1 9. Budget. The commissioner shall prepare a budget for the adminis-
2 tration and operating costs and expenses including advertising and sales
3 promotion when required in any dairy promotion order executed hereunder
4 and to provide for the collection of such necessary fees or assessments
5 to defray costs and expenses, in no case to exceed two percent per
6 hundredweight of the gross value of milk marketed by producers in the
7 area covered by the order.

8 10. Advisory board. (a) Any dairy promotion order issued pursuant to
9 this section shall provide for the establishment of an advisory board to
10 advise and assist the commissioner in the administration of such order.
11 This board shall consist of not less than five members and shall be
12 appointed by the commissioner from nominations submitted by producers
13 marketing milk in the area to which the order applies. Nominating proce-
14 dure, qualification, representation, and size of the advisory board
15 shall be prescribed in the order for which such board was appointed.

16 (b) No member of an advisory board shall receive a salary but shall be
17 entitled to reimbursement of the member's actual and reasonable expenses
18 incurred while performing such member's duties as authorized herein.

19 (c) The duties and responsibilities of the advisory board shall be
20 prescribed by the commissioner, and the commissioner may specifically
21 delegate to the advisory board, by inclusion in the dairy promotion
22 order, all or any of the following duties and responsibilities:

23 (i) The recommendation to the commissioner of administrative rules and
24 regulations relating to the order.

25 (ii) Recommending to the commissioner such amendments to the order as
26 seems advisable.

27 (iii) The preparation and submission to the commissioner of an esti-
28 mated budget required for the proper operation of the order.

29 (iv) Recommending to the commissioner methods for assessing producers
30 and methods for collecting the necessary funds.

31 (v) Assisting the commissioner in the collection and assembly of
32 information and data necessary for the proper administration of the
33 order.

34 (vi) The performance of such other duties in connection with the order
35 as the commissioner shall designate.

36 11. Rules and regulations enforcement. (a) The commissioner may, with
37 the advice and assistance of the advisory board, make and issue such
38 rules and regulations as may be necessary to effectuate the provisions
39 and intent of this section and to enforce the provisions of any dairy
40 promotion order, all of which shall have the force and effect of law.

41 (b) The commissioner may institute such action at law or in equity as
42 may appear necessary to enforce compliance with any provision of this
43 section, or any rule or regulation, or dairy promotion order committed
44 to the commissioner's administration, and in addition to any other reme-
45 dy under article three of this chapter or otherwise, may apply for
46 relief by injunction if necessary to protect the public interest without
47 being compelled to allege or prove that an adequate remedy at law does
48 not exist. Such application shall be made to the supreme court in any
49 district or county provided in the civil practice law or rules, or to
50 the supreme court in the third judicial district.

51 § 2. The agriculture and markets law is amended by adding a new arti-
52 cle 25 to read as follows:

53 ARTICLE 25

54 MARKETING OF AGRICULTURAL PRODUCTS

55 Section 291. Legislative declaration.

56 292. Definitions.

1 293. Powers and duties of the commissioner.

2 294. Rules and regulations; enforcement.

3 § 291. Legislative declaration. It is hereby declared that the market-
4 ing of agricultural commodities and aquatic products in this state, in
5 excess of reasonable and normal market demands therefor; disorderly
6 marketing of such commodities; improper preparation for market and lack
7 of uniform grading and classification of agricultural commodities and
8 aquatic products; unfair methods of competition in the marketing of such
9 commodities and the inability of individual producers to develop new and
10 larger markets for agricultural commodities and aquatic products, result
11 in an unreasonable and unnecessary economic waste of the agricultural
12 wealth of this state. Such conditions and the accompanying waste jeop-
13 ardize the future continued production of adequate food supplies for the
14 people of this and other states. These conditions vitally concern the
15 health, safety, and general welfare of the people of this state. It is
16 therefore declared the legislative purpose and the policy of this state:

17 1. To enable agricultural producers and aquatic producers of this
18 state, with the aid of the state, more effectively to correlate the
19 marketing of their agricultural commodities and aquatic products with
20 market demands therefor.

21 2. To establish orderly, efficient, and equitable marketing of agri-
22 cultural commodities and aquatic products.

23 3. To provide for uniform grading and proper preparation of agricul-
24 tural commodities and aquatic products for market.

25 4. To provide methods and means for the development of new and larger
26 markets for agricultural commodities and aquatic products produced in
27 New York.

28 5. To eliminate or reduce the economic waste in the marketing of agri-
29 cultural commodities and aquatic products.

30 6. To eliminate unjust impairment of the purchasing power of aquatic
31 producers and the agricultural producers of this state.

32 7. To aid agricultural and aquatic producers in maintaining an income
33 at an adequate and equitable level.

34 § 292. Definitions. For the purposes of this article, the following
35 terms shall have the following meanings:

36 1. "Agricultural commodity" means any and all agricultural, horticul-
37 tural, vineyard products, corn for grain, oats, soybeans, barley, wheat,
38 poultry or poultry products, bees, maple sap and pure maple products
39 produced therefrom, Christmas trees, livestock, including swine, and
40 honey, sold in the state either in their natural state or as processed
41 by the producer thereof but does not include milk, timber or timber
42 products, other than Christmas trees, all hay, rye and legumes except
43 for soybeans.

44 2. "Aquaculture" means the culture, cultivation and harvest of aquatic
45 plants and animals.

46 3. "Aquatic products" means any food or fiber products obtained
47 through the practice of aquaculture, including mariculture; or by
48 harvest from the sea when such products are cultured or landed in New
49 York state. Such products include but are not limited to fish, shellf-
50 ish, seaweed, or other water-based plant life.

51 4. "Producer" means any person engaged within this state in the busi-
52 ness of producing, or causing to be produced for any market, any agri-
53 cultural commodity or aquatic product.

54 5. "Handler" means any person engaged in the operation of packing,
55 grading, selling, offering for sale, or marketing any marketable agri-

1 cultural commodities or aquatic products, who as owner, agent or other-
2 wise ships or causes an agricultural commodity to be shipped.

3 6. "Processor" means any person engaged within this state in process-
4 ing, or in the operation of receiving, grading, packing, canning, freez-
5 ing, dehydrating, fermenting, distilling, extracting, preserving, grind-
6 ing, crushing, or in any other way preserving or changing the form of an
7 agricultural product or aquatic product for the purpose of marketing
8 such commodity but shall not include a person engaged in manufacturing
9 from an agricultural commodity or aquatic product another and different
10 product.

11 7. "Distributor" means any person engaged within this state, in sell-
12 ing, offering for sale, marketing or distributing an agricultural
13 commodity or aquatic product which they have purchased or acquired from
14 a producer or other person or which they are marketing on behalf of a
15 producer or other person, whether as owner, agent, employee, broker or
16 otherwise, but shall not include a retailer, except such retailer who
17 purchases or acquires from, or handles on behalf of any producer or
18 other person, an agricultural commodity or aquatic product subject to
19 regulation by the marketing agreement or order covering such commodity.

20 8. "Marketing agreement" means an agreement entered into, with the
21 approval of the commissioner, by producers with distributors, processors
22 and handlers regulating the preparation, sale and handling of agricul-
23 tural commodities or aquatic products.

24 9. "Marketing order" means an order issued by the commissioner pursu-
25 ant to this article, prescribing rules and regulations governing the
26 marketing for processing, the distributing, the sale of, or the handling
27 in any manner of any agricultural commodity or aquatic product sold in
28 this state during any specified period or periods.

29 § 293. Powers and duties of the commissioner. 1. In order to effectu-
30 ate the declared policy of this article, the commissioner may, after due
31 notice and opportunity for hearing, approve marketing agreements, which
32 marketing agreements shall thereupon be binding upon the signatories
33 thereto exclusively.

34 2. The commissioner may make and issue marketing orders, after due
35 notice and opportunity for hearing, subject to:

36 (a) Approval of not less than sixty-six and two-thirds per centum of
37 the producers participating in a referendum in the area affected, or

38 (b) Approval of not less than sixty-five per centum of the producers
39 participating in a referendum vote, in the area affected, and having
40 marketed not less than fifty-one per centum of the total quantity of the
41 commodity which was marketed in the next preceding marketing season by
42 all producers that voted in the referendum, or

43 (c) Approval of not less than fifty-one per centum of the producers
44 participating in a referendum vote, in the area affected, and having
45 marketed not less than sixty-five per centum of the total quantity of
46 the commodity which was marketed in the next preceding marketing season
47 by all producers that voted in the referendum.

48 3. The commissioner may and upon written petition duly signed by twen-
49 ty-five per centum of the producers in the area shall, amend or termi-
50 nate such order after due notice and opportunity for hearing, but
51 subject to the approval of not less than fifty per centum of such
52 producers participating in a referendum vote.

53 4. The commissioner shall administer and enforce any marketing order,
54 while it is in effect, to:

1 (a) Encourage and maintain stable prices received by producers for
2 such agricultural commodity and aquatic product at a level which is
3 consistent with the provisions and aims of this article.

4 (b) Prevent the unreasonable or unnecessary waste of land or water-
5 based wealth.

6 (c) Protect the interests of consumers of such commodity, by exercis-
7 ing the powers of this article to such extent as is necessary to effec-
8 tuate the purposes of this article.

9 (d) Prepare a budget for the administration and operating costs and
10 expenses including advertising and sales promotion when required in any
11 marketing agreement or order executed hereunder and to provide for the
12 collection of such necessary fees to defray such costs and expenses, in
13 no case to exceed five percent of the gross dollar volume of sales or
14 dollar volume of purchases or amounts handled, to be collected from each
15 person engaged in the production, processing, distributing or the handl-
16 ing of any marketable agricultural commodity and aquatic product
17 produced or landed in this state and directly affected by any marketing
18 order issued pursuant to this article for such commodity.

19 (e) Confer and cooperate with the legally constituted authorities of
20 other states and the United States.

21 5. Any marketing agreement or order issued by the commissioner pursu-
22 ant to this article may contain any or all of the following:

23 (a) Provisions for determining the existence and extent of the surplus
24 of any agricultural commodity, or of any grade, size, or quality there-
25 of, and providing for the regulation and disposition of such surplus.

26 (b) Provisions for limiting the total quantity of any agricultural
27 product, or of any grade or grades, size or sizes, or quality or
28 portions or combinations thereof, which may be marketed during any spec-
29 ified period or periods. Such total quantity of any such commodity so
30 regulated shall not be less than the quantity which the commissioner
31 shall find is reasonably necessary to supply the market demand of
32 consumers for such commodity.

33 (c) Provisions regulating the period, or periods, during which any
34 agricultural commodity, or any grade or grades, size or sizes or quality
35 or portions or combinations of such commodity, may be marketed.

36 (d) Provisions for the establishment of uniform grading, standards,
37 and inspection of any agricultural commodity delivered by producers or
38 other persons to handlers, processors, distributors or others engaging
39 in the handling thereof, and for the establishment of grading or stand-
40 ards of quality, condition, size, maturity or pack for any agricultural
41 commodity, and the inspection and grading of such commodity in accord-
42 ance with such grading or standards so established; and for provisions
43 that no producer, handler, processor or distributor of any agricultural
44 commodity for which grading or standards are so established may, except
45 as otherwise provided in such marketing agreement or order, sell, offer
46 for sale, process, distribute or otherwise handle any such commodity
47 whether produced within or without this state, not meeting and complying
48 with such established grading or standards. For the purposes of this
49 article, the federal-state inspection service shall perform all
50 inspections made necessary by such provisions.

51 (e) Provisions for the establishment of research programs designed to
52 benefit a specified commodity or New York agriculture in general.

53 (f) Such other provisions as may be necessary to effectuate the
54 declared policies of this article.

1 (g) Provisions to establish marketing promotion and research programs
2 for aquatic products which may include paragraphs (a) through (f) of
3 this subdivision.

4 6. The commissioner may temporarily suspend the operation of an effec-
5 tive marketing order for a continuing period of no longer than one grow-
6 ing and marketing season, if the purposes of this article are deemed
7 unnecessary during such season.

8 7. In carrying out the purposes of this article, the commissioner
9 shall take into consideration any and all facts available to them with
10 respect to the following economic factors:

11 (a) The quantity of such agricultural commodity available for distrib-
12 ution.

13 (b) The quantity of such agricultural commodity normally required by
14 consumers.

15 (c) The cost of producing such agricultural commodity.

16 (d) The purchasing power of consumers.

17 (e) The level of prices of commodities, services, and articles which
18 the farmers commonly buy.

19 (f) The level of prices of other commodities which compete with or are
20 utilized as substitutes for such agricultural commodity.

21 8. The execution of such marketing agreements shall in no manner
22 affect the issuance, administration or enforcement of any marketing
23 order provided for in this article. The commissioner may issue such
24 marketing order without executing a marketing agreement or may execute a
25 marketing agreement without issuing a marketing order covering the same
26 commodity. The commissioner, in their discretion, may hold a concurrent
27 hearing upon a proposed marketing agreement and a proposed marketing
28 order in the manner provided for giving due notice and opportunity for
29 hearing for a marketing order as provided in this article.

30 9. Prior to the issuance, amendment or termination of any marketing
31 order, the commissioner may require the applicants for such issuance,
32 amendment, or termination to deposit with them such amount as they may
33 deem necessary to defray the expenses of preparing and making effective
34 amending or terminating a marketing order. Such funds shall be received,
35 deposited, and disbursed by the commissioner in the same manner as other
36 fees received by the commissioner under this article and, in the event
37 the application for adoption, amendment or termination of a marketing
38 order is approved in a referendum, the commissioner shall reimburse any
39 such applicant in the amount of any such deposit from any unexpended
40 monies collected under the marketing order affected by such referendum.

41 10. Any moneys collected by the commissioner pursuant to this article
42 shall not be deemed state funds and shall be deposited in a bank or
43 other depository in this state, approved by the commissioner, allocated
44 to each marketing order under which they are collected, and shall be
45 disbursed by the commissioner only for the necessary expenses incurred
46 by the commissioner with respect to each such separate marketing order,
47 all in accordance with the rules and regulations of the commissioner.
48 All such expenditures shall be audited by the state comptroller at least
49 annually and within thirty days after the completion thereof the state
50 comptroller shall give a copy thereof to the commissioner. Any moneys
51 remaining in such fund allocable to any particular commodity affected by
52 a marketing order may, in the discretion of the commissioner, be
53 refunded at the close of any marketing season upon a pro-rata basis to
54 all persons from whom assessments therefor were collected or, whenever
55 the commissioner finds that such moneys may be necessary to defray the
56 cost of operating such marketing order in a succeeding marketing season,

1 they may carry over all or any portion of such moneys into the next such
2 succeeding season. Upon the termination by the commissioner of any
3 marketing order, all moneys remaining and not required by the commis-
4 sioner to defray the expenses of operating such marketing order, shall
5 be refunded by the commissioner upon a pro-rata basis to all persons
6 from whom assessments therefor were collected; provided, however, that
7 if the commissioner finds that the amounts so refundable are so small as
8 to make impracticable the computation and refunding of such refunds, the
9 commissioner may use such moneys to defray the expenses incurred by the
10 commissioner in the formulation, issuance, administration or enforcement
11 of any subsequent marketing order for such commodity.

12 11. Advisory board. (a) Any marketing order issued pursuant to this
13 article shall provide for the establishment of an advisory board, to
14 consist of not less than five members nor more than nine members, to
15 advise the commissioner in the administration of such marketing order in
16 accordance with its terms and provisions. The members of such board
17 shall be appointed by the commissioner from nominations received from
18 the commodity group for which the marketing order is established. Nomi-
19 nating procedure, qualification, representation, and size of the advi-
20 sory board shall be prescribed in each marketing order for which such
21 board is appointed. Each advisory board shall be composed of such
22 producers and handlers or processors as are directly affected by the
23 marketing order in such proportion of representation as the order shall
24 prescribe. The commissioner may appoint one person who is neither a
25 producer nor processor nor other handler to represent the department of
26 agriculture and markets or the public generally.

27 (b) No member of an advisory board shall receive a salary, but each
28 shall be entitled to reimbursement for the member's actual expenses
29 incurred while engaged in performing the member's duties herein author-
30 ized.

31 (c) The duties and responsibilities of each advisory board shall be
32 prescribed by the commissioner, and they may specifically delegate to
33 the advisory board, by inclusion in the marketing order, all or any of
34 the following duties and responsibilities:

35 (i) The recommendation to the commissioner of administrative rules and
36 regulations relating to the marketing order.

37 (ii) Recommending to the commissioner such amendments to the marketing
38 order as seem advisable.

39 (iii) The preparation and submission to the commissioner of the esti-
40 mated budget required or the proper operation of the marketing order.

41 (iv) Recommending to the commissioner methods for assessing members of
42 the industry and methods for collecting the necessary funds.

43 (v) Assisting the commissioner in the collection and assembling of
44 information and data necessary to the proper administration of the
45 order.

46 (vi) The performance of such other duties in connection with the
47 marketing order as the commissioner shall designate.

48 § 294. Rules and regulations; enforcement. 1. The commissioner may
49 make and promulgate such rules and regulations as may be necessary to
50 effectuate the provisions and intent of this article and to enforce the
51 provision of any marketing agreement or order, all of which shall have
52 the force and effect of law.

53 2. The commissioner may institute such action at law or in equity as
54 may appear necessary to enforce compliance with any provision of this
55 article, or any rule or regulation, marketing agreement or order,
56 committed to the commissioner's administration, and in addition to any

1 other remedy under article three of this chapter or otherwise may apply
2 for relief by injunction if necessary to protect the public interest
3 without being compelled to allege or prove that an adequate remedy at
4 law does not exist. Such application may be made to the supreme court in
5 any district or county as provided in the civil practice law and rules,
6 or to the supreme court in the third judicial district.

7 § 3. Sections 16-x, 16-y and 16-z of section 1 of chapter 174 of the
8 laws of 1968, constituting the New York state urban development corpo-
9 ration act, are REPEALED.

10 § 4. Notwithstanding the repeal of sections 16-x, 16-y and 16-z of
11 section 1 of chapter 174 of the laws of 1968, constituting the New York
12 state urban development corporation act pursuant to section three of
13 this act the marketing orders, and the regulatory provisions relating
14 thereto, set forth under parts 40, 200, 201, 203, 204 and 205 of title 1
15 of the New York codes, rules and regulations, shall remain in full force
16 and effect.

17 § 5. Notwithstanding the repeal of sections 16-x, 16-y and 16-z of
18 section 1 of chapter 174 of the laws of 1968, constituting the New York
19 state urban development corporation act pursuant to section three of
20 this act, all contracts entered into pursuant to such repealed sections
21 that continue in force and effect after the effective date of this act
22 and shall be assigned to the department of agriculture and markets, and
23 all undisbursed funds under the control of the urban development corpo-
24 ration in connection with the marketing orders shall be transferred to
25 the department of agriculture and markets on or before the forty-fifth
26 day following the effective date of this act; and any assessments due
27 and payable under such marketing orders shall be remitted to the depart-
28 ment of agriculture and markets beginning upon the thirtieth day after
29 the effective date of this act.

30 § 6. This act shall take effect July 1, 2026.

31 PART K

32 Section 1. Paragraph (d) of subdivision 1 of section 210-B of the tax
33 law, as amended by section 1 of part C of chapter 59 of the laws of
34 2023, is amended to read as follows:

35 (d) Except as otherwise provided in this paragraph, the credit allowed
36 under this subdivision for any taxable year shall not reduce the tax due
37 for such year to less than the fixed dollar minimum amount prescribed in
38 paragraph (d) of subdivision one of section two hundred ten of this
39 article. However, if the amount of credit allowable under this subdivi-
40 sion for any taxable year reduces the tax to such amount or if the
41 taxpayer otherwise pays tax based on the fixed dollar minimum amount,
42 any amount of credit allowed for a taxable year commencing prior to
43 January first, nineteen hundred eighty-seven and not deductible in such
44 taxable year may be carried over to the following year or years and may
45 be deducted from the taxpayer's tax for such year or years but in no
46 event shall such credit be carried over to taxable years commencing on
47 or after January first, two thousand two, and any amount of credit
48 allowed for a taxable year commencing on or after January first, nine-
49 teen hundred eighty-seven and not deductible in such year may be carried
50 over to the fifteen taxable years next following such taxable year and
51 may be deducted from the taxpayer's tax for such year or years. In lieu
52 of such carryover, (i) any such taxpayer which qualifies as a new busi-
53 ness under paragraph (f) of this subdivision may elect to treat the
54 amount of such carryover as an overpayment of tax to be credited or

1 refunded in accordance with the provisions of section ten hundred eight-
 2 y-six of this chapter, and (ii) any such taxpayer that is an eligible
 3 farmer, as defined in subdivision eleven of this section, may for taxa-
 4 ble years beginning before January first, two thousand [~~twenty-eight~~
 5 thirty-three, elect to treat the amount of such carryover as an overpay-
 6 ment of tax to be credited or refunded in accordance with the provisions
 7 of section one thousand eighty-six of this chapter, provided, however,
 8 the provisions of subsection (c) of section ten hundred eighty-eight of
 9 this chapter notwithstanding, no interest shall be paid thereon.

10 § 2. Paragraph 5 of subsection (a) of section 606 of the tax law, as
 11 amended by section 2 of part C of chapter 59 of the laws of 2023, is
 12 amended to read as follows:

13 (5) If the amount of credit allowable under this subsection for any
 14 taxable year shall exceed the taxpayer's tax for such year, the excess
 15 allowed for a taxable year commencing prior to January first, nineteen
 16 hundred eighty-seven may be carried over to the following year or years
 17 and may be deducted from the taxpayer's tax for such year or years, but
 18 in no event shall such credit be carried over to taxable years commenc-
 19 ing on or after January first, nineteen hundred ninety-seven, and any
 20 amount of credit allowed for a taxable year commencing on or after Janu-
 21 ary first, nineteen hundred eighty-seven and not deductible in such year
 22 may be carried over to the ten taxable years next following such taxable
 23 year and may be deducted from the taxpayer's tax for such year or years.
 24 In lieu of carrying over any such excess, (A) a taxpayer who qualifies
 25 as an owner of a new business for purposes of paragraph ten of this
 26 subsection may, at the taxpayer's option, receive such excess as a
 27 refund, and (B) a taxpayer that is an eligible farmer as defined in
 28 subsection (n) of this section may, at the taxpayer's option, for taxa-
 29 ble years beginning before January first, two thousand [~~twenty-eight~~
 30 thirty-three, receive such excess as a refund. Any refund paid pursuant
 31 to this paragraph shall be deemed to be a refund of an overpayment of
 32 tax as provided in section six hundred eighty-six of this article,
 33 provided, however, that no interest shall be paid thereon.

34 § 3. This act shall take effect immediately.

35 PART L

36 Section 1. Subparagraph (ii) of paragraph (b) of subdivision 2 of
 37 section 1896 of the public authorities law, as amended by chapter 388 of
 38 the laws of 2011, is amended to read as follows:

39 (ii) loans shall not exceed thirteen thousand dollars per applicant
 40 for approved qualified energy efficiency services for residential struc-
 41 tures, and twenty-six thousand dollars per applicant for approved quali-
 42 fied energy efficiency services for non-residential structures,
 43 provided, however, that the authority may permit a loan in excess of
 44 such amounts if the total cost of energy efficiency measures financed by
 45 such loan will [~~achieve~~ include a payback period [~~of fifteen years or~~
 46 ~~less~~ which does not exceed the useful life of the energy efficiency
 47 measures installed, but in no event shall any such loan exceed [~~twenty-~~
 48 ~~five~~ fifty thousand dollars per applicant for residential structures
 49 and fifty thousand dollars per applicant for non-residential structures;
 50 and for multi-family structures loans shall be in amounts determined by
 51 the authority, provided, however, that the authority shall assure that a
 52 significant number of residential structures are included in the
 53 program;

1 § 2. Paragraph (a) of subdivision 5 of section 1896 of the public
2 authorities law, as added by section 1 of part DD of chapter 58 of the
3 laws of 2012, is amended to read as follows:

4 (a) For each loan issued for qualified energy efficiency services that
5 is to be repaid through an on-bill recovery mechanism[~~, the New York
6 state energy research and development authority shall record, pursuant
7 to article nine of the real property law, in the office of the appropri-
8 ate recording officer, a declaration with respect to the property
9 improved by such services of the existence of the loan and stating the
10 total amount of the loan, the term of the loan, and that the loan is
11 being repaid~~] through a charge on an electric or gas meter associated
12 with the property, the on-bill recovery loan agreement shall allow for
13 the purchaser or transferee to agree through written express assumption
14 provided in accordance with the terms of the on-bill recovery loan that
15 they are responsible for future on-bill recovery charges, and in the
16 absence of such written express assumption, the original seller,
17 transferor, or current loan holder of the subject property shall contin-
18 ue to be responsible for payment of such remaining charges through
19 direct billing and payment to the authority, or its agent. [The decla-
20 ration shall further state that it is being filed pursuant to this
21 section and, unless fully satisfied prior to sale or transfer of the
22 property, the loan repayment utility meter charge shall survive changes
23 in ownership, tenancy, or meter account responsibility and, until fully
24 satisfied, shall constitute the obligation of the person responsible for
25 the meter account. Such declaration shall not constitute a mortgage and
26 shall not create any security interest or lien on the property. Upon
27 satisfaction of the loan, the authority shall file a declaration of
28 repayment pursuant to article nine of the real property law.]

29 § 3. Paragraph (d) of subdivision 2 of section 66-m of the public
30 service law, as added by chapter 388 of the laws of 2011, is amended to
31 read as follows:

32 (d) unless fully satisfied prior to sale or transfer, that (i) the
33 on-bill recovery charges for any services provided at the customer's
34 premises shall survive changes in ownership, tenancy or meter account
35 responsibility if the New York state energy research and development
36 authority shall have recorded a declaration pursuant to article nine of
37 the real property law with respect to such property for the existence of
38 an on-bill recovery loan, and (ii) that arrears in on-bill recovery
39 charges at the time of account closure or meter transfer shall remain
40 the responsibility of the incurring customer, unless expressly assumed
41 by a subsequent purchaser of the property subject to such charges;

42 § 4. Paragraph (a) of subdivision 4 of section 242 of the real proper-
43 ty law, as added by chapter 388 of the laws of 2011, is amended to read
44 as follows:

45 (a) Any person, firm, company, partnership or corporation offering to
46 sell real property which is subject to a green jobs-green New York
47 on-bill recovery charge pursuant to title nine-A of article eight of the
48 public authorities law and which provides that such charge shall survive
49 changes in ownership, tenancy or meter account responsibility if not
50 fully satisfied prior to sale or transfer, shall provide written notice
51 to the prospective purchaser or the prospective purchaser's agent, stat-
52 ing as follows: "This property is subject to a green jobs-green New York
53 on-bill recovery charge". Such notice shall also state the total amount
54 of the original charge, the payment schedule and the approximate remain-
55 ing balance, a description of the energy efficiency services performed,
56 including improvements to the property, and an explanation of the bene-

1 fit of the green jobs-green New York qualified energy efficiency
2 services. Such notice shall be provided by the seller prior to accepting
3 a purchase offer; provided that such notice is not necessary if the loan
4 agreement provides that upon sale or transfer of the subject property
5 the purchaser or transferee is only responsible for on-bill recovery
6 charges after sale or transfer if they agree through written express
7 assumption provided in accordance with the terms of the on-bill recovery
8 loan agreement, and in the absence of such assumption, the original
9 seller, transferor, or current loan holder of the subject property shall
10 be responsible for payment of such remaining charges through direct
11 billing and payment to the New York state energy research and develop-
12 ment authority, or its agent.

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

15 PART M

16 Intentionally Omitted

17 PART N

18 Section 1. Subdivision 12 of section 66 of the public service law is
19 amended by adding four new paragraphs (n), (o), (p) and (q) to read as
20 follows:

21 (n) (i) The commission shall require each application for a major
22 change in rates filed by a gas corporation, an electric corporation, or
23 a combination gas and electric corporation, to include an executive
24 compensation disclosure. Such executive compensation disclosure shall
25 include: (A) the median of the annual total compensation of all employ-
26 ees of the gas corporation, electric corporation, or combination gas and
27 electric corporation, except for management positions; (B) the annual
28 total compensation of the chief executive officer; (C) the annual total
29 compensation for each other management position; and (D) the ratio of
30 the amount described in clause (A) of this subparagraph to the amount
31 described in clause (B) of this subparagraph.

32 (ii) The commission shall develop performance-based targets that tie
33 compensation for the chief executive officer and other management posi-
34 tions and ratepayer-funded incentive compensation programs to the energy
35 affordability index developed pursuant to section sixty-six-y of this
36 article and shall consider adjustments to the corporation's return on
37 equity based on such metric. Such adjustments shall account for compo-
38 ponents of the affordability index which the corporation does not control,
39 including but not limited to commodity supply prices. Any negative
40 revenue adjustment shall accrue to the benefit of ratepayers in the form
41 of a direct utility bill credit as soon as is practicably feasible and
42 in no event later than thirty days following such determination, and
43 shall be clearly labeled on the ratepayer's bill.

44 (iii) For purposes of this paragraph, "management positions" shall
45 include officers, directors, vice-presidents, and any other positions
46 receiving annual aggregate compensation, including incentive-based
47 compensation and equity-based compensation, in excess of two hundred
48 fifty thousand dollars.

49 (o) (i) The commission shall require each application for a major
50 change in rates filed by a gas corporation, electric corporation or gas
51 and electric corporation to include, in addition to the corporation's

1 recommended proposal, a budget constrained proposal that separately sets
2 forth operating expenses, capital expenditures, programmatic or policy
3 expenditures, commodity supply costs, and other costs not within the
4 control of the corporation. Such budget constrained proposal shall not
5 increase the applicant's aggregate revenues by more than the average of
6 the annual consumer price index increases over the prior three years.

7 (ii) The commission shall not approve an increase in the applicant's
8 aggregate revenues by more than the increase set forth in the budget
9 constrained proposal absent a demonstration by the applicant that such
10 budget constrained proposal would jeopardize safety, reliability, energy
11 affordability programs, energy efficiency programs, or cost-effective
12 electrification upgrades. If the commission finds that the applicant has
13 made such a demonstration, the commission must provide a detailed expla-
14 nation as to why an increase of more than the budget constrained
15 proposal was necessary in its order approving the increase, and such
16 increase shall not be in excess of the amount above the budget
17 constrained proposal necessary to maintain safety, reliability, energy
18 affordability programs, energy efficiency programs, and cost-effective
19 electrification upgrades. The commission, in making its determinations,
20 shall consider the disclosures required pursuant to paragraph (n) of
21 this subdivision, the rubric set forth in paragraph (p) of this subdivi-
22 sion, and the affordability index provided by the applicant pursuant to
23 section sixty-six-y of this article.

24 (iii) The commission shall require the corporation to track expendi-
25 tures and outcomes and explain all material deviations from the approved
26 rate plan no less frequently than on a biannual basis.

27 (iv) Following conclusion of the rate case, the commission shall
28 prepare a comparative analysis between the recommended proposal, the
29 budget constrained proposal, and the final rate plan approved by the
30 commission, delineated by line item and with sufficient detail and
31 explanation for the general public to understand such analysis. Such
32 analysis shall be made publicly available and posted on the commission's
33 website in an easily accessible location and format.

34 (v) The commission shall impose negative revenue adjustments at the
35 end of any year in which the commission determines that the applicant's
36 expenditures materially deviated from the rate plan. This negative
37 revenue adjustment shall accrue to the benefit of ratepayers in the form
38 of a direct utility bill credit as soon as is practicably feasible and
39 in no event later than thirty days following such determination and
40 shall be clearly labeled on the ratepayer's bill.

41 (p) The commission shall, within one hundred eighty days of the effec-
42 tive date of this paragraph, establish by order a capital investment
43 evaluation rubric to be applied in reviewing all applications for a
44 major change in rates pursuant to this subdivision. Such rubric shall be
45 publicly posted and readily accessible on the commission's website.
46 Such rubric shall:

47 (i) distinguish between unnecessary or discretionary expenditures that
48 primarily benefit shareholders and strategic capital investments that
49 advance state policy objectives;

50 (ii) prioritize investments that demonstrably reduce ratepayer costs
51 through avoided energy demand, transmission and distribution upgrades,
52 or energy efficiency measures;

53 (iii) establish heightened scrutiny standards for capital expendi-
54 tures, requiring gas corporations, electric corporations, and combina-
55 tion gas and electric corporations to demonstrate that such expenditures
56 provide measurable benefits to ratepayers in the form of reduced costs,

1 improved reliability, improved efficiency, or enhanced grid flexibility;
2 and

3 (iv) require utilities to demonstrate consideration of non-wire and
4 non-pipe alternatives prior to approval of traditional capital invest-
5 ments in distribution infrastructure.

6 (q) (i) The commission is authorized and directed to, no later than
7 January first, two thousand twenty-seven, establish rules to limit a
8 utility's ability to recover its direct or indirect costs associated
9 with its attendance in, participation in, preparation for, or appeal of
10 any rate proceeding conducted before the commission. Such costs shall
11 include, but need not be limited to, attorneys' fees, fees to engage
12 expert witnesses or consultants, the portion of employee salaries asso-
13 ciated with such attendance, participation, preparation or appeal of a
14 rate proceeding and related costs identified by the commission.

15 (ii) In establishing such rules the commission may consider: (A)
16 setting an overall percentage of the utility's expenses in a rate case
17 that are not recoverable; (B) setting a baseline of the reasonable cost
18 of participation in a rate case; and (C) establishing discovery parame-
19 ters and what information in a proceeding must be disclosed to interven-
20 ers and to the commission to reduce time and costs associated with a
21 lengthy discovery process.

22 § 1-a. Subdivision 20 of section 66 of the public service law, as
23 added by chapter 394 of the laws of 1978, is amended to read as follows:

24 20. (a) Notwithstanding any general or special law, rule or regulation
25 to the contrary, the commission shall have the power to provide for the
26 refund of any revenues received by any gas [~~or~~] corporation, electric
27 corporation, or combination gas and electric corporation, which cause
28 the corporation to have revenues in the aggregate in excess of its
29 authorized rate of return for a period of twelve months.

30 (b) Such corporations shall be required to return all revenues derived
31 from their actual return on equity in excess of their authorized rate of
32 return on equity to ratepayers in the form of a bill credit. Such bill
33 credit shall be provided to ratepayers no later than thirty days follow-
34 ing the end of each year of a rate period and shall be clearly labeled
35 on the ratepayer's bill. The commission [~~may~~] shall initiate a proceed-
36 ing with respect to such a refund after the conclusion of any such
37 twelve month period.

38 (c) The commission shall not approve any rate plan which allows any
39 gas, electric, or combination gas and electric corporation to retain
40 revenues derived from their actual return on equity in excess of their
41 authorized rate of return on equity.

42 (d) Such corporations shall be required to report annually to the
43 department any excess revenues and the amount returned to ratepayers.

44 (e) For purposes of this subdivision, "authorized rate of return on
45 equity" shall mean the return on the equity portion of the rate base
46 that regulated utilities are authorized to collect in rates and "rate
47 period" shall mean the time period in which a regulated utility collects
48 rates that are authorized and approved by the commission.

49 § 2. Subdivision 10 of section 80 of the public service law is amended
50 by adding two new paragraphs (h) and (i) to read as follows:

51 (h) (i) The commission shall require each application for a major
52 change in rates filed by a steam corporation to include an executive
53 compensation disclosure. Such executive compensation disclosure shall
54 include: (A) the median of the annual total compensation of all employ-
55 ees of the steam corporation, except for management positions; (B) the
56 annual total compensation of the chief executive officer; (C) the annual

1 total compensation for each other management position; and (D) the ratio
2 of the amount described in clause (A) of this subparagraph to the amount
3 described in clause (B) of this subparagraph.

4 (ii) For purposes of this paragraph, "management positions" shall
5 include officers, directors, vice presidents, and any other position
6 receiving annual aggregate compensation, including incentive-based
7 compensation and equity-based compensation, in excess of two hundred
8 fifty thousand dollars.

9 (i) (i) The commission shall require each application for a major
10 change in rates filed by a steam corporation to include, in addition to
11 the corporation's recommended proposal, a budget constrained proposal
12 that separately sets forth operating expenses, capital expenditures,
13 programmatic or policy expenditures, commodity supply costs, and other
14 costs not within the control of the corporation. Such budget constrained
15 proposal shall not increase the applicant's aggregate revenues by more
16 than the average of the annual consumer price index increases over the
17 prior three years.

18 (ii) The commission shall not approve an increase in the applicant's
19 aggregate revenues by more than the increase set forth in the budget
20 constrained proposal absent a demonstration by the applicant that such
21 budget constrained proposal would jeopardize safety, reliability, or
22 affordability programs. If the commission finds that the applicant has
23 made such a demonstration, the commission must provide a detailed expla-
24 nation as to why an increase of more than the budget constrained
25 proposal was necessary in its order approving the increase, and such
26 increase shall not be in excess of the amount above the budget
27 constrained proposal necessary to maintain safety, reliability, and
28 affordability programs. The commission, in making its determinations,
29 shall consider the disclosures required pursuant to paragraph (h) of
30 this subdivision.

31 (iii) The commission shall require the corporation to track expendi-
32 tures and outcomes and explain all material deviations from the approved
33 rate plan no less frequently than on a biannual basis.

34 (iv) Following conclusion of the rate case, the commission shall
35 prepare a comparative analysis between the recommended proposal, the
36 budget constrained proposal, and the final rate plan approved by the
37 commission, delineated by line item and with sufficient detail and
38 explanation for the general public to understand such analysis. Such
39 analysis shall be made publicly available and posted on the commission's
40 website in an easily accessible location and format.

41 (v) The commission shall impose negative revenue adjustments at the
42 end of any year in which the commission determines that the steam corpo-
43 ration's expenditures materially deviated from the rate plan. This
44 negative revenue adjustment shall accrue to the benefit of ratepayers in
45 the form of a direct utility bill credit as soon as is practicably
46 feasible and in no event later than thirty days following such determi-
47 nation and shall be clearly labeled on the ratepayer's bill.

48 § 3. Subdivision 10 of section 89-c of the public service law is
49 amended by adding two new paragraphs (j) and (k) to read as follows:

50 (j) (i) The commission shall require each application for a major
51 change in rates filed by a water-works corporation to include an execu-
52 tive compensation disclosure. Such executive compensation disclosure
53 shall include: (A) the median of the annual total compensation of all
54 employees of the water-works corporation, except for management posi-
55 tions; (B) the annual total compensation of the chief executive officer;
56 (C) the annual total compensation for each other management position;

1 and (D) the ratio of the amount described in clause (A) of this subpara-
 2 graph to the amount described in clause (B) of this subparagraph.

3 (ii) For purposes of this paragraph, "management positions" shall
 4 include officers, directors, vice presidents, and any other position
 5 receiving annual aggregate compensation, including incentive-based
 6 compensation and equity-based compensation, in excess of two hundred
 7 fifty thousand dollars.

8 (k) (i) The commission shall require each application for a major
 9 change in rates filed by a water-works corporation to include, in addi-
 10 tion to the corporation's recommended proposal, a budget constrained
 11 proposal that separately sets forth operating expenses, capital expendi-
 12 tures, programmatic or policy expenditures, commodity supply costs, and
 13 other costs not within the control of the corporation. Such budget
 14 constrained proposal shall not increase the applicant's aggregate reven-
 15 ues by more than the average of the annual consumer price index
 16 increases over the prior three years.

17 (ii) The commission shall not approve an increase in the applicant's
 18 aggregate revenues by more than the increase set forth in the budget
 19 constrained proposal absent a demonstration by the applicant that such
 20 budget constrained proposal would jeopardize safety, reliability, or
 21 affordability programs. If the commission finds that the applicant has
 22 made such a demonstration, the commission must provide a detailed expla-
 23 nation as to why an increase of more than the budget constrained
 24 proposal was necessary in its order approving the increase, and such
 25 increase shall not be in excess of the amount above the budget
 26 constrained proposal necessary to maintain safety, reliability, and
 27 affordability programs. The commission, in making its determinations,
 28 shall consider the disclosures required pursuant to paragraph (j) of
 29 this subdivision.

30 (iii) The commission shall require the corporation to track expendi-
 31 tures and outcomes and explain all material deviations from the approved
 32 rate plan no less frequently than on a biannual basis.

33 (iv) Following conclusion of the rate case, the commission shall
 34 prepare a comparative analysis between the recommended proposal, the
 35 budget constrained proposal, and the final rate plan approved by the
 36 commission, delineated by line item and with sufficient detail and
 37 explanation for the general public to understand such analysis. Such
 38 analysis shall be made publicly available and posted on the commission's
 39 website in an easily accessible location and format.

40 (v) The commission shall impose negative revenue adjustments at the
 41 end of any year in which the commission determines that the water-works
 42 corporation's expenditures materially deviated from the rate plan. This
 43 negative revenue adjustment shall accrue to the benefit of ratepayers in
 44 the form of a direct utility bill credit as soon as is practicably
 45 feasible and in no event later than thirty days following such determi-
 46 nation and shall be clearly labeled on the ratepayer's bill.

47 § 3-a. The public service law is amended by adding a new article 12 to
 48 read as follows:

49 ARTICLE 12

50 UTILITY LOBBYING ACT

51 Section 240. Definitions.

52 241. Limitations on rates.

53 § 240. Definitions. As used in this article, unless the context other-
 54 wise indicates, the following terms have the following meanings:

1 1. "Affiliated interest" means any person who owns directly, indirect-
2 ly or through a chain of successive ownership, ten percent or more of
3 the voting securities of a public utility.

4 2. "Consumer-owned transmission and distribution utility" means any
5 transmission and distribution utility wholly owned by its consumers,
6 including its consumers served in the state. "Consumer-owned trans-
7 mission and distribution utility" includes but is not limited to:

8 (a) the transmission and distribution portion of a rural electrifica-
9 tion cooperative;

10 (b) the transmission and distribution portion of an electrification
11 cooperative organized on a cooperative plan under the laws of the state;

12 (c) a municipal or quasi-municipal transmission and distribution util-
13 ity located in the state;

14 (d) the transmission and distribution portion of a municipal or
15 quasi-municipal entity located in the state providing generation and
16 other services; and

17 (e) a transmission and distribution utility wholly owned by a munici-
18 pality located in the state.

19 3. "Consumer-owned water utility" means any water utility which is
20 wholly owned by its consumers, including its consumers served in the
21 state. "Consumer-owned water utility" includes but is not limited to:

22 (a) any municipal or quasi-municipal water district or corporation
23 located in the state;

24 (b) any municipal water department located in the state; or

25 (c) the water portion of any utility wholly owned by a municipality or
26 district located in the state.

27 4. "Public official" shall have the same meaning as defined in section
28 one-c of the legislative law.

29 5. "Lobbying" shall have the same meaning as defined in section one-c
30 of the legislative law.

31 6. "Charity" means an entity formed primarily for charitable purposes,
32 including but not limited to:

33 (a) a corporation formed under the business corporation law, the
34 limited liability company law or the not-for-profit corporation law
35 primarily for charitable purposes;

36 (b) a charitable trust as defined by article eight of the estates,
37 powers and trusts law; and

38 (c) any charitable foundation registered within the state that submits
39 financial disclosures to the attorney general.

40 7. "Public utility" means a public utility company or a public utility
41 corporation subject to the provisions of this chapter.

42 8. "Trade association" means a business or industry trade association,
43 group or related entity incorporated under Section 501 of the Internal
44 Revenue Code of 1986.

45 § 241. Limitations on rates. 1. The following expenses, whether paid
46 directly or indirectly, through reimbursement or otherwise, incurred by
47 a public utility or an affiliated interest may not be included or incor-
48 porated in operating expenses to be recovered in rates:

49 (a) contributions or gifts to political candidates, political parties,
50 political or legislative committees or any committee or organization
51 working to influence referendum petitions or elections;

52 (b) contributions to a trade association, chamber of commerce or
53 public charity, including, but not limited to, a charity managed by the
54 public utility or affiliated interest; provided, however, that this
55 paragraph does not apply to a consumer-owned water utility;

1 (c) any direct or indirect cost associated with (i) travel, lodging or
2 food and beverage expenses for the public utility's board of directors
3 and officers or the board of directors and officers of such public util-
4 ity's parent company; (ii) entertainment or gifts; (iii) any owned,
5 leased or chartered aircraft for such public utility's board of direc-
6 tors and officers or the board of directors and officers of such public
7 utility's parent company; or (iv) investor relations;

8 (d) expenditures for lobbying;

9 (e) expenditures for public relations campaigns and advertising,
10 unless approved by the commission as serving a public interest. Public
11 relations campaigns and advertising include expenditures relating to
12 information delivered to the public or to the public utility's customers
13 by radio, television, the Internet, print and other media or through
14 sponsorships, paid endorsements that bear the name of the utility corpo-
15 ration or an organization that receives funds from a utility corporation
16 to promote an interest of the utility corporation or are intended to
17 solicit goodwill towards the utility corporation. This paragraph does
18 not apply to a consumer-owned transmission and distribution utility or a
19 consumer-owned water utility, and does not include communications with
20 the person's stockholders, employees, board members, or officers; or

21 (f) any expenses associated with the preparation of the reports
22 described in subdivisions two and three of this section.

23 2. On or before January fifteenth, two thousand twenty-seven, and
24 annually thereafter, each public utility with more than seventy-five
25 thousand customers shall submit to the commission a report, in a form
26 prescribed by the commission, containing a written, itemized description
27 of any expenses that may not be included or incorporated in the public
28 utility's operating expenses under subdivision one of this section. The
29 report must also include a written, itemized description of the expenses
30 that may not be included or incorporated in the public utility's operat-
31 ing expenses under subdivision one of this section that are relevant to
32 the business interests of the public utility paid by a membership organ-
33 ization of which the public utility is a member. For each expense, the
34 report must include the date, the payee, the amount and a description of
35 the purpose of the expense and any other information deemed relevant by
36 the commission.

37 3. In addition to the report required under subdivision two of this
38 section, if a public utility or an affiliated interest engages in major
39 political activities, as defined by the commission by rule, the public
40 utility shall file a quarterly report containing a written description
41 of those major political activities and the expenditures associated with
42 those activities. For each expenditure, the report must include the
43 date, the payee, the amount and a description of the purpose of the
44 expenditure.

45 4. The public utility shall make available for public inspection all
46 materials filed with the commission in accordance with subdivisions two
47 and three of this section. The commission shall make available the annu-
48 al reports filed by public utilities in accordance with this section on
49 its publicly accessible website with notice of the availability of the
50 reports prominently displayed on the website.

51 § 3-b. Section 5 of the public service law is amended by adding a new
52 subdivision 7 to read as follows:

53 7. The commission shall adopt and implement rules and regulations
54 necessary to implement the provisions of section two hundred forty-one
55 of this chapter, including, but not limited to, rules concerning promo-
56 tional advertising; promotional allowances, including, but not limited

1 to, the granting of promotional rebates or credits; advertising to
2 promote corporate image or goodwill; contributions to charities; public
3 relations campaigns and any other advertising covered by article twelve
4 of this chapter; or political activities, including major political
5 activities, by a public utility or an affiliated interest as defined in
6 section two hundred forty of this chapter.

7 § 4. Within 180 days from the effective date of this act, the public
8 service commission shall issue a review of the standards and procedures
9 used to ensure that inappropriate utility expenses are not charged to
10 ratepayers, including but not limited to: advertising and marketing not
11 directly related to energy efficiency, demand response, and customer
12 education regarding utility cost saving and customer service programs;
13 human resource-related settlements; cleanup costs pursuant to title
14 thirteen of article 27 of the environmental conservation law or the
15 Comprehensive Environmental Response, Compensation, and Liability Act
16 ("CERCLA"), 42 U.S.C. § 9601 et seq.; legal fees; any fines or penalties
17 imposed on the utility; and any other expenses that are inappropriate to
18 charge to ratepayers. The commission shall by order update such stand-
19 ards and procedures and ensure their enforceability in order to disallow
20 all such inappropriate utility expenses from rate recovery.

21 § 5. This act shall take effect January 1, 2027. Effective immediate-
22 ly, the addition, amendment and/or repeal of any rule or regulation
23 necessary for the implementation of this act on its effective date are
24 authorized to be made and completed on or before such effective date.

25 PART 0

26 Section 1. Intentionally omitted.

27 § 2. Paragraph (f) of subdivision 12 of section 66 of the public
28 service law, as amended by chapter 154 of the laws of 1989, is amended
29 to read as follows:

30 (f) (i) Whenever there shall be filed with the commission by any util-
31 ity any schedule stating a new rate or charge, or any change in any form
32 of contract or agreement or any rule or regulation relating to any rate,
33 charge or service, or in any general privilege or facility, the commis-
34 sion may, at any time within sixty days from the date when such schedule
35 would or has become effective, either upon complaint or upon its own
36 initiative, and, if it so orders, without answer or other formal plead-
37 ing by the utility, but upon reasonable notice, hold a hearing concern-
38 ing the propriety of a change proposed by the filing. If such change is
39 a major change, the commission shall hold such a hearing. Pending such
40 hearing and decision thereon, the commission, upon filing with such
41 schedule and delivering to the utility, a statement in writing of its
42 reasons therefor, may suspend the operation of such schedule, but not
43 for a longer period than one hundred and twenty days beyond the time
44 when it would otherwise go into effect. After full hearing, whether
45 completed before or after the schedule goes into effect, the commission
46 may make such order in reference thereto as would be proper in a
47 proceeding begun after the rate, charge, form of contract or agreement,
48 rule, regulation, service, general privilege or facility had become
49 effective. If any such hearing cannot be concluded within the period of
50 suspension as above stated, the commission may extend the suspension for
51 a further period, not exceeding [~~six~~] ten months.

52 (ii) The commission shall require an electric corporation or gas
53 corporation to file a rate plan of no less than two years and no more
54 than three years when filing for any major change, in a manner and

1 pursuant to requirements prescribed by the commission. Such rate plan
2 filed shall include all necessary documentation, as determined by the
3 commission, for the period of such rate plan, for the purpose of justi-
4 fying and supporting each year of the request. The commission in its
5 discretion may extend the provisions of this section to municipalities.

6 (iii) The commission shall not approve any rate plan resulting from
7 litigation, or agree to any rate plan resulting from a settlement with a
8 utility, for a term of less than two years, or more than three years in
9 total, for any major change in rates, and no decision, ruling, order, or
10 other determination of any court or tribunal may permit for a term of
11 less than two years or more than three years for any major change in
12 rates, unless a term of less than two years is necessary to avoid a
13 substantial risk to the reliability, safety or security of the electric
14 grid or gas system.

15 (iv) For any electric or gas utility corporation, when filing for the
16 first major change in rates following the effective date of this para-
17 graph, the commission shall only approve a rate plan if the commission
18 issues an order on the merits following litigation at a hearing on
19 contested issues, with respect to such filing if it results from a liti-
20 gated rate case. For a filing for a second major change by such electric
21 or gas utility following the effective date of this paragraph, the
22 commission shall only approve a rate plan with respect to such filing if
23 it results from a joint settlement agreement between the department,
24 other parties to the rate case, and such electric or gas utility corpo-
25 ration. With respect to a filing by such electric or gas utility for a
26 major change thereafter, the commission shall only approve a rate plan
27 resulting from a settlement if the prior rate plan approval resulted
28 from a litigated rate case, and shall only approve a rate plan resulting
29 from a litigated rate case if the prior rate plan approval resulted from
30 a settlement between the department and such electric or gas utility
31 corporation.

32 (v) The commission shall deny any additional request for a major
33 change to an existing rate plan or settlement unless such denial would
34 cause a substantial risk to the reliability, safety or security of the
35 electric grid or gas system.

36 (vi) Subject to the foregoing provisions of this paragraph, the
37 commission shall have such authority as may be necessary to address any
38 adverse changes undertaken by a gas or electric corporation to the
39 approved rate plan after the rate plan has been approved and is in
40 effect, in order to ensure conformity with the approved rate plan.

41 (vii) Any major change in rates approved by an order from the commis-
42 sion and subject to the foregoing provisions of this paragraph shall not
43 include any provision, article or terms that permit such electric or gas
44 utility receiving such approval, to collect additional compensation,
45 premiums, bonuses, or favorable regulatory treatment for delaying a
46 future request or filing for a major change in rates.

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

49 § 66-x. Granting of make whole provisions. 1. Definitions. For the
50 purposes of this section, the following terms shall have the following
51 meanings:

52 (a) "Suspension period" means the designated timeframe during which
53 the implementation of a proposed utility rate, charge, or related change
54 is temporarily halted by the commission, pursuant to paragraph (f) of
55 subdivision twelve of section sixty-six of this article.

1 (b) "Hearing" means a formal proceeding conducted by the commission,
2 initiated either upon complaint or at its own discretion, to examine and
3 determine the appropriateness of proposed changes in rates, charges,
4 contracts, agreements, rules, regulations, services, or general privi-
5 leges or facilities by a utility, as outlined in paragraph (f) of subdivi-
6 vision twelve of section sixty-six of this article.

7 (c) "Make whole provision" means an arrangement in utility rate regu-
8 lation that permits a utility to retroactively recover revenues it would
9 have earned if new rates had been applied during a suspension period.

10 (d) "Rate compression" means the phenomenon where customers are
11 charged higher rates in a condensed timeframe to compensate for retroac-
12 tive rate adjustments, often due to the application of a make whole
13 provision.

14 (e) "Rate period" means the time period in which a regulated utility
15 collects rates that are authorized and approved by the commission.

16 2. Limitations on retroactive rate recovery. (a) To alleviate the
17 impact of rate compression on all customers, the following limitations
18 on make whole provisions are hereby established for any period beyond
19 the initial suspension period. The percentage limit applied shall extend
20 uniformly to the entirety of the extended suspension period.

21 (i) For the first two months beyond the initial suspension period
22 prior to a hearing, a utility may recover up to ninety percent of the
23 additional revenues it would have collected had the new rates been
24 effective during the rate period.

25 (ii) For the third month, a utility may recover up to seventy percent
26 of the additional revenues it would have collected had the new rates
27 been effective during the rate period.

28 (iii) For the fourth month, a utility may recover up to thirty percent
29 of the additional revenues it would have collected had the new rates
30 been effective during the rate period.

31 (iv) For the fifth month and any subsequent months, a utility shall
32 not recover any additional revenues for the rate periods.

33 (b) In instances where a make whole provision is granted by the
34 commission, a utility shall not seek to recover, in any future rate
35 filings or through any other financial mechanism or strategy, any reven-
36 ues not recovered due to the limitations specified in paragraph (a) of
37 this subdivision, nor shall any interest or carrying charges be imposed
38 on any deferred recovery granted under a make whole provision.

39 (c) In the absence of a multi-year rate period, any allowable recovery
40 under a make whole provision, as limited by this section, shall be
41 deferred as determined by the commission, provided however that such
42 recovery shall occur over a period specified by the commission within
43 the following two fiscal years and shall not include any additional
44 costs or interest charges to customers. The commission may in its
45 discretion may extend the provisions of this section to municipalities.

46 § 4. Paragraph (f) of subdivision 10 of section 80 of the public
47 service law, as amended by chapter 154 of the laws of 1989, is amended
48 to read as follows:

49 (f) (i) Whenever there shall be filed with the commission by any util-
50 ity any schedule stating a new rate or charge, or any change in any form
51 of contract or agreement or any rule or regulation relating to any rate,
52 charge or service, or in any general privilege or facility, the commis-
53 sion may, at any time within sixty days from the date when such schedule
54 would or has become effective, either upon complaint or upon its own
55 initiative, and, if it so orders, without answer or other formal plead-
56 ing by the utility, but upon reasonable notice, hold a hearing concern-

1 ing the propriety of a change proposed by the filing. If such change is
2 a major change, the commission shall hold such a hearing. Pending such
3 hearing and decision thereon the commission, upon filing with such sche-
4 dule and delivering to the utility, a statement in writing of its
5 reasons therefor, may suspend the operation of such schedule, but not
6 for a longer period than one hundred and twenty days beyond the time
7 when it would otherwise go into effect. After full hearing, whether
8 completed before or after the schedule goes into effect, the commission
9 may make such order in reference thereto as would be proper in a
10 proceeding begun after the rate, charge, form of contract or agreement,
11 rule, regulation, service, general privilege or facility had become
12 effective. If such hearing cannot be concluded within the period of
13 suspension as above stated, the commission may extend the suspension for
14 a further period not exceeding [~~six~~] ten months.

15 (ii) The commission shall require a steam corporation to file a rate
16 plan of no less than two years and no more than three years when filing
17 for any major change, in a manner and pursuant to requirements
18 prescribed by the commission. Such rate plan filed shall include all
19 necessary documentation, as determined by the commission, for the period
20 of such rate plan, for the purpose of justifying and supporting each
21 year of the request. The commission in its discretion may extend the
22 provisions of this section to municipalities.

23 (iii) The commission shall not approve any rate plan resulting from
24 litigation, or agree to any rate plan resulting from a settlement with a
25 utility, for a term of less than two years, or more than three years in
26 total, for any major change in rates, and no decision, ruling, order, or
27 other determination of any court or tribunal may permit for a term of
28 less than two years or more than three years for any major change in
29 rates, unless a term of less than two years is necessary to avoid a
30 substantial risk to the reliability, safety or security of the steam
31 system.

32 (iv) For any steam corporation, when filing for the first major change
33 in rates following the effective date of this paragraph, the commission
34 shall only approve a rate plan if the commission issues an order on the
35 merits following litigation at a hearing on contested issues, with
36 respect to such filing if it results from a litigated rate case. For a
37 filing for a second major change by such steam corporation following the
38 effective date of this paragraph, the commission shall only approve a
39 rate plan with respect to such filing if it results from a joint settle-
40 ment agreement between the department, other parties to the rate case,
41 and such steam corporation. With respect to a filing by such steam
42 corporation for a major change thereafter, the commission shall only
43 approve a rate plan resulting from a settlement if the prior rate plan
44 approval resulted from a litigated rate case, and shall only approve a
45 rate plan resulting from a litigated rate case if the prior rate plan
46 approval resulted from a settlement between the department and such
47 steam corporation.

48 (v) The commission shall deny any additional request for a major
49 change to an existing rate plan or settlement unless such denial would
50 cause a substantial risk to the reliability, safety or security of the
51 steam system.

52 (vi) Subject to the foregoing provisions of this paragraph, the
53 commission shall have such authority as may be necessary to address any
54 adverse changes undertaken by a steam corporation to the approved rate
55 plan after the rate plan has been approved and is in effect, in order to
56 ensure conformity with the approved rate plan.

1 (vii) Any major change in rates approved by an order from the commis-
2 sion and subject to the foregoing provisions of this paragraph shall not
3 include any provision, article or terms that permit such steam corpo-
4 ration receiving such approval, to collect additional compensation,
5 premiums, bonuses, or favorable regulatory treatment for delaying a
6 future request or filing for a major change in rates.

7 § 5. Section 80 of the public service law is amended by adding two new
8 subdivisions 13 and 14 to read as follows:

9 13. For the purposes of this subdivision, the following terms shall
10 have the following meanings:

11 (a) "Suspension period" means the designated timeframe during which
12 the implementation of a proposed utility rate, charge, or related change
13 is temporarily halted by the commission, pursuant to paragraph (f) of
14 subdivision ten of this section.

15 (b) "Hearing" means a formal proceeding conducted by the commission,
16 initiated either upon complaint or at its own discretion, to examine and
17 determine the appropriateness of proposed changes in rates, charges,
18 contracts, agreements, rules, regulations, services, or general privi-
19 leges or facilities by a utility, as outlined in paragraph (f) of subdivi-
20 vision ten of this section.

21 (c) "Make whole provision" means an arrangement in utility rate regu-
22 lation that permits a utility to retroactively recover revenues it would
23 have earned if new rates had been applied during a suspension period.

24 (d) "Rate compression" means the phenomenon where customers are
25 charged higher rates in a condensed timeframe to compensate for retroac-
26 tive rate adjustments, often due to the application of a make whole
27 provision.

28 (e) "Rate period" means the time period in which a regulated utility
29 collects rates that are authorized and approved by the commission.

30 14. (a) To alleviate the impact of rate compression on all customers,
31 the following limitations on make whole provisions are hereby estab-
32 lished for any period beyond the initial suspension period. The percent-
33 age limit applied shall extend uniformly to the entirety of the extended
34 suspension period.

35 (i) For the first two months beyond the initial suspension period
36 prior to a hearing, a utility may recover up to ninety percent of the
37 additional revenues it would have collected had the new rates been
38 effective during the rate period.

39 (ii) For the third month, a utility may recover up to seventy percent
40 of the additional revenues it would have collected had the new rates
41 been effective during the rate period.

42 (iii) For the fourth month, a utility may recover up to thirty percent
43 of the additional revenues it would have collected had the new rates
44 been effective during the rate period.

45 (iv) For the fifth month and any subsequent months, a utility shall
46 not recover any additional revenues for the rate periods.

47 (b) In instances where a make whole provision is granted by the
48 commission, a utility shall not seek to recover, in any future rate
49 filings or through any other financial mechanism or strategy, any reven-
50 ues not recovered due to the limitations specified in paragraph (a) of
51 this subdivision, nor shall any interest or carrying charges be imposed
52 on any deferred recovery granted under a make whole provision.

53 (c) In the absence of a multi-year rate period, any allowable recovery
54 under a make whole provision, as limited by this section, shall be
55 deferred as determined by the commission, provided however that such
56 recovery shall occur over a period specified by the commission within

1 the following two fiscal years and shall not include any additional
2 costs or interest charges to customers. The commission may in its
3 discretion extend the provisions of this section to municipalities.

4 § 6. Paragraph (f) of subdivision 10 of section 89-c of the public
5 service law, as amended by chapter 154 of the laws of 1989, is amended
6 to read as follows:

7 (f) (i) Whenever there shall be filed with the commission by any
8 water-works corporation any schedule stating a new rate or charge, or
9 any change in any form of contract or agreement or any rule or regu-
10 lation relating to any rate, charge or service, or in any general privi-
11 lege or facility, the commission may, at any time within sixty days from
12 the date when such schedule would or has become effective, either upon
13 complaint or upon its own initiative, and, if it so orders, without
14 answer or other formal pleading by the interested corporation, but upon
15 reasonable notice, hold a hearing concerning the propriety of a change
16 proposed by the filing. If such change is a major change, the commission
17 shall hold such a hearing. Pending such hearing and decision thereon,
18 the commission, upon filing with such schedule and delivering to the
19 corporation affected thereby a statement in writing of its reasons
20 therefor, may suspend the operation of such schedule, but not for a
21 longer period than one hundred and twenty days beyond the time when it
22 would otherwise go into effect. After a full hearing, whether completed
23 before or after the schedule goes into effect, the commission may make
24 such order in reference thereto as would be proper in a proceeding begun
25 after the rate, charge, form of contract or agreement, rule, regulation,
26 service, general privilege or facility had become effective. If any such
27 hearing cannot be concluded within the period of suspension as above
28 stated, the commission may extend the suspension for a further period
29 not exceeding ~~six~~ ten months.

30 (ii) The commission shall require a water-works corporation to file a
31 rate plan of no less than two years and no more than three years when
32 filing for any major change, in a manner and pursuant to requirements
33 prescribed by the commission. Such rate plan filed shall include all
34 necessary documentation, as determined by the commission, for the period
35 of such rate plan, for the purpose of justifying and supporting each
36 year of the request. The commission in its discretion may extend the
37 provisions of this section to municipalities.

38 (iii) The commission shall not approve any rate plan resulting from
39 litigation, or agree to any rate plan resulting from a settlement with a
40 utility, for a term of less than two years, or more than three years in
41 total, for any major change in rates, and no decision, ruling, order, or
42 other determination of any court or tribunal may permit for a term of
43 less than two years or more than three years for any major change in
44 rates, unless a term of less than two years is necessary to avoid a
45 substantial risk to the reliability, safety or security of the water
46 system.

47 (iv) For any water-works corporation, when filing for the first major
48 change in rates following the effective date of this paragraph, the
49 commission shall only approve a rate plan if the commission issues an
50 order on the merits following litigation at a hearing on contested
51 issues, with respect to such filing if it results from a litigated rate
52 case. For a filing for a second major change by such water-works corpo-
53 ration following the effective date of this paragraph, the commission
54 shall only approve a rate plan with respect to such filing if it results
55 from a joint settlement agreement between the department, other parties
56 to the rate case, and such water-works corporation. With respect to a

1 filing by such water-works corporation for a major change thereafter,
2 the commission shall only approve a rate plan resulting from a settle-
3 ment if the prior rate plan approval resulted from a litigated rate
4 case, and shall only approve a rate plan resulting from a litigated rate
5 case if the prior rate plan approval resulted from a settlement between
6 the department and such water-works corporation.

7 (v) The commission shall deny any additional request for a major
8 change to an existing rate plan or settlement unless such denial would
9 cause a substantial risk to the reliability, safety or security of the
10 water system.

11 (vi) Subject to the foregoing provisions of this paragraph, the
12 commission shall have such authority as may be necessary to address any
13 adverse changes undertaken by a water-works corporation to the approved
14 rate plan after the rate plan has been approved and is in effect, in
15 order to ensure conformity with the approved rate plan.

16 (vii) Any major change in rates approved by an order from the commis-
17 sion and subject to the foregoing provisions of this paragraph shall not
18 include any provision, article or terms that permit such water-works
19 corporation receiving such approval, to collect additional compensation,
20 premiums, bonuses, or favorable regulatory treatment for delaying a
21 future request or filing for a major change in rates.

22 § 7. Section 89-p of the public service law, as added by chapter 476
23 of the laws of 1979, is amended to read as follows:

24 § 89-p. Powers of the department. 1. Granting of make whole
25 provisions. For the purposes of this subdivision, the following terms
26 shall have the following meanings:

27 (a) "Suspension period" means the designated timeframe during which
28 the implementation of a proposed utility rate, charge, or related change
29 is temporarily halted by the commission, pursuant to paragraph (f) of
30 subdivision ten of section eighty of this chapter.

31 (b) "Hearing" means a formal proceeding conducted by the commission,
32 initiated either upon complaint or at its own discretion, to examine and
33 determine the appropriateness of proposed changes in rates, charges,
34 contracts, agreements, rules, regulations, services, or general privi-
35 leges or facilities by a utility, as outlined in paragraph (f) of subdivi-
36 sion ten of section eighty of this article.

37 (c) "Make whole provision" means an arrangement in utility rate regu-
38 lation that permits a utility to retroactively recover revenues it would
39 have earned if new rates had been applied during a suspension period.

40 (d) "Rate compression" means the phenomenon where customers are
41 charged higher rates in a condensed timeframe to compensate for retroac-
42 tive rate adjustments, often due to the application of a make whole
43 provision.

44 (e) "Rate period" means the time period in which a regulated utility
45 collects rates that are authorized and approved by the commission.

46 2. Limitations on retroactive rate recovery. (a) To alleviate the
47 impact of rate compression on all customers, the following limitations
48 on make whole provisions are hereby established for any period beyond
49 the initial suspension period. The percentage limit applied shall extend
50 uniformly to the entirety of the extended suspension period.

51 (i) For the first two months beyond the initial suspension period
52 prior to a hearing, a utility may recover up to ninety percent of the
53 additional revenues it would have collected had the new rates been
54 effective during the rate period.

1 (ii) For the third month, a utility may recover up to seventy percent
2 of the additional revenues it would have collected had the new rates
3 been effective during the rate period.

4 (iii) For the fourth month, a utility may recover up to thirty percent
5 of the additional revenues it would have collected had the new rates
6 been effective during the rate period.

7 (iv) For the fifth month and any subsequent months, a utility shall
8 not recover any additional revenues for the rate periods.

9 (b) In instances where a make whole provision is granted by the
10 commission, a utility shall not seek to recover, in any future rate
11 filings or through any other financial mechanism or strategy, any reven-
12 ues not recovered due to the limitations specified in paragraph (a) of
13 this subdivision, nor shall any interest or carrying charges be imposed
14 on any deferred recovery granted under a make whole provision.

15 (c) In the absence of a multi-year rate period, any allowable recovery
16 under a make whole provision, as limited by this section, shall be
17 deferred as determined by the commission, provided however that such
18 recovery shall occur over a period specified by the commission within
19 the following two fiscal years and shall not include any additional
20 costs or interest charges to customers. The commission may in its
21 discretion extend the provisions of this section to municipalities.

22 3. The department shall, with respect to out of state water-works
23 corporations which are affiliated with in-state water-works corporations
24 and which provide water to such in-state corporations for eventual
25 retail to New York consumers, keep apprised of, attend and monitor, and,
26 where possible, formally intervene in rate cases brought by such out of
27 state corporations before the appropriate regulatory agency of such
28 other state. The commission shall consider and utilize information
29 secured therefrom in determining whether rate increases sought by such
30 affiliated in-state corporations are in the public interest.

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

40 § 9. This act shall take effect immediately, provided that sections
41 three, five, and seven of this act shall take effect one year after it
42 shall have become a law; and provided, further, that sections two, four
43 and six of this act shall take effect on the one hundred eightieth day
44 after it shall have become a law; provided, further, that this act shall
45 not apply to any rate plan in effect prior to such effective date.

46

PART P

47 Section 1. The public service law is amended by adding a new section
48 66-x to read as follows:

49 § 66-x. Energy affordability index. 1. Beginning January first, two
50 thousand twenty-seven, the commission shall require each gas corporation
51 and electric corporation, or combination electric and gas corporation to
52 submit an annual affordability index showing the energy burden of such
53 corporation's residential customers. The commission shall promulgate
54 rules and regulations adopting a methodology for gas corporations, elec-

1 tric corporations and combination electric and gas corporations to
2 calculate an affordability index. The methodology shall incorporate
3 consideration of a variety of differentiated income tiers, sources of
4 energy burden, and such other considerations as the commission shall
5 determine.

6 2. On or before June first, two thousand twenty-seven, and annually
7 thereafter, the commission shall issue a report on energy affordability
8 that includes a comparison of the affordability of residential utility
9 service provided by each gas corporation, electric corporation, and
10 combination electric and gas corporation in New York state to affor-
11 dability data from other states as reported by the United States energy
12 information administration.

13 3. The findings of such report, including information obtained from
14 the filings of affordability indices in accordance with subdivision one
15 of this section and paragraph (n) of subdivision twelve of section
16 sixty-six of this article, and information obtained from reports of
17 affordability monitors and investigations of gas corporations and elec-
18 tric corporations pursuant to subdivision thirty-three of section
19 sixty-six of this article shall be used by the commission to inform how
20 the commission evaluates applications for major changes in rates. The
21 commission shall, in each order approving a major change in rates for a
22 gas corporation or electric corporation, explain how such information
23 affected or modified its order when approving a major change in rates,
24 and how it is supported by such information.

25 § 2. Subdivision 12 of section 66 of the public service law is amended
26 by adding a new paragraph (n) to read as follows:

27 (n) The commission shall require each application for a major change
28 in rates filed by a gas corporation, electric corporation, or combina-
29 tion electric and gas corporation to include an affordability index that
30 shows the energy burden of such corporation's residential customers at
31 the time of filing and what the energy burden would be following the
32 corporation's proposed change in rates, as calculated using the method-
33 ology adopted by the commission pursuant to section sixty-six-x of this
34 article.

35 (i) Within the affordability index filed by a gas, electric or combi-
36 nation electric and gas corporation, the corporation shall identify
37 sources of energy burden for customers, including, but not limited to,
38 lack of access to energy efficiency upgrades or energy efficient appli-
39 ances, under enrollment in energy affordability programs, increased
40 delivery rates, customer usage, weather related patterns, wrongful bill-
41 ing practices, and energy supply prices.

42 (ii) When identifying sources of energy burden pursuant to this para-
43 graph the corporation shall include an estimate of the overall cost of
44 such source of energy burden and a brief explanation thereof.

45 (iii) The corporation shall additionally include within such filing
46 potential solutions to assist energy burdened customers.

47 (iv) All information pertaining to the requirements set forth in this
48 paragraph shall be fully viewable, publicly available and prominently
49 posted on the commission's website except in cases where such public
50 availability and posting would result in disclosure of confidential
51 information such confidential information shall be excluded or anonym-
52 ized.

53 § 3. Section 66 of the public service law is amended by adding a new
54 subdivision 33 to read as follows:

55 33. (a) Following any commission decision that approves a change in
56 rates that results in an energy burden greater than three percent for

1 residential electric service or greater than three percent for residen-
2 tial gas service, or greater than six percent for residential combina-
3 tion electric and gas service, install an independent affordability
4 monitor inside any gas corporation, electric corporation or combination
5 electric and gas corporation for a time period determined by the commis-
6 sion but for no less than one year.

7 (b) In every case in which the commission installs an affordability
8 monitor, it shall have authority to select the monitor, and to require
9 the electric corporation, gas corporation, or combination electric and
10 gas corporation being monitored to enter into a contract with the moni-
11 tor to pay for the monitor's services at such corporation's expense and
12 which costs shall not be recoverable from ratepayers. Such contract
13 shall provide further that the monitor shall work for and under the
14 direction of the commission according to such terms as the commission
15 may determine are necessary and reasonable.

16 (c) Such affordability monitor shall have power to examine records,
17 including but not limited to, the accounts, books, contracts, property,
18 assets, procurement history, taxes, accounting, operations, maintenance,
19 past and present customer billing systems and related documents, custom-
20 er complaints, as well as financial documents, reports, and papers of
21 the corporation and shall have full access to management meetings and
22 related records, in order to review utility operations and expenditures,
23 and the corporation shall provide such materials and such access to the
24 affordability monitor. The affordability monitor shall report to the
25 commission annually the primary cost drivers that caused the energy
26 burden to rise to more than three percent for residential electric
27 service or greater than three percent for residential gas service, or
28 greater than six percent for residential combination electric and gas
29 service, and any opportunities for cost savings. Such report shall be
30 publicly available and posted prominently on the commission's website.
31 The commission upon receiving a report from the affordability monitor
32 shall review the primary cost drivers and all opportunities for savings.
33 The commission in its review shall make a determination if the opportu-
34 nities for savings detailed by the energy affordability monitor are
35 actionable. If the commission determines that any of the opportunities
36 for savings are not actionable the commission shall provide a detailed
37 explanation for that decision. If the commission determines an opportu-
38 nity for savings is actionable, it shall issue an order within ninety
39 days detailing the adjustments in operations, incentives and/or policy
40 required by such corporation.

41 (d) Failure by any gas corporation, or electric corporation or combi-
42 nation electric and gas corporation, to reasonably comply with the
43 affordability monitor's investigation shall result in corrective action
44 by the commission, including but not limited to, orders directing
45 corrective action, and penalties for violations of this chapter, and/or
46 any other action deemed appropriate by the commission.

47 (e) If the energy affordability monitor discovers evidence of wide-
48 spread errors, including but not limited to errors in billing, rates,
49 charges, and compensation for employees or third-party contractors,
50 miscategorization of expenses, fraud, or wrongdoing, the commission
51 shall initiate an investigation within fourteen days of the affordabili-
52 ty monitor submitting the report to the commission. The commission shall
53 conclude the investigation within six months of initiating the investi-
54 gation. The results of every investigation pursuant to this subdivision
55 shall be publicly available and posted prominently on the commission's
56 website.

1 (f) The commission when releasing the findings of an investigation
2 into such corporation shall determine whether the corporation was at
3 fault and determine if corrective action is appropriate. Corrective
4 action may include but shall not be limited to, penalties for violations
5 of this chapter, negative revenue adjustments to a corporation's return
6 on equity, and/or any other action deemed appropriate by the commission.
7 Any settlement, interest, fees, penalties or disgorged profits collected
8 by the commission as a result of investigations pursuant to this subdivi-
9 sion shall be promptly returned to impacted residential and small
10 non-residential ratepayers in the form of on-bill credits.

11 § 4. This act shall take effect January 1, 2027. Effective immediate-
12 ly, the addition, amendment and/or repeal of any rule or regulation
13 necessary for the implementation of this act on its effective date are
14 authorized to be made and completed on or before such date.

15 PART Q

16 Section 1. Subdivision 1 of section 235-a of the real property law, as
17 amended by chapter 143 of the laws of 2020, is amended to read as
18 follows:

19 1. In any case in which a residential tenant shall lawfully make a
20 payment to a utility company pursuant to the provisions of [~~sections~~
21 ~~thirty-three,~~] section thirty-four [~~and one hundred sixteen~~] of the
22 public service law, or to a utility company as defined in subdivision
23 twenty-three of section two of the public service law, public authority,
24 water-works corporation, as defined in subdivision twenty-seven of
25 section two of the public service law, or municipal water system, as
26 prescribed in section eighty-nine-1 of the public service law, for water
27 service which a landlord is responsible for but has failed or refused to
28 provide payment therefor, such payment shall be deductible from any
29 future payment of rent.

30 § 2. Section 33 of the public service law, as added by chapter 713 of
31 the laws of 1981, paragraphs (c) and (d) of subdivision 1 as amended by
32 chapter 195 of the laws of 2010, is amended to read as follows:

33 § 33. Discontinuance of residential utility service to multiple dwell-
34 ings. 1. Notwithstanding any other provisions of law, no public utility
35 company or municipality shall discontinue gas, electric or steam service
36 to an entire multiple dwelling (as defined in the multiple dwelling law
37 or the multiple residence law) located anywhere in this state for
38 nonpayment of bills rendered for service [~~unless such~~]. A public utility
39 company or municipality may commence an action against the owner of the
40 premises affected seeking a lien against such multiple dwelling for the
41 amount of such utility bills. A utility shall have given fifteen days
42 written notice of its intention so to [~~discontinue~~] seek such lien as
43 follows:

44 (a) Such notice shall be served personally on the owner of the prem-
45 ises affected, or in lieu thereof, to the person, firm, or corporation
46 to whom or which the last preceding bill has been rendered and from whom
47 or which the utility has received payment therefor, and to the super-
48 intendent or other person in charge of the building or premises
49 affected, if it can be readily ascertained that there is such super-
50 intendent or other person in charge.

51 (b) In lieu of personal delivery to the person or persons, firm or
52 corporation specified in paragraph (a) [~~above~~] of this subdivision, such
53 notice may be mailed in a postpaid wrapper to the address of such person
54 or persons, firm or corporation.

1 (c) In addition to the notice prescribed by paragraph (a) or (b) of
2 this subdivision, fifteen days written notice shall be (i) posted in the
3 public areas of such multiple dwelling, (ii) mailed to the "Occupant" of
4 each unit in that multiple dwelling, (iii) mailed to the local health
5 officer and the director of the social services district for the poli-
6 tical subdivision in which the multiple dwelling is located, (iv) if the
7 multiple dwelling is located in a city or a village, mailed to the mayor
8 thereof, or if there be none, to the manager, or, if the multiple dwell-
9 ing is located in a town, then mailed to the town supervisor, (v) mailed
10 to the county executive of the county in which the multiple dwelling is
11 located, or if there be none, then to the [~~chairman~~ chairperson] of such
12 county's legislative body, and (vi) mailed to the office of the New York
13 state long term care ombudsman, if the multiple dwelling is a residen-
14 tial health care facility as defined in subdivision three of section
15 twenty-eight hundred one of the public health law, an adult care facili-
16 ty as defined in subdivision twenty-one of section two of the social
17 services law, or an assisted living residence as defined in subdivision
18 one of section forty-six hundred fifty-one of the public health law as
19 added by chapter two of the laws of two thousand four. Notice required
20 by subparagraphs (iv) and (v) of this paragraph may be mailed to the
21 persons specified therein or to their respective designees. The notice
22 required by this paragraph shall state [~~the intended date of disconti-~~
23 ~~nuance of service,~~] the amount due for such service, and [~~the procedure~~
24 ~~by which any tenant or public agency may make such payment and thereby~~
25 ~~avoid discontinuance of service~~] that the utility will not discontinue
26 service and shall seek a lien against the owner.

27 [~~(d) The written notice required by subparagraphs (iii), (iv), (v) and~~
28 ~~(vi) of paragraph (c) of this subdivision shall be repeated not more~~
29 ~~than four days nor less than two days prior to such discontinuance.~~

30 ~~1-a. Whenever a notice of intention to discontinue utility service has~~
31 ~~been made pursuant to the provisions of this section and obligations~~
32 ~~owed the utility or municipality have been satisfied, the utility or~~
33 ~~municipality shall notify, in the same manner as it gave such notice of~~
34 ~~intention, the occupant of each unit that the intention to discontinue~~
35 ~~utility service no longer exists.]~~

36 2. For the purposes of this section, the department charged with
37 enforcing the multiple dwelling law shall prepare a schedule of all
38 multiple dwellings within its jurisdiction and shall provide a copy of
39 such schedule to any gas, steam or electric corporation or municipality
40 subject to the provisions of this section. Such schedule shall be
41 revised semi-annually and a revised copy provided to such corporation.
42 Every county, and every municipality to which the multiple dwelling law
43 does not apply, which county or municipality has compiled or hereafter
44 may compile a listing of all multiple dwellings within its jurisdiction
45 shall make such listing available without charge to any gas, steam or
46 electric corporation providing service in such county or municipality.

47 3. [~~Any gas, electric or steam corporation or municipality which will-~~
48 ~~fully fails to comply with the provisions of this section shall be~~
49 ~~liable for a penalty of twenty-five dollars for each occupied unit of~~
50 ~~the multiple dwelling for each day during which service is unlawfully~~
51 ~~discontinued; provided, however, that when the only non-compliance with~~
52 ~~this section is failure to mail notice to each "Occupant" as required by~~
53 ~~clause (ii) of paragraph (c) of subdivision one above the penalty shall~~
54 ~~be twenty-five dollars for each occupied unit of the multiple dwelling~~
55 ~~to which notice was not mailed for each day during which service is~~
56 ~~unlawfully discontinued. An action to recover a penalty under this~~

~~1 section may be brought by the counsel to the commission in any court of
2 competent jurisdiction in this state in the name of the people of the
3 state of New York. Any moneys recovered in such action shall be paid to
4 the state treasury to the credit of the general fund.~~

4.] Any person who willfully interferes with the posting of the notice specified in [~~elause~~] subparagraph (i) of paragraph (c) of subdivision one [~~above~~] of this section by any gas, steam or electric corporation or municipality, willfully defaces or mutilates any such notice, or willfully removes the same from the place where it is posted by such company prior to the date specified therein for the discontinuance of service shall be guilty of a violation and, upon conviction, shall be punished by a fine not exceeding twenty-five dollars.

~~5. The commission shall maintain rules and regulations for the payment by tenants of utility bills for gas, electric or steam service in a multiple dwelling to which this section applies where the owner of any such multiple dwelling, or the person, firm or corporation to whom or which the last preceding bill has been rendered or from whom or which the utility or municipality has received payment therefor, has failed to pay such utility bills. Such rules and regulations shall (a) provide that utility service may not be discontinued to any such multiple dwelling as long as the tenants continue to make timely payments in accordance with established procedures; (b) include designation of an office to advise tenants of the rights and procedures available pursuant to such rules and regulations; (c) assure that tenants shall not be liable for bills more than two months in arrears; and (d) require the commission upon petition of twenty five percent of the tenants of such multiple dwelling to meet with representatives of such tenants and the owner, person, firm or corporation to whom or which the last preceding bill has been rendered or from whom or which the utility has received payment therefor.]~~

§ 3. Section 116 of the public service law, as amended by chapter 713 of the laws of 1981, subdivision 5 as separately amended by chapter 511 of the laws of 1981, is amended to read as follows:

§ 116. Discontinuance of water service to multiple dwellings. 1. Notwithstanding any other provisions of law, no public utility company shall discontinue water service to an entire multiple dwelling (as defined in the multiple dwelling law or the multiple residence law) located anywhere in this state for nonpayment of bills rendered for service [~~unless such~~]. A public utility company or municipality may commence an action against the owner of the premises affected seeking a lien against such multiple dwelling for the amount of such utility bills. A utility shall have given fifteen days' written notice of its intention so to [~~discontinue~~] seek such lien as follows:

(a) Such notice shall be served personally on the owner of the premises affected, or in lieu thereof, to the person, firm, or corporation to whom or which the last preceding bill has been rendered and from whom or which the utility has received payment therefor, and to the superintendent or other person in charge of the building or premises affected, if it can be readily ascertained that there is such superintendent or other person in charge.

(b) In lieu of personal delivery to the person or persons, firm or corporation specified in paragraph (a) [~~above~~] of this subdivision, such notice may be mailed in a postpaid wrapper to the address of such person or persons, firm or corporation.

(c) In addition to the notice prescribed by paragraph (a) or (b) [~~above~~] of this subdivision, fifteen days' written notice shall be (i)

1 posted in the public areas of such multiple dwelling, (ii) mailed to the
2 "Occupant" of each unit in that multiple dwelling, (iii) mailed to the
3 local health officer and the director of the social services district
4 for the political subdivision in which the multiple dwelling is located,
5 (iv) if the multiple dwelling is located in a city or a village, mailed
6 to the mayor thereof, or if there be none, to the manager, or, if the
7 multiple dwelling is located in a town, then mailed to the town supervi-
8 sor, and (v) mailed to the county executive of the county in which the
9 multiple dwelling is located, or if there be none, then to the [~~chair-~~
10 ~~man~~] chairperson of such county's legislative body. Notice required by
11 subparagraphs (iv) and (v) of this paragraph may be mailed to the
12 persons specified therein or to their respective designees. The notice
13 required by this paragraph shall state the [~~intended date of disconti-~~
14 ~~nuance of service, the~~] amount due for such service, and [~~the procedure~~
15 ~~by which any tenant or public agency may make such payment and thereby~~
16 ~~avoid discontinuance of service~~] that the utility will not discontinue
17 service and shall seek a lien against the owner.

18 [~~(d) The written notice required by clauses (iii), (iv) and (v) of~~
19 ~~paragraph (c) above shall be repeated not more than four days nor less~~
20 ~~than two days prior to such discontinuance.~~

21 ~~1-a. Whenever a notice of intention to discontinue utility service has~~
22 ~~been made pursuant to the provisions of this section and obligations~~
23 ~~owed the utility have been satisfied, the utility shall notify, in the~~
24 ~~same manner as it gave such notice of intention, the occupant of each~~
25 ~~unit that the intention to discontinue utility service no longer~~
26 ~~exists.]~~

27 2. For the purposes of this section, the department charged with
28 enforcing the multiple dwelling law shall prepare a schedule of all
29 multiple dwellings within its jurisdiction and shall provide a copy of
30 such schedule to any water corporation subject to the provisions of this
31 section. Such schedule shall be revised semi-annually and a revised copy
32 provided to such corporation. Every county, and every municipality to
33 which the multiple dwelling law does not apply, which county or munic-
34 ipality has compiled or hereafter may compile a listing of all multiple
35 dwellings within its jurisdiction shall make such listing available
36 without charge to any water corporation providing service in such county
37 or municipality.

38 3. [~~Any water corporation which willfully fails to comply with the~~
39 ~~provisions of this section shall be liable for a penalty of twenty-five~~
40 ~~dollars for each occupied unit of the multiple dwelling for each day~~
41 ~~during which service is unlawfully discontinued, provided, however, that~~
42 ~~when the only non-compliance with this section is failure to mail notice~~
43 ~~to each "Occupant" as required by clause (ii) of paragraph (c) of subdivi-~~
44 ~~sion one above the penalty shall be twenty-five dollars for each occu-~~
45 ~~pled unit of the multiple dwelling to which notice was not mailed for~~
46 ~~each day during which service is unlawfully discontinued. An action to~~
47 ~~recover a penalty under this section may be brought by the counsel to~~
48 ~~the commission in any court of competent jurisdiction in this state in~~
49 ~~the name of the people of the state of New York. Any monies recovered in~~
50 ~~such action shall be paid to the state treasury to the credit of the~~
51 ~~general fund.~~

52 4.] Any person who willfully interferes with the posting of the notice
53 specified in [~~elause~~] subparagraph (i) of paragraph (c) of subdivision
54 one [~~above~~] of this section by any water corporation, willfully defaces
55 or mutilates any such notice, or willfully removes the same from the
56 place where it is posted by such company prior to the date specified

1 therein for the discontinuance of service shall be guilty of a violation
2 and, upon conviction, shall be punished by a fine not exceeding twenty-
3 five dollars.

4 ~~[5. The commission shall maintain rules and regulations for the
5 payment by tenants of utility bills for water service in a multiple
6 dwelling to which this section applies where the owner of any such
7 multiple dwelling, or the person, firm or corporation to whom or which
8 the last preceding bill has been rendered or from whom or which the
9 utility has received payment therefore, has failed to pay such utility
10 bills. Such rules and regulations shall (i) provide that utility service
11 may not be discontinued to any such multiple dwelling as long as the
12 tenants continue to make timely payments in accordance with established
13 procedures; (ii) include designation of an office to advise tenants of
14 the rights and procedures available pursuant to such rules and regu-
15 lations; (iii) assure that tenants shall not be liable for bills more
16 than two months in arrears; and (iv) require the commission upon peti-
17 tion of twenty five percent of the tenants of such multiple dwelling to
18 meet with representatives of such tenants and the owner, person, firm or
19 corporation to whom or which the last preceding bill has been rendered
20 or from whom or which the utility has received payment therefore.]~~

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

23 PART R

24 Section 1. Intentionally omitted.

25 § 1-a. This act shall be known and may be cited as the "sustainable
26 housing and sprawl prevention act".

27 § 2. The opening paragraph of subdivision 4 of section 8-0109 of the
28 environmental conservation law, as amended by chapter 49 of the laws of
29 2023, is amended to read as follows:

30 As early as possible in the formulation of a proposal for an action
31 but not more than one year from the establishment of a lead agency, the
32 responsible agency shall make an initial determination as to whether an
33 environmental impact statement need be prepared for the action. In
34 making such determination for any proposed action the responsible agency
35 shall consider whether such action may cause or increase a dispropor-
36 tionate pollution burden on a disadvantaged community that is directly
37 or significantly indirectly affected by such action. When an action is
38 to be carried out or approved by two or more agencies, such determi-
39 nation shall be made as early as possible after the designation of the
40 lead agency.

41 § 3. Subdivision 5 of section 8-0109 of the environmental conservation
42 law is amended by adding a second undesignated paragraph to read as
43 follows:

44 Notwithstanding the specified time periods established by this arti-
45 cle, for actions involving applications for a permit or authorization,
46 the agency shall prepare and make available the environmental impact
47 statement within two years after the date a draft environmental impact
48 statement is determined to be required, unless the agency extends the
49 deadline in writing and, in consultation with an applicant and at the
50 discretion of the agency, establishes a new deadline that provides only
51 so much additional time as is necessary to complete the environmental
52 impact statement, considering any changes made by the applicant to the
53 project design after the issuance of the scoping document that result in
54 new significant environmental impacts, or additional actions that could

1 not have been reasonably anticipated during scoping, or the failure of
2 an applicant to provide necessary information despite good faith effort
3 by an agency, or delay in circumstances beyond the control of an agency
4 or an applicant.

5 § 4. Intentionally omitted.

6 § 5. Section 8-0111 of the environmental conservation law is amended
7 by adding a new subdivision 7 to read as follows:

8 7. Statute of limitations. The time to commence a proceeding to review
9 an agency determination under the provisions of this article or under
10 the rules or regulations implementing the provisions of this article
11 shall begin to accrue when the agency determination to approve or disap-
12 prove the action becomes final and binding upon the petitioner or the
13 person whom the petitioner represents in law or in fact.

14 § 6. Intentionally omitted.

15 § 7. Intentionally omitted.

16 § 8. The environmental conservation law is amended by adding a new
17 section 8-0119 to read as follows:

18 § 8-0119. Certain actions exempt or subject to limited review.

19 1. Exempt actions for construction of residential dwellings. (a)
20 Notwithstanding any law, rule or regulation to the contrary, qualifying
21 actions with respect to the construction of a new multiple dwelling or
22 more than one contiguous multiple dwellings, including building permits,
23 variances, subdivision approvals, site plan approvals, and zoning text
24 amendments, that meet the following thresholds shall be automatically
25 determined not to have a significant impact on the environment and shall
26 be exempt from any environmental review requirements under this article
27 or any rules or regulations promulgated pursuant hereto:

28 (i) fewer than ten total residential units in municipalities that have
29 not adopted zoning or subdivision regulations;

30 (ii) fewer than fifty total residential units in a building in which
31 no more than twenty percent of the floor area consists of commercial or
32 community facility uses, not to be connected at the commencement of
33 habitation to existing community or public water and sewerage systems
34 including sewage treatment works;

35 (iii) in a city, town, or village having a population of ninety thou-
36 sand persons or less, fewer than two hundred total residential units in
37 a building in which no more than twenty percent of the floor area
38 consists of commercial or community facility uses to be connected at the
39 commencement of habitation to existing community or public water and
40 sewerage systems including sewage treatment works;

41 (iv) in a city, town, or village having a population of greater than
42 ninety thousand but less than one million, fewer than five hundred total
43 residential units in a building in which no more than twenty percent of
44 the floor area consists of commercial or community facility uses to be
45 connected at the commencement of habitation to existing community or
46 public water and sewerage systems including sewage treatment works; or

47 (v) in a city having a population of one million or more persons,
48 fewer than one thousand total residential units in a building in which
49 no more than twenty percent of the floor area consists of commercial or
50 community facility uses to be connected at the commencement of habita-
51 tion to existing community or public water and sewerage systems includ-
52 ing sewage treatment works.

53 (b) To be determined as a "qualifying action" under paragraph (a) of
54 this subdivision, such multiple dwelling shall:

1 (i) be located in a census tract defined as an urbanized area or an
2 urban cluster by the federal Census Bureau or in a village with a mini-
3 imum population density of one thousand people per square mile;

4 (ii) be located on previously disturbed land;

5 (iii) not be located in an area:

6 (1) projected to experience flooding in the event of sea level rise
7 greater than or equal to the high-medium projection by year twenty-one
8 hundred as set forth in regulations promulgated pursuant to section
9 3-0319 of this chapter, or any other science-based projection of future
10 sea level conditions deemed satisfactory by the commissioner;

11 (2) designated as a special flood hazard area by the federal emergency
12 management agency, provided that this provision shall not apply to muni-
13 icipalities that have adopted a building code that mitigates flood hazard
14 risk by requiring new construction to be elevated above the base flood
15 elevation as defined by the federal emergency management agency; or

16 (3) designated as a critical environmental area by the department;

17 (iv) complete a Phase I Environmental Site Assessment in accordance
18 with all appropriate inquiries regulations of the United States Environ-
19 mental Protection Agency under the federal Comprehensive Environmental
20 Response, Compensation and Liability Act (Title forty of the Code of
21 Federal Regulations, Section 312), and complete testing for lead water
22 and paint, asbestos, and radon, the results of which shall be submitted
23 by the proposed developer of such multiple dwelling to the local agency
24 responsible for approving or denying the application for such multiple
25 dwelling. If the Phase I Environmental Site Assessment identifies condi-
26 tions indicative of releases or threatened releases of hazardous
27 substances, the proposed developer shall conduct such physical sampling
28 and testing as is necessary to ascertain the presence of hazardous
29 substances. If such testing finds contamination that exceeds acceptable
30 levels of contaminants for residential use as set forth in regulations
31 promulgated pursuant to titles thirteen and fourteen of article twenty-
32 seven and title five of article fifty-six of this chapter and related
33 regulations governing environmental remediation, the proposed project
34 shall either (1) obtain a written signoff from the lead agency that no
35 further environmental investigation is required or that a plan to
36 address any hazardous materials is acceptable; or (2) consent that the
37 development site will be developed pursuant to a regulatory agreement
38 with a government agency with appropriate protections and development
39 oversight requirements. Nothing in this subparagraph shall be deemed to
40 exempt any such site from applicable provisions of article twenty-seven
41 or title five of article fifty-six of this chapter, or other laws
42 governing hazardous waste and the presence of hazardous substances;

43 (v) receive a written certification from a qualified environmental
44 professional, as such term shall be defined by the department in regu-
45 lation, that the construction of such multiple dwelling will not violate
46 any state wetland laws under articles twenty-four and twenty-five of
47 this chapter, or any rules or regulations promulgated thereto;

48 (vi) receive a written certification from a qualified professional, as
49 such term shall be defined by the department in regulation, that
50 construction of such multiple dwelling, as proposed, will not violate
51 any drinking water laws under article eleven of the public health law,
52 or any rules or regulations promulgated thereto; and

53 (vii) receive certification by an architect licensed by the state that
54 the building has been designed to meet one or more of the following
55 building standards:

1 (1) the Leadership in Energy and Environmental Design Building Rating
2 System (LEED) published by the United States Green Building Council for
3 the category of certified gold, at minimum, as determined by a LEED
4 accredited professional;

5 (2) enterprise green communities review and certification;

6 (3) Passive House Institute Passive House certification;

7 (4) fossil fuel free building standards under subdivisions six and
8 seven of section 11-104 of the energy law and subdivision nineteen of
9 section three hundred seventy-eight of the executive law; or

10 (5) in municipalities that have opted in, the New York Stretch Code as
11 developed by the New York state energy research and development authori-
12 ty.

13 2. Actions with respect to construction of multiple dwellings subject
14 to limited review. (a) Notwithstanding any law, rule or regulation to
15 the contrary, actions with respect to the construction of new multiple
16 dwellings that are not exempt from environmental review under subdivi-
17 sion one of this section, and that are qualifying actions, shall not be
18 subject to any environmental review standards under this article, or
19 rules or regulations promulgated thereto, that do not consist of core
20 environmental concerns, as such term shall be defined by the department
21 in regulation. Topics of review that shall be exempt under this subdivi-
22 sion as failing to meet the standard of core environmental concerns
23 shall include, but not be limited to, casting of shading or shadows,
24 impacts on views from neighboring buildings, consistency with community
25 character, impacts on neighborhood character, and the resources of local
26 school systems; except that, in the case of a disadvantaged community,
27 such topics of concern may include the resources of local school
28 systems.

29 (b) To be determined as a "qualifying action" under paragraph (a) of
30 this subdivision, the proposed multiple dwelling shall:

31 (i) be located in a census tract defined as an urbanized area or an
32 urban cluster by the federal Census Bureau;

33 (ii) be located on previously disturbed land;

34 (iii) not be located in an area:

35 (1) projected to experience flooding in the event of sea level rise
36 greater than or equal to the high-medium projection by year twenty-one
37 hundred as set forth in regulations promulgated pursuant to section
38 3-0319 of this chapter, or any other science-based projection of future
39 sea level conditions deemed satisfactory by the commissioner;

40 (2) designated as a special flood hazard area by the federal emergency
41 management agency, provided that this provision shall not apply to muni-
42 cipalities that have adopted a building code that mitigates flood hazard
43 risk by requiring new construction to be elevated above the base flood
44 elevation as defined by the federal emergency management agency; or

45 (3) designated as a critical environmental area by the department.

46 3. Mandatory review. Every action that is a qualifying action under
47 subdivision one or two of this section shall be subjected to a determi-
48 nation by the local permitting authority of whether such action is
49 exempt under subdivision one of this section, and if such action is not
50 exempt under subdivision one of this section, whether such action is
51 exempt under subdivision two of this section. If, after sixty days, the
52 local agency responsible for approving or denying the application for
53 such multiple dwelling has failed to return such a determination, the
54 applicant may appeal to the division of housing and community renewal
55 for a determination, and in such case the division shall render a deter-
56 mination within sixty days of receipt of the application.

1 4. Historic sites. An action otherwise exempt from environmental
2 review requirements under subdivision one of this section may be
3 required to undergo environmental review pursuant to this article or the
4 rules or regulations promulgated pursuant hereto on the basis that the
5 multiple dwelling would be constructed wholly or partially within a
6 historic site, provided, however that such action affects a contributing
7 property within such historic site, and provided further that such envi-
8 ronmental review is limited in its scope to such contributing property.
9 An action shall not be required to undergo an environmental review under
10 this subdivision solely on the basis that such the proposed multiple
11 dwelling would be substantially contiguous to a historic site, or
12 located in a neighborhood containing historic sites.

13 5. Wastewater treatment and stormwater management. (a) An action
14 exempt from environmental review requirements under subdivision one or
15 two of this section may provide concept plans to either the appropriate
16 local governmental entity or the department that demonstrate that the
17 multiple dwelling will have adequate wastewater treatment to accommodate
18 the completed multiple dwelling for no less than thirty years. The
19 department shall establish a method by which developers of proposed
20 multiple dwellings may submit such concept plans pursuant to this para-
21 graph. Upon submission of such concept plans, the local governmental
22 entity or the department, as applicable, shall approve or deny such
23 concept wastewater treatment plans no later than thirty days after
24 submission of such plans.

25 (b) An action exempt from environmental review requirements under
26 subdivision one or two of this section shall be required to maintain
27 compliance with all applicable stormwater regulations.

28 6. Disadvantaged communities. The department shall require, by rule or
29 regulation, that qualifying actions with respect to the construction of
30 new multiple dwellings shall not:

31 (a) contribute more than a de minimis amount of pollution or any
32 disproportionate pollution burden after the completion of construction;
33 or

34 (b) directly displace low-income households by reducing, in aggregate,
35 their residential housing opportunities in a disadvantaged community.

36 7. Authority of the commissioner. The commissioner shall be authorized
37 to consult with any other state or local agency and to promulgate and/or
38 amend any rules and/or regulations such commissioner shall deem neces-
39 sary for the implementation of the provisions of this section; provided,
40 however, that the department and the division of housing and community
41 renewal shall jointly promulgate such rules and regulations as they
42 shall deem necessary for the implementation of subdivision six of this
43 section.

44 8. The proposed developer shall promptly provide to the department and
45 to the local agency, and shall promptly post on a publicly accessible
46 website, all certifications for the proposed developer's project that
47 are required by this section, and the Phase I site assessment and the
48 results of all testing required under subparagraph (iv) of paragraph (b)
49 of subdivision one of this section.

50 § 9. Section 8-0105 of the environmental conservation law is amended
51 by adding six new subdivisions 11, 12, 13, 14, 15 and 16 to read as
52 follows:

53 11. "Historic site" means a historic building, structure, facility,
54 site or district, or prehistoric site that is listed on the National
55 Register of Historic Places (36 CFR Parts 60 and 63), or that is listed
56 on the state register of historic places or that has been determined by

1 the commissioner of parks, recreation and historic preservation to be
2 eligible for listing on the state register of historic places pursuant
3 to section 14.07 or 14.09 of the parks, recreation and historic preser-
4 vation law, or historic buildings listed as landmarks by the New York
5 city landmarks preservation commission.

6 12. "Contributing property" means a building, structure, facility, or
7 site located within a historic site or district that wholly or partially
8 contributes to such designation as a historic site.

9 13. "Dwelling" means any building or structure or portion thereof
10 which is occupied or intended to be occupied in whole or in part as the
11 home, residence, or sleeping place of one or more human beings.

12 14. "Multiple dwelling" means a dwelling that is either rented,
13 leased, let or hired out, or sold, to be occupied, or is occupied as the
14 residence or home of four or more separate individuals or groups of
15 individuals living independently of each other, including, but not
16 limited to, apartments, condominiums, and townhouses. A "multiple dwell-
17 ing" shall not be deemed to include a class B multiple dwelling as
18 defined by section four of the multiple dwelling law, or a hospital,
19 convent, monastery, residential care facility, or a building used wholly
20 for commercial purposes.

21 15. "Residential unit" means a room or group of rooms within a multi-
22 ple dwelling that is designated as the living quarters for an individual
23 or group of individuals living independently from other individuals
24 occupying such multiple dwelling.

25 16. "Previously disturbed land" shall mean a parcel or lot of land
26 that was occupied or formerly occupied by a building or otherwise
27 improved or utilized at least two years prior to the effective date of
28 this subdivision, and was not most recently used for commercial agricul-
29 tural purposes.

30 § 10. Section 600 of the public housing law is amended by adding a new
31 subdivision 6 to read as follows:

32 6. A covered housing agency in this state shall be subject, as appli-
33 cable, to the provisions of article eight of the environmental conserva-
34 tion law and any rules and/or regulations promulgated thereto.

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

40 PART S

41 Section 1. Subdivisions 2 and 3 of section 54-1521 of the environ-
42 mental conservation law, as amended by section 1 of part CCC of chapter
43 55 of the laws of 2021, paragraph a of subdivision 2 and paragraph a of
44 subdivision 3 as amended by section 1 of part CCC of chapter 58 of the
45 laws of 2025, are amended to read as follows:

46 2. a. Until April 1, 2029, the commissioner, in consultation with the
47 New York state energy research and development authority, is authorized
48 to issue rebates until the annual allocation is exhausted to munici-
49 palities toward the cost of any eligible infrastructure projects which
50 support the development of clean vehicles.

51 b. The department, in consultation with the New York state energy
52 research and development authority, shall determine the amount of the
53 rebate for eligible infrastructure projects [~~, provided that an applicant~~
54 ~~for such eligible infrastructure project rebate may receive a maximum~~

~~1 rebate of two hundred fifty thousand dollars per facility, provided
2 however that infrastructure projects that will maximize access by multi-
3 ple public users who might otherwise not have access may receive a maxi-
4 mum of three hundred thousand dollars per facility].~~

5 3. a. Until April 1, 2029, the commissioner, in consultation with the
6 New York state energy research and development authority, is authorized
7 to issue rebates until the annual allocation is exhausted to municipi-
8 palities toward the cost of eligible purchases of clean vehicles.

9 b. The department, in consultation with the New York state energy
10 research and development authority, shall determine the amount of the
11 rebate taking into consideration the electric range of the vehicle[
12 ~~provided that a rebate of an eligible purchase shall be not less than
13 two thousand five hundred dollars per vehicle and not more than seven
14 thousand five hundred dollars per vehicle].~~

15 § 2. This act shall take effect immediately.

16 PART T

17 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the
18 public authorities law relating to the powers and duties of the dormito-
19 ry authority of the state of New York relative to the establishment of
20 subsidiaries for certain purposes, as amended by section 1 of part V of
21 chapter 58 of the laws of 2024, is amended to read as follows:

22 § 2. This act shall take effect immediately and shall expire and be
23 deemed repealed on July 1, [~~2026~~] 2028; provided however, that the expi-
24 ration of this act shall not impair or otherwise affect any of the
25 powers, duties, responsibilities, functions, rights or liabilities of
26 any subsidiary duly created pursuant to subdivision twenty-five of
27 section 1678 of the public authorities law prior to such expiration.

28 § 2. This act shall take effect immediately.

29 PART U

30 Section 1. This Part enacts into law components of legislation relat-
31 ing to the conveyance and use of real property owned and maintained by
32 the state university of New York. Each component is wholly contained
33 within a Subpart identified as Subparts A through C. The effective date
34 for each particular provision contained within such Subpart is set forth
35 in the last section of such Subpart. Any provision in any section
36 contained within a Subpart, including the effective date of the Subpart,
37 which makes reference to a section "of this act", when used in
38 connection with that particular component, shall be deemed to mean and
39 refer to the corresponding section of the Subpart in which it is found.
40 Section three of this Part sets forth the general effective date of this
41 Part.

42 SUBPART A

43 Section 1. Legislative findings. The legislature finds that the state
44 university of New York at Farmingdale ("the university") seeks to use
45 approximately 9.26 acres of vacant land on Farmingdale's campus to build
46 multi-purpose facilities to support housing needs and supporting ameni-
47 ties, fulfilling a necessary and vital public purpose. The legislature
48 further finds that granting the trustees of the state university of New
49 York ("trustees") the authority and power to lease and otherwise
50 contract to make available grounds and facilities of the Farmingdale

1 campus will ensure such land is utilized for the benefit of Farmingdale,
2 the surrounding community, and the general public.

3 § 2. Notwithstanding any other law to the contrary, the state univer-
4 sity trustees are hereby authorized and empowered, without any public
5 bidding, to lease and otherwise contract to make available to Farming-
6 dale state development corporation, a not-for-profit corporation (the
7 "ground lessee"), a portion of the lands of the university generally
8 described in this act for the purpose of developing, constructing, main-
9 taining and operating multi-purpose facilities to support housing needs
10 and supporting amenities. Such lease or contract shall be for a period
11 not exceeding ninety-nine years without any fee simple conveyance and
12 otherwise upon terms and conditions determined by such trustees, subject
13 to the approval of the director of the division of the budget, the
14 attorney general and the state comptroller. In the event that the real
15 property that is the subject of such lease or contract shall cease to be
16 used for the purpose described in this act, such lease or contract shall
17 immediately terminate, and the real property and any improvements there-
18 on shall revert to the state university of New York. Any lease or
19 contract entered into pursuant to this act shall provide that the real
20 property that is the subject of such lease or contract and any improve-
21 ments thereon shall revert to the state university of New York on the
22 expiration of such contract or lease. Any and all proceeds related to
23 the leases authorized by this act shall be used for the benefit of the
24 Farmingdale campus and the allocation of such proceeds shall be subject
25 to approval by the trustees.

26 § 3. Any contract or lease entered into pursuant to this act shall be
27 deemed to be a state contract for purposes of article 15-A of the execu-
28 tive law, and any contractor, subcontractor, lessee or sublessee enter-
29 ing into such contract or lease for the construction, demolition, recon-
30 struction, excavation, rehabilitation, repair, renovation, alteration or
31 improvement authorized pursuant to this act shall be deemed a state
32 agency for the purposes of article 15-A of the executive law and subject
33 to the provisions of such article.

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

47 § 5. Notwithstanding any law, rule or regulation to the contrary, the
48 state university of New York shall not contract out to the ground lessee
49 or any subsidiary for the instruction or any pedagogical functions or
50 services, or any administrative services, and similar professional
51 services currently being performed by state employees. All such func-
52 tions and services shall be performed by state employees pursuant to the
53 civil service law. Nothing in this act shall result in the displacement
54 of any currently employed state worker or the loss of position (includ-
55 ing partial displacement such as reduction in the hours of non-overtime,
56 wages or employment benefits), or result in the impairment of existing

1 contracts for services or collective bargaining rights pursuant to
2 existing agreements as provided under article 14 of the civil service
3 law. All positions currently at the state university of New York in the
4 unclassified service shall remain in the unclassified service. No
5 services or work on the property described in this act currently
6 performed by public employees at the time of the effective date of this
7 act, or that is similar in scope and nature to the work being currently
8 performed by public employees at the time of the effective date of this
9 act, shall be contracted out or privatized by the state university of
10 New York. The state university of New York acknowledges its obligations
11 as an employer under the civil service law and agrees that it will not
12 exercise its right to contract out for goods and services under any
13 applicable collective bargaining agreement.

14 § 6. 1. The provisions of this section shall only apply to employees
15 in the unclassified service at the state university of New York.

16 2. Notwithstanding any law, rule or regulation to the contrary, the
17 state university of New York or an affiliated or associated entity of
18 the state university of New York shall not contract out to the ground
19 lessee or any subsidiary of the ground lessee or the research foundation
20 for the state university of New York for any services or privatize any
21 services currently being performed by employees in the unclassified
22 service at the state university of New York at Farmingdale. All such
23 functions and services currently performed by employees in unclassified
24 service shall be performed by employees in the unclassified service.

25 3. Nothing in this act relating to the lease of property to private
26 entities for the development, construction, or operation of facilities
27 shall be deemed to waive or impair any rights or benefits of employees
28 of the state university of New York that otherwise would be available to
29 them pursuant to the terms of agreements between the certified represen-
30 tatives of such employees and the state of New York or provisions of
31 article fourteen of the civil service law. The state university of New
32 York and the state of New York acknowledge their obligations as an
33 employer and agree that they will not exercise their right to contract
34 out for services under any applicable collective bargaining agreement.

35 § 7. For the purposes of this act:

36 (a) "project" shall mean work at the property authorized by this act
37 to be leased to the ground lessee as described in section thirteen of
38 this act that involves the design, construction, reconstruction, demoli-
39 tion, excavating, rehabilitation, repair, renovation, alteration or
40 improvement of such property.

41 (b) "project labor agreement" shall mean a pre-hire collective
42 bargaining agreement between a contractor and a labor organization,
43 establishing the labor organization as the collective bargaining repre-
44 sentative for all persons who will perform work on the project, and
45 which provides that only contractors and subcontractors who sign a pre-
46 negotiated agreement with the labor organization can perform project
47 work.

48 § 8. Nothing in this act shall be deemed to waive or impair any rights
49 or benefits of employees of the state university of New York that other-
50 wise would be available to them pursuant to the terms of agreements
51 between the certified representatives of such employees and the state of
52 New York pursuant to article 14 of the civil service law, and all work
53 performed on such property that ordinarily would be performed by employ-
54 ees subject to article 14 of the civil service law shall continue to be
55 performed by such employees.

1 § 9. Notwithstanding the provisions of any general, special, or local
2 law or judicial decision to the contrary, the ground lessee shall
3 require the use of a project labor agreement, as defined in subdivision
4 1 of section 222 of the labor law, for all contractors and subcontrac-
5 tors on the project, consistent with paragraph (a) of subdivision 2 of
6 section 222 of the labor law.

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

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

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

30 § 13. The property authorized by this act to be leased to the ground
31 lessee is generally described as that parcel of real property with
32 improvements thereon consisting of a total of 9.26 acres situated on the
33 campus of the state university of New York at Farmingdale, subject to
34 all existing easements and restrictions of record. The description in
35 this section of the parcel to be made available pursuant to this act is
36 not meant to be a legal description, but is intended only to identify
37 the parcel:

38 All that certain plot, piece or parcel of land, situate, lying and
39 being at Melville, Town of Huntington, County of Suffolk and State of
40 New York, being more particularly bounded and described as follows:
41 BEGINNING at the corner formed by the intersection of the southerly side
42 of Melville Road with the westerly side of Route 110 (Broad Hollow
43 Road). Running Thence the following 12 (twelve) courses and distances:
44 1. Southerly, along the westerly side of Route 110, along the arc of a
45 curve, bearing to the right, having a radius of 5629.58 feet and a
46 length of 241.37 feet; 2. Still along said side, South 18 degrees 09
47 minutes 05 seconds West, a distance of 121.11 feet; 3. Westerly, North
48 56 degrees 29 minutes 30 seconds West, a distance of 100.00 feet; 4.
49 Southerly, South 15 degrees 47 minutes 32 seconds West, a distance of
50 125.97 feet; 5. Westerly, North 56 degrees 29 minutes 30 seconds West,
51 a distance of 545.14 feet; 6. Still westerly, North 56 degrees 05
52 minutes 25 seconds West, a distance of 382.45 feet; 7. Still westerly,
53 North 56 degrees 57 minutes 00 seconds West, a distance of 300 feet, to
54 the southerly side of Melville Road; 8. Easterly, along said side, along
55 the arc of a curve, bearing to the right, having a radius of 512.54
56 feet, and a length of 485.98 feet; 9. Still along said side, South 66

1 degrees 50 minutes 52 seconds East, a distance of 196.45 feet; 10. Still
2 along said side, along the arc of a curve, bearing to the left, having a
3 radius of 1313.24 feet and a length of 274.97 feet; 11. Still along said
4 side, South 78 degrees 50 minutes 40 seconds East, a distance of 228.40
5 feet; 12. Still along said side, South 45 degrees 52 minutes 29 seconds
6 East, a distance of 130.39 feet, to the westerly side of Route 110, at
7 the Point or Place of BEGINNING. Containing within said bounds an area
8 of 9.26 acres more or less. Subject to all existing easements and
9 restrictions of record.

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

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

16 § 16. This act shall take effect immediately.

17

SUBPART B

18 Section 1. Legislative findings. The legislature finds that the state
19 university of New York at Stony Brook ("the university") seeks to use
20 approximately 11.5 acres of underutilized land on Stony Brook's South-
21 ampton campus to build multi-purpose facilities to support housing needs
22 and supporting amenities, fulfilling a necessary and vital public
23 purpose. The legislature further finds that granting the trustees of
24 the state university of New York ("trustees") the authority and power to
25 lease and otherwise contract to make available grounds and facilities of
26 Stony Brook's campus will ensure such land is utilized for the benefit
27 of Stony Brook, the surrounding community, and the general public.

28 § 2. Notwithstanding any other law to the contrary, the state univer-
29 sity trustees are authorized and empowered, without any public bidding,
30 to lease and otherwise contract to make available to Stony Brook South-
31 ampton Housing Development Corp., a not-for-profit (ground lessee), a
32 portion of the lands of the university generally described in this act
33 for the purpose of developing, constructing, maintaining and operating
34 multi-purpose facilities to support housing needs and supporting amen-
35 ities. Such lease or contract shall be for a period not exceeding nine-
36 ty-nine years without any fee simple conveyance and otherwise upon terms
37 and conditions determined by such trustees, subject to the approval of
38 the director of the division of the budget, the attorney general and the
39 state comptroller. In the event that the real property that is the
40 subject of such lease or contract shall cease to be used for the purpose
41 described in this act, such lease or contract shall immediately termi-
42 nate and the real property and any improvements thereon shall revert to
43 the state university of New York. Any lease or contract entered into
44 pursuant to this act shall provide that the real property that is the
45 subject of such lease or contract and any improvements thereon shall
46 revert to the state university of New York on the expiration of such
47 contract or lease.

48 § 3. Any contract or lease entered into pursuant to this act shall be
49 deemed to be a state contract for purposes of article 15-A of the execu-
50 tive law, and any contractor, subcontractor, lessee or sublessee enter-
51 ing into such contract or lease for the construction, demolition, recon-
52 struction, excavation, rehabilitation, repair, renovation, alteration or
53 improvement authorized pursuant to this act shall be deemed a state

1 agency for the purposes of article 15-A of the executive law and subject
2 to the provisions of such article.

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

16 § 5. Notwithstanding any law, rule or regulation to the contrary, the
17 state university of New York shall not contract out to the ground lessee
18 or any subsidiary for the instruction or any pedagogical functions or
19 services, or any administrative services, and similar professional
20 services currently being performed by state employees. All such func-
21 tions and services shall be performed by state employees pursuant to the
22 civil service law. Nothing in this act shall result in the displacement
23 of any currently employed state worker or the loss of position (includ-
24 ing partial displacement such as reduction in the hours of non-overtime,
25 wages or employment benefits), or result in the impairment of existing
26 contracts for services or collective bargaining rights pursuant to
27 existing agreements as provided under article 14 of the civil service
28 law. All positions currently at the state university of New York in the
29 unclassified service shall remain in the unclassified service. No
30 services or work on the property described in this act currently
31 performed by public employees at the time of the effective date of this
32 act, or that is similar in scope and nature to the work being currently
33 performed by public employees at the time of the effective date of this
34 act, shall be contracted out or privatized by the state university of
35 New York. The state university of New York acknowledges its obligations
36 as an employer under the civil service law and agrees that it will not
37 exercise its right to contract out for goods and services under any
38 applicable collective bargaining agreement.

39 § 6. 1. The provisions of this section shall only apply to employees
40 in the unclassified service at the state university of New York.

41 2. Notwithstanding any law, rule or regulation to the contrary, the
42 state university of New York or an affiliated or associated entity of
43 the state university of New York shall not contract out to the ground
44 lessee or any subsidiary of the ground lessee or the research foundation
45 for the state university of New York for any services or privatize any
46 services currently being performed by employees in the unclassified
47 service at the state university of New York at Stony brook. All such
48 functions and services currently performed by employees in unclassified
49 service shall be performed by employees in the unclassified service.

50 3. Nothing in this act relating to the lease of property to private
51 entities for the development, construction, or operation of facilities
52 shall be deemed to waive or impair any rights or benefits of employees
53 of the state university of New York that otherwise would be available to
54 them pursuant to the terms of agreements between the certified represen-
55 tatives of such employees and the state of New York or provisions of
56 article 14 of the civil service law. The state university of New York

1 and the state of New York acknowledge their obligations as an employer
2 and agree that they will not exercise their right to contract out for
3 services under any applicable collective bargaining agreement.

4 § 7. For the purposes of this act:

5 (a) "project" shall mean work at the property authorized by this act
6 to be leased to the ground lessee as described in section thirteen of
7 this act that involves the design, construction, reconstruction, demoli-
8 tion, excavating, rehabilitation, repair, renovation, alteration or
9 improvement of such property.

10 (b) "project labor agreement" shall mean a pre-hire collective
11 bargaining agreement between a contractor and a labor organization,
12 establishing the labor organization as the collective bargaining repre-
13 sentative for all persons who will perform work on the project, and
14 which provides that only contractors and subcontractors who sign a pre-
15 negotiated agreement with the labor organization can perform project
16 work.

17 § 8. Nothing in this act shall be deemed to waive or impair any rights
18 or benefits of employees of the state university of New York that other-
19 wise would be available to them pursuant to the terms of agreements
20 between the certified representatives of such employees and the state of
21 New York pursuant to article 14 of the civil service law, and all work
22 performed on such property that ordinarily would be performed by employ-
23 ees subject to article 14 of the civil service law shall continue to be
24 performed by such employees.

25 § 9. Notwithstanding the provisions of any general, special, or local
26 law or judicial decision to the contrary, the ground lessee shall
27 require the use of a project labor agreement, as defined in subdivision
28 1 of section 222 of the labor law, for all contractors and subcontrac-
29 tors on the project, consistent with paragraph (a) of subdivision 2 of
30 section 222 of the labor law.

31 § 10. Without limiting the determination of the terms and conditions
32 of such contracts or leases, such terms and conditions may provide for
33 leasing, subleasing, construction, reconstruction, rehabilitation,
34 improvement, operation and management of and provision of services and
35 assistance and the granting of licenses, easements and other arrange-
36 ments with regard to such grounds and facilities by the ground lessee,
37 and parties contracting with the ground lessee, and in connection with
38 such activities, the obtaining of funding or financing, whether public
39 or private, unsecured or secured, including, but not limited to, secured
40 by leasehold mortgages and assignments of rents and leases, by the
41 ground lessee and parties contracting with the ground lessee for the
42 purposes of completing the project described in this act.

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

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

54 § 13. The property authorized by this act to be leased to the ground
55 lessee is generally described as that parcel of real property with
56 improvements thereon consisting of a total of approximately 11.5 acres

1 of land situated on the Southampton campus of the state university of
2 New York at Stony Brook. The description in this section of the parcel
3 to be made available pursuant to this act is not meant to be a legal
4 description, but is intended only to identify the parcel:

5 Beginning at a point on the southerly sideline of section 211, block
6 6, lot 9, now or formerly belonging to the MTA-LIRR, the said point
7 being distant 1135.50 feet on a bearing of south 86 degrees 01 minutes
8 07 seconds west from the intersection of the said lirr sideline with the
9 westerly sideline of tuckahoe road (50 feet wide), and running from the
10 said point of beginning; thence running through section 211, block 1,
11 lot 1 the following nine (9) courses:

12 (1) South 00 degrees 15 minutes 03 seconds east for a distance of 456.85
13 feet; thence

14 (2) South 85 degrees 52 minutes 00 seconds west, a distance of 97.30
15 feet to a point of curvature; thence

16 (3) On a curve to the left having a radius of 100.00 feet, a central
17 angle of 19 degrees 15 minutes 58 seconds and an arc length of 33.63
18 feet to a point of reverse curvature; thence

19 (4) On a curve to the right having a radius of 100.00 feet, a central
20 angle of 17 degrees 48 minutes 58 seconds and an arc length of 31.09
21 feet to a point of tangency; thence

22 (5) South 84 degrees 25 minutes 00 seconds west, a distance of 105.00
23 feet to a point of curvature; thence

24 (6) On a curve to the left having a radius of 65.00 feet, a central
25 angle of 73 degrees 17 minutes 00 seconds and an arc length of 83.14
26 feet to a point of tangency; thence

27 (7) South 11 degrees 08 minutes 00 seconds west, a distance of 54.50
28 feet; thence

29 (8) South 31 degrees 46 minutes 02 seconds west, being radial to the
30 following course, a distance of 48.50 feet; thence

31 (9) On a curve to the left having a radius of 125.00 feet, a central
32 angle of 39 degrees 49 minutes 32 seconds, and an arc length of 86.89
33 feet to a point of tangency; thence

34 (10) Continuing through said lot 1, passing through section 210,
35 block 2, lot 26 and then crossing into section 210, block 2, lot 25,
36 south 81 degrees 56 minutes 30 seconds west, a distance of 326.00 feet
37 to a point of curvature; thence

38 (11) Continuing through said lot 25, on a curve to the left having a
39 radius of 100.00 feet, a central angle of 43 degrees 59 minutes 00
40 seconds, and an arc length of 76.77 feet to a point of tangency; thence

41 (12) Continuing through said lot 25 and crossing back into aforemen-
42 tioned lot 26, south 37 degrees 57 minutes 30 seconds west, a distance
43 of 250.00 feet; thence

44 (13) Continuing through said lot 26, south 59 degrees 26 minutes 00
45 seconds west, a distance of 32.50 feet; thence

46 (14) Continuing through said lot 26 and crossing back into aforemen-
47 tioned lot 25, north 30 degrees 34 minutes 00 seconds west, a distance
48 of 126.00 feet to a point of curvature; thence

49 (15) Continuing through said lot 25, on a curve to the left having a
50 radius of 65.00 feet, a central angle of 48 degrees 54 minutes 30
51 seconds, and an arc length of 55.48 feet to a point of tangency; thence

52 (16) Continuing through the same, north 79 degrees 28 minutes 30 seconds
53 west, a distance of 92.22 feet; thence

54 (17) Along the dividing line of said lot 25 to the east with section
55 210, block 2, lot 11.3 to the west, north 17 degrees 43 minutes 47
56 seconds east, a distance of 160.35 feet; thence

1 (18) Along the dividing line of said lot 25 to the southeast with
2 section 210, block 2, lots 11.3, 11.4 and 11.5 to the northwest, north
3 55 degrees 50 minutes 47 seconds east, a distance of 438.30 feet; thence
4 (19) Along the dividing line of aforementioned lot 1 to the southeast
5 with said lot 11.5 to the northwest, north 55 degrees 51 minutes 07
6 seconds east, a distance of 315.93 feet; thence
7 (20) Along same, north 24 degrees 08 minutes 33 seconds west, a distance
8 of 155.67 feet; thence
9 (21) Along the dividing line of said lot 1 to the south with aforemen-
10 tioned lot 9 to the north, north 86 degrees 01 minutes 07 seconds east,
11 a distance of 593.70 feet to the point and place of beginning.
12 The above-described lease area contains 500,818 square feet or 11.4972
13 acres of land. Subject to all existing easements and restrictions of
14 record.
15 § 14. The state university of New York shall not lease lands described
16 in this act unless any such lease shall be executed within 5 years of
17 the effective date of this act.
18 § 15. Insofar as the provisions of this act are inconsistent with the
19 provisions of any law, general, special or local, the provisions of this
20 act shall be controlling.
21 § 16. This act shall take effect immediately.

22

SUBPART C

23 Section 1. Legislative findings. The legislature finds that the state
24 university of New York College of Environmental Science and Forestry
25 ("ESF") is one of the nation's premier colleges focused on the study of
26 the environment, developing renewable technologies, and building a
27 sustainable future. Located in downtown Syracuse, right across from
28 Syracuse University, ESF is on a mission to educate future environmental
29 leaders, particularly at a time when New York state is working to meet
30 its statewide climate goals and transition into a clean energy economy.
31 The legislature further finds that ESF seeks to use approximately 1.6
32 acres of underutilized land on its campus to build multi-purpose facili-
33 ties to support housing needs and supporting amenities for the college's
34 undergraduate and graduate students. In the past five years, ESF's
35 enrollment has increased by 4.7%, ranking fourth in state university of
36 New York's campuses seeing enrollment growth. Currently, ESF requires
37 freshmen to live on campus and has one residence hall, which can accom-
38 modate 549 students. As a result, most transfer students, upper class
39 students, and graduate students live off-campus at private facilities.
40 ESF believes additional housing will help to attract a diverse student
41 population and continue to meet the demands of its growing enrollment.
42 The legislature further finds that granting the trustees of the state
43 university of New York the authority and power to lease and otherwise
44 contract to make available grounds and facilities on ESF's campus will
45 ensure land is utilized for the benefit of ESF and the surrounding
46 community.
47 § 2. Notwithstanding any other law to the contrary, the state univer-
48 sity trustees are hereby authorized and empowered, without any public
49 bidding, to lease and otherwise contract to make available to the Abby
50 Lane Housing Corporation, a not-for-profit corporation (the "ground
51 lessee"), a portion of the lands of the university, generally described
52 in this act for the purpose of building undergraduate and graduate
53 student housing. Such lease or contract shall be for a period not
54 exceeding 100 years without any fee simple conveyance and otherwise upon

1 terms and conditions determined by such trustees, subject to the
2 approval of the director of the division of the budget, the attorney
3 general and the state comptroller. In the event that the real property
4 that is the subject of such lease or contract shall cease to be used for
5 the purpose described in this act, such lease or contract shall imme-
6 diately terminate, and the real property and any improvements thereon
7 shall revert to the state university of New York. Any lease or contract
8 entered into pursuant to this act shall provide that the real property
9 that is the subject of such lease or contract and any improvements ther-
10 eon shall revert to the state university of New York on the expiration
11 of such contract or lease.

12 § 3. Any contract or lease entered into pursuant to this act shall be
13 deemed to be a state contract for purposes of article 15-A of the execu-
14 tive law, and any contractor, subcontractor, lessee or sublessee enter-
15 ing into such contract or lease for the construction, demolition, recon-
16 struction, excavation, rehabilitation, repair, renovation, alteration or
17 improvement authorized pursuant to this act shall be deemed a state
18 agency for the purposes of article 15-A of the executive law and subject
19 to the provisions of such article.

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

33 § 5. Notwithstanding any law, rule or regulation to the contrary, the
34 state university of New York shall not contract out to the ground lessee
35 or any subsidiary for the instruction or any pedagogical functions or
36 services, or any administrative services, and similar professional
37 services currently being performed by state employees. All such func-
38 tions and services shall be performed by state employees pursuant to the
39 civil service law. Nothing in this act shall result in the displacement
40 of any currently employed state worker or the loss of position (includ-
41 ing partial displacement such as reduction in the hours of non-overtime,
42 wages or employment benefits), or result in the impairment of existing
43 contracts for services or collective bargaining rights pursuant to
44 existing agreements as provided under article 14 of the civil service
45 law. All positions currently at the state university of New York in the
46 unclassified service shall remain in the unclassified service. No
47 services or work on the property described in this act currently
48 performed by public employees at the time of the effective date of this
49 act, or that is similar in scope and nature to the work being currently
50 performed by public employees at the time of the effective date of this
51 act, shall be contracted out or privatized by the state university of
52 New York. The state university of New York acknowledges its obligations
53 as an employer under the civil service law and agrees that it will not
54 exercise its right to contract out for goods and services under any
55 applicable collective bargaining agreement.

1 § 6. 1. The provisions of this section shall only apply to employees
2 in the unclassified service at the state university of New York.

3 2. Notwithstanding any law, rule or regulation to the contrary, the
4 state university of New York or an affiliated or associated entity of
5 the state university of New York shall not contract out to the ground
6 lessee or any subsidiary of the ground lessee or the research foundation
7 for the state university of New York for any services or privatize any
8 services currently being performed by employees in the unclassified
9 service at the state university of New York college of environmental
10 science and forestry. All such functions and services currently
11 performed by employees in unclassified service shall be performed by
12 employees in the unclassified service.

13 3. Nothing in this act relating to the lease of property to private
14 entities for the development, construction, or operation of facilities
15 shall be deemed to waive or impair any rights or benefits of employees
16 of the state university of New York that otherwise would be available to
17 them pursuant to the terms of agreements between the certified represen-
18 tatives of such employees and the state of New York or provisions of
19 article 14 of the civil service law. The state university of New York
20 and the state of New York acknowledge their obligations as an employer
21 and agree that they will not exercise their right to contract out for
22 services under any applicable collective bargaining agreement.

23 § 7. For the purposes of this act:

24 (a) "project" shall mean work at the property authorized by this act
25 to be leased to the ground lessee as described in section thirteen of
26 this act that involves the design, construction, reconstruction, demoli-
27 tion, excavating, rehabilitation, repair, renovation, alteration or
28 improvement of such property.

29 (b) "project labor agreement" shall mean a pre-hire collective
30 bargaining agreement between a contractor and a labor organization,
31 establishing the labor organization as the collective bargaining repre-
32 sentative for all persons who will perform work on the project, and
33 which provides that only contractors and subcontractors who sign a pre-
34 negotiated agreement with the labor organization can perform project
35 work.

36 § 8. Nothing in this act shall be deemed to waive or impair any rights
37 or benefits of employees of the state university of New York that other-
38 wise would be available to them pursuant to the terms of agreements
39 between the certified representatives of such employees and the state of
40 New York pursuant to article 14 of the civil service law, and all work
41 performed on such property that ordinarily would be performed by employ-
42 ees subject to article 14 of the civil service law shall continue to be
43 performed by such employees.

44 § 9. Notwithstanding the provisions of any general, special, or local
45 law or judicial decision to the contrary, the ground lessee shall
46 require the use of a project labor agreement, as defined in subdivision
47 1 of section 222 of the labor law, for all contractors and subcontrac-
48 tors on the project, consistent with paragraph (a) of subdivision 2 of
49 section 222 of the labor law.

50 § 10. Without limiting the determination of the terms and conditions
51 of such contracts or leases, such terms and conditions may provide for
52 leasing, subleasing, construction, reconstruction, rehabilitation,
53 improvement, operation and management of and provision of services and
54 assistance and the granting of licenses, easements and other arrange-
55 ments with regard to such grounds and facilities by the ground lessee,
56 and parties contracting with the ground lessee, and in connection with

1 such activities, the obtaining of funding or financing, whether public
2 or private, unsecured or secured, including, but not limited to, secured
3 by leasehold mortgages and assignments of rents and leases, by the
4 ground lessee and parties contracting with the ground lessee for the
5 purposes of completing the project described in this act.

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

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

17 § 13. The property authorized by this act to be leased to the ground
18 lessee is generally described as that parcel of real property with
19 improvements thereon consisting of a total of approximately 1.624 acres
20 of land situated on the campus of the state university of New York
21 college of environmental science and forestry. The description in this
22 section of the parcel to be made available pursuant to this act is not
23 meant to be a legal description, but is intended only to identify the
24 parcel:

25 All that piece or parcel of land situate in the City of Syracuse,
26 County of Onondaga, State of New York, being lots 1-10 of Block 605
27 (part of Farm Lot 185) bounded and described as follows:

28 BEGINNING at a point in the southerly street boundary of the existing
29 East Raynor Avenue (66' ROW) at its intersection with the westerly
30 street boundary of the existing Stadium Place (66' ROW); thence

31 1) Southerly along the westerly street boundary of the existing Stadi-
32 um Place (66' ROW) on a bearing of South 03°44'57" East a distance of
33 268.00 feet to a point in the northerly street boundary of the existing
34 Standart Street (66'ROW); thence

35 2) Westerly along the northerly street boundary of the existing Stan-
36 dard Street (66' ROW) on a bearing of South 86°21'13" West a distance of
37 264.00 feet to a point in the easterly street boundary of the existing
38 Henry Street (66'ROW); thence

39 3) Northerly along the easterly street boundary of the existing Henry
40 Street (66' ROW) on a bearing of North 03°45'17" West a distance of
41 268.00 feet to a point in the southerly street boundary of the existing
42 East Raynor Avenue (66'ROW); thence

43 4) Easterly along the southerly street boundary of the existing East
44 Raynor Avenue (66' ROW) on a bearing of North 86°21'13" East a distance
45 of 264.03 feet to the point of beginning, being 1.624 acres, more or
46 less. Subject to all existing easements and restrictions of record.

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

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

53 § 16. This act shall take effect immediately.

54 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
55 sion, section, or subpart of this part shall be adjudged by any court of
56 competent jurisdiction to be invalid, such judgment shall not affect,

1 impair, or invalidate the remainder of that subpart or this part, but
2 shall be confined in its operation to the clause, sentence, paragraph,
3 subdivision, section, or subpart directly involved in the controversy in
4 which such judgment shall have been rendered. It is hereby declared to
5 be the intent of the legislature that this part and each subpart herein
6 would have been enacted even if such invalid provisions had not been
7 included herein.

8 § 3. This act shall take effect immediately; provided, however, that
9 the applicable effective date of Subparts A through C of this act shall
10 be as specifically set forth in the last section of such Subparts.

11 PART V

12 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
13 of the laws of 1968 constituting the New York state urban development
14 corporation act, as amended by section 1 of part EE of chapter 58 of the
15 laws of 2025, is amended to read as follows:

16 3. The provisions of this section shall expire, notwithstanding any
17 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
18 the laws of 1996 or of any other law, on July 1, [~~2026~~] 2027.

19 § 2. This act shall take effect immediately.

20 PART W

21 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
22 New York state urban development corporation act, relating to the powers
23 of the New York state urban development corporation to make loans, as
24 amended by section 1 of part FF of chapter 58 of the laws of 2025, is
25 amended to read as follows:

26 § 2. This act shall take effect immediately provided, however, that
27 section one of this act shall expire on July 1, [~~2026~~] 2027, at which
28 time the provisions of subdivision 26 of section 5 of the New York state
29 urban development corporation act shall be deemed repealed; provided,
30 however, that neither the expiration nor the repeal of such subdivision
31 as provided for herein shall be deemed to affect or impair in any manner
32 any loan made pursuant to the authority of such subdivision prior to
33 such expiration and repeal.

34 § 2. This act shall take effect immediately.

35 PART X

36 Section 1. The general business law is amended by adding a new article
37 45-B to read as follows:

38 ARTICLE 45-B

39 DIGITAL CONTENT PROVENANCE ACT

40 Section 1530. Definitions.

41 1531. Synthetic content creations system.

42 1532. Content provenance verification.

43 1533. Exceptions.

44 1534. State agencies.

45 1535. Device capture.

46 1536. Enforcement by attorney general.

47 § 1530. Definitions. For the purposes of this article:

48 1. "Provenance data" means data that records the origin, or history of
49 modification of digital content and is communicated as a content creden-
50 tial, which at a minimum includes: (a) information about the origin or

1 creation of the content; (b) subsequent editing or modification to the
2 content or its metadata; and (c) use of a synthetic content creations
3 system in generating or modifying the content. Such information shall be
4 cryptographically bound to the underlying file and use signing creden-
5 tials. A synthetic content creations system provider will be deemed
6 compliant with this subdivision if such content credential is consistent
7 with the Technical Specification for Content Credentials published by
8 the Coalition for Content Provenance and Authenticity, or similar estab-
9 lished standards-setting body. "Provenance data" shall not include
10 personal information as defined in subdivision five of section two
11 hundred two of the state technology law, or unique device, system, or
12 service information that is reasonably capable of being associated with
13 a particular user, including but not limited to an internet protocol
14 address, unless a user chooses to include such personal information in
15 such data described in paragraph (a), (b), or (c) of this subdivision.

16 2. "Generative artificial intelligence system" means a class of arti-
17 ficial intelligence models that emulate the structure and character-
18 istics of input data to generate derived synthetic content, including,
19 but not limited to, images, videos, audio, text, and other digital
20 content.

21 3. "Synthetic content" means audio or visual content that has been
22 generated or modified by a synthetic content creations system.

23 4. "Synthetic content creations system provider" means an entity or
24 individual that creates, codes, modifies or otherwise produces a
25 synthetic content creations system that is made publicly available for
26 use by New York residents, regardless of whether the terms of such use
27 include compensation.

28 5. "Synthetic content creations system hosting platform" means an
29 online repository or other website that makes a synthetic content
30 creations system available for use by a New York resident, regardless of
31 whether the terms of such use include compensation. Synthetic content
32 creations system hosting platform does not include cloud computing plat-
33 forms or other services that make synthetic content creations systems
34 available for use by a New York resident solely at the direction of
35 others.

36 6. "Social media platform" shall have the same meaning as in section
37 eleven hundred of this chapter.

38 7. "Covered user" shall mean a user of a large online platform in the
39 state, not acting as an operator, or agent or affiliate of the operator
40 of such large online platform or any portion thereof.

41 8. "Artificial intelligence" or "artificial intelligence technology"
42 means a machine-based system that can, for a given set of human-defined
43 objectives, make predictions, recommendations, or decisions influencing
44 real or virtual environments, and that uses machine- and human-based
45 inputs to perceive real and virtual environments, abstract such percep-
46 tions into models through analysis in an automated manner, and use model
47 inference to formulate options for information or action.

48 9. "AI model" means an information system or a component of an infor-
49 mation system that implements artificial intelligence technology and
50 uses computational, statistical, or machine-learning techniques to
51 produce outputs from a given set of inputs.

52 10. "Synthetic content creations system" means a class of generative
53 artificial intelligence systems capable of generating wholly synthetic
54 content.

55 11. "Large online platform" means a social media platform, file-shar-
56 ing platform, mass messaging platform, or stand-alone search engine that

1 distributes content to users who did not create or collaborate in creat-
2 ing the content. A "large online platform" does not include:

3 (a) broadband, broadband service or broadband internet, as defined in
4 paragraph (b) of subdivision two of section sixteen-gg of the urban
5 development corporation act; or

6 (b) a telecommunications service, as defined in section 153 of title
7 47 of the United States code.

8 12. "Mass messaging platform" means a direct messaging platform that
9 allows users to distribute content to more than one hundred users simul-
10 taneously.

11 13. "Capture device" means a device that can record photographs,
12 audio, or video content, including, but not limited to, video and still
13 photography cameras, mobile phones with built-in cameras or microphones,
14 and voice recorders.

15 14. "Capture device manufacturer" means an entity or person who
16 produces a capture device for sale, but shall not include an entity or
17 person exclusively engaged in the assembly of a capture device.

18 § 1531. Synthetic content creations system. 1. A synthetic content
19 creations system provider shall apply provenance data, either directly
20 or through the use of third-party technology, to synthetic content
21 produced or modified by a synthetic content creations system that the
22 synthetic content creations system provider makes publicly available.

23 2. The application of provenance data to synthetic content, as
24 required by this section, shall, at a minimum, identify the digital
25 content as synthetic and communicate the following provenance data:

26 (a) that the content was created or modified using artificial intelli-
27 gence;

28 (b) the name of the synthetic content creations system provider;

29 (c) the time and date the provenance data was applied;

30 (d) the type of device, system, or service that was used to generate
31 the image, audio, or video;

32 (e) the name of the tool used to apply the provenance data; and

33 (f) the specific portions of the content that the synthetic content
34 creations system generated.

35 3. Synthetic content creations system hosting platforms shall not make
36 available a synthetic content creations system where the hosting plat-
37 form knows that the synthetic content creations system provider for such
38 system does not apply provenance data to content created or modified by
39 the artificial intelligence system in a manner consistent with specifi-
40 cations set forth in this section, nor shall a synthetic content
41 creations system hosting platform deliberately prevent a synthetic
42 content creations system provider from applying provenance data to
43 content created or modified by a synthetic content creations system in a
44 manner consistent with the specifications set forth in this section.

45 4. The provisions of this section shall only apply to synthetic
46 content creations systems that were created or modified after the effec-
47 tive date of this article.

48 § 1532. Content provenance verification. 1. A synthetic content
49 creations system provider shall make available a provenance reader tool,
50 whether created by such provider or a third-party, at no cost to a user,
51 that meets all of the following criteria:

52 (a) The provenance reader tool enables a user to assess whether an
53 image, video, or audio content, or content that is any combination ther-
54 eof, was created or modified by the synthetic content creations system
55 provider;

1 (b) The provenance reader tool outputs any provenance data that is
2 detected in the content;

3 (c) The provenance reader tool does not output any personal informa-
4 tion, as defined in subdivision five of section two hundred two of
5 the state technology law, or unique device, system, or service informa-
6 tion that is reasonably capable of being associated with a partic-
7 ular user, that is detected in the content except where users indicate
8 their preference for including personal information, such as by choosing
9 to include it in provenance data manifests;

10 (d) The provenance reader tool is publicly available, provided that a
11 synthetic content creations system provider may impose reasonable limi-
12 tations on access to the tool to prevent, or respond to, demonstrable
13 risks to the security or integrity of its synthetic content creations
14 system or to prevent misuse of the tool for malicious purposes;

15 (e) The provenance reader tool provides an explanation to the user
16 regarding how the tool works, what its limitations are, and how to
17 interpret the results to the extent possible, without undermining its
18 effectiveness;

19 (f) The provenance reader tool allows a user to upload content or
20 provide a uniform resource locator (URL) linking to online content; and

21 (g) The provenance reader tool supports an application programming
22 interface that allows a user to invoke such tool without visiting the
23 synthetic content creations system provider's website.

24 2. A synthetic content creations system provider shall not collect or
25 retain personal information from users of the provenance reader tool as
26 a condition of using the provenance reader tool. A synthetic content
27 creations system provider may collect and retain the personal informa-
28 tion of a user who opts in to being contacted by such provider for the
29 purposes of submitting feedback to such provider regarding the prove-
30 nance reader tool.

31 3. Any content submitted to the provenance reader tool shall not be
32 retained by the synthetic content creations system provider for longer
33 than is necessary to comply with this article.

34 4. A synthetic content creations system provider shall offer the user
35 the option to include an easily perceived, understood or recognizable
36 manifest disclosure in image, video or audio content or content that is
37 any combination thereof, created or modified by such provider's synthet-
38 ic content creations system that meets the following criteria:

39 (a) The disclosure identifies the content as AI-generated content;

40 (b) The disclosure is clear, conspicuous, appropriate for the medium
41 of the content and is understandable to a reasonable natural person; and

42 (c) The disclosure is permanent or extraordinarily difficult to remove
43 or modify, to the extent technically feasible.

44 5. (a) A large online platform shall not knowingly delete or disasso-
45 ciate, in whole or in part, provenance data from or associated with
46 content uploaded to such platform by a covered user, unless such
47 deletion or disassociation is required by law. Nothing in this article
48 shall be construed as prohibiting users from choosing to include
49 personal information in provenance data from or associated with such
50 uploaded content.

51 (b) A large online platform shall do all of the following:

52 (i) detect whether any provenance data that is compliant with widely
53 adopted specifications adopted by an established standards-setting body
54 is embedded into or attached to content uploaded or distributed on such
55 platform.

1 (ii) provide a provenance reader tool or user interface to disclose
2 the availability of provenance data that reliably indicates that the
3 content was generated or modified by a synthetic content creations
4 system provider. The user interface or provenance reader tool shall make
5 clearly and conspicuously available to a covered user, information that
6 includes but is not limited to the following:

7 (A) whether provenance data is available;

8 (B) the name of the synthetic content creations system provider that
9 created or substantially modified the content, if applicable; and

10 (C) whether any digital signatures are available.

11 (iii) allow a user to inspect provenance data that is embedded into or
12 attached to content uploaded or distributed on such platform where such
13 provenance data is compliant with widely adopted specifications adopted
14 by an established standards-setting body, in an easily accessible manner
15 by any of the following means:

16 (A) directly, through the provenance reader tool or user interface
17 pursuant to subparagraph (ii) of this paragraph;

18 (B) allow a covered user to download a version of the content with its
19 attached provenance data; or

20 (C) provide a link to the content's provenance data displayed on an
21 internet website or in another application provided by either the large
22 online platform or a third party.

23 (iv) clearly and conspicuously label content indicated to be generated
24 or modified by a synthetic content creations system pursuant to subpara-
25 graph (i) of this paragraph as so generated or modified. Such label
26 shall be displayed in a manner that is appropriate for the medium of the
27 content, and reasonably understandable to a natural person.

28 § 1533. Exceptions. This article shall not apply to any product,
29 service, internet website, or application that provides exclusively
30 non-user generated video game, television, streaming, movie or interac-
31 tive experiences.

32 § 1534. State agencies. 1. A state agency, as defined under subdivi-
33 sion one of section ninety-two of the public officers law, shall
34 ensure, to the extent practicable and either through direct application
35 or through the use of third-party technology, that all audio, images and
36 videos published or distributed electronically by the state agency carry
37 provenance data; provided, however, that a state agency may withhold
38 certain information if it determines disclosure of such information
39 would jeopardize the security of a state agency's information systems
40 and information technology assets, or the health, safety, welfare or
41 security of the state and its residents.

42 2. The application of provenance data to audio, images and videos, as
43 required by this article, shall, at a minimum, communicate the following
44 provenance data:

45 (a) The type of device, system, or service that was used to generate
46 the audio, image or video, to the extent the device, system, or service
47 has the technical capability to do so;

48 (b) The specific portions of the content that the synthetic content
49 creations system used by the state agency generated, if any;

50 (c) Whether the content was created or edited using artificial intel-
51 ligence;

52 (d) The name of the synthetic content creations system provider used
53 to generate the synthetic content, if any; and

54 (e) The time and date any of the provenance data delineated in this
55 section was applied.

1 § 1535. Capture devices. A capture device manufacturer shall, with
2 respect to any capture device first produced for sale in the state on or
3 after January first, two thousand twenty-eight, do both of the follow-
4 ing:

5 1. Provide a user with the option to include a disclosure in content
6 captured by the capture device that conveys all of the following infor-
7 mation:

8 (a) The name of the capture device manufacturer;

9 (b) The name and version number of the capture device that created or
10 altered the content; and

11 (c) The time and date of the content's creation or alteration.

12 2. Embed disclosures in content captured by the device by default,
13 provided that the user may disable such disclosure.

14 § 1536. Enforcement by attorney general. Whenever there shall be a
15 violation of this article, the attorney general shall give written
16 notice to the violating person or entity identifying the specific
17 provisions of this article that are or were being violated. The attorney
18 general shall not bring an action under this section where, within
19 fifteen days of receiving such written notice, the person or entity
20 cures the violation and provides the attorney general with a written
21 statement confirming the violation was cured, including supporting
22 documentation on how the violation was cured. Where, after receipt of
23 the notice and the expiration of fifteen days, the person or entity
24 continues to violate this article or for subsequent violations, an
25 application may be made by the attorney general in the name of the
26 people of the state of New York to a court or justice having jurisdic-
27 tion by a special proceeding to issue an injunction, to enjoin and
28 restrain the continuance of such violations; and if it shall appear to
29 the satisfaction of the court or justice that the defendant has, in
30 fact, violated this article, an injunction may be issued by such court
31 or justice, enjoining and restraining any further violation, without
32 requiring proof that any person has, in fact, been injured or damaged
33 thereby. In any such proceeding, the court may make allowances to the
34 attorney general as provided in paragraph six of subdivision (a) of
35 section eighty-three hundred three of the civil practice law and rules.
36 Whenever the court shall determine that a violation of this article has
37 occurred, the court may impose a civil penalty of not more than five
38 thousand dollars for each violation, with additional civil penalties of
39 one thousand dollars for each day the violation remains uncured beyond
40 the fifteen-day cure period.

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

50 § 4. This act shall take effect January 1, 2027.

51 PART Y

52 Section 1. Short title. This act shall be known and may be cited as
53 the "Safe by Design Act".

1 § 2. The general business law is amended by adding a new article 45-B
2 to read as follows:

3 ARTICLE 45-B
4 SAFE BY DESIGN ACT

5 Section 1539. Definitions.

6 1540. Privacy by default.

7 1541. Verifiable parental consent.

8 1542. Construction of article.

9 1543. Prohibition on features that subvert the purposes of this
10 article.

11 1544. Nondiscrimination.

12 1545. Scope.

13 1546. Rulemaking authority.

14 1547. Language access.

15 1548. Remedies.

16 § 1539. Definitions. For the purposes of this article, the following
17 terms shall have the following meanings:

18 1. "Connected" and variations thereof shall mean that two users using
19 the covered platform or two accounts on the covered platform are
20 connected to each other by:

21 (a) sending a request to connect to another user or account holder and
22 having the request to connect accepted by the other user or account
23 holder; or

24 (b) receiving a request to connect from another user or account holder
25 and accepting the request to connect.

26 2. "Covered minor" shall mean any user in New York who has been
27 reasonably determined by an operator, via age assurance, as set forth in
28 this article, to be under the age of eighteen.

29 3. "Financial transaction" shall mean a transaction between users
30 involving any type of currency, including digital currency used within a
31 covered platform whether or not it can be converted to money.

32 4. "Operator" shall mean any person, business, or other legal entity
33 who operates or provides a covered platform.

34 5. "Parent" shall mean a parent or legal guardian.

35 6. "Covered platform" shall mean an online platform.

36 7. "Tag" shall mean when a user clearly identifies a second user in
37 posted media.

38 8. "User" shall mean a user of a covered platform not acting as an
39 operator, or agent or affiliate of such operator, of such platform or
40 any portion thereof.

41 9. "Covered user" shall mean a user of a covered platform in New York
42 not acting as an operator, agent or affiliate of such operator, of such
43 platform or of any portion thereof.

44 10. "Money" shall mean a medium of exchange currently authorized or
45 adopted by a domestic or foreign government.

46 11. "Digital currency" shall mean a digital representation of value,
47 recognized only on the covered platform, that is supplied, exchanged and
48 managed pursuant to the policies or rules of such covered platform, and
49 is not accepted or considered a medium of exchange currently authorized
50 or adopted by a domestic or foreign government.

51 12. "AI companion" shall have the same meaning as subdivision four of
52 section seventeen hundred of this chapter; provided, however, that an
53 "AI companion" shall not include an artificial intelligence system or
54 non-player character that operates exclusively within a game or immer-
55 sive digital environment, provided that such system's interactions are
56 strictly constrained to the fictional context of such game or environ-

1 ment and do not initiate, encourage, or sustain dialogue concerning the
2 user's real-world life, emotional state, or personal affairs.

3 13. "Integrated AI companion" shall mean an AI companion that is an
4 accessible or usable feature of a covered platform.

5 14. "Online platform" shall mean a public or semi-public website,
6 online service, online application, or mobile application that:

7 (a) is used by a covered minor in this state;

8 (b) allows users to construct a public or semi-public profile for the
9 purposes of using such website, service, or application; and

10 (c) offers or provides the following features:

11 (i) a mechanism to allow users to publicly message each other in chat
12 rooms or privately message each other within the website, service or
13 application or through integration with a separate website, service, or
14 application; and

15 (ii) (A) a mechanism to create or post media that is viewable by other
16 users and a mechanism to respond to such media, including but not limit-
17 ed to, through a landing page or feed that presents the user with media
18 created or posted by other users; or

19 (B) a mechanism to create games or immersive digital environments for
20 other users.

21 15. "Media" shall mean text, an image or a video. Games and immer-
22 sive digital environments are not media.

23 16. "Age assurance" shall mean methods used to determine whether a
24 covered user is not a covered minor, using methods that reasonably guard
25 against circumvention; provided, however, that if an operator cannot
26 reasonably determine that a user is not a covered minor, the operator
27 shall treat such user as a covered minor for purposes of this article.
28 Such an age assurance method may include methods that: (a) meet the
29 requirements of article forty-five of this chapter and its implementing
30 regulations, except to ensure an adult cannot pose as a minor, an opera-
31 tor cannot use self-declaration of age or minor status to determine
32 whether a user is a covered minor; provided, however, that such method
33 is reasonably suited to the type of covered platform at issue and any
34 regulations promulgated pursuant to this article; or

35 (b) may be identified in regulations promulgated by the attorney
36 general consistent with paragraph (c) of subdivision one of section
37 fifteen hundred forty of this article.

38 17. "Syncing" shall mean when a user imports existing connections or
39 contact information pertaining to other users into a covered platform.

40 18. "Verifiable parental consent" shall mean parental consent obtained
41 in a manner prescribed by regulations promulgated by the attorney gener-
42 al pursuant to subdivision four of section fifteen hundred one of this
43 chapter.

44 19. "Platform integration" shall mean any form of linking a user's
45 account on a covered platform with the user's account on one or more
46 different covered platforms.

47 § 1540. Privacy by default. 1. (a) No operator shall offer a covered
48 platform in this state without conducting age assurance to reasonably
49 determine whether a user is a covered minor. A covered platform may
50 rely on any prior determination of a user's age or age status completed
51 to comply with other laws or for any other purpose if the determination
52 was made consistent with the definition of age assurance pursuant to
53 subdivision sixteen of section fifteen hundred thirty-nine of this arti-
54 cle for purposes of this requirement.

55 (b) Information collected for the purpose of determining a user's age
56 under this article shall not be used for any purpose other than age

1 determination and compliance with this article, and shall be deleted
2 immediately after an attempt to determine a user's age, except that an
3 operator may retain the minimum information strictly necessary to main-
4 tain age-based settings, maintain records of verifiable parental consent
5 or overrides, and to comply with any applicable provisions of New York
6 state or federal law or regulation.

7 (c) The attorney general may promulgate regulations identifying meth-
8 ods for commercially reasonable age assurance, which may consider the
9 size, financial resources, and technical capabilities of covered plat-
10 forms, the costs and effectiveness of available age determination tech-
11 niques for users of such platforms, the audience of such platforms, and
12 prevalent practices of the industry of the operator. Such regulations
13 shall also identify the appropriate levels of accuracy that would be
14 considered reasonable for operators to achieve in determining whether a
15 user is a covered minor.

16 2. (a) For all users determined by an operator to be a covered minor,
17 such operator shall utilize the following settings by default for
18 covered minors, which shall ensure that no user who is not already
19 connected to a covered minor may:

20 (i) communicate directly and privately with such minor;
21 (ii) view or respond to media posted by such minor;
22 (iii) tag such minor in posted media; or
23 (iv) view the geographic location information of a covered minor if a
24 covered platform provides a mechanism by which users may share their
25 geographic location information with other users on the covered plat-
26 form.

27 (b) Nothing in this subdivision is intended to prohibit communications
28 or access reasonably necessary for platform safety, abuse prevention,
29 customer support, legal compliance, or emergency response, as may be
30 further defined by regulations promulgated by the attorney general.

31 3. No operator may suggest or recommend the profile of a covered minor
32 to another user not already connected to such covered minor; provided,
33 however, that this subdivision shall not apply to profile suggestions or
34 recommendations that are made as a result of a covered minor or other
35 user syncing contacts with a covered platform.

36 4. A parent of a covered minor may override the default privacy
37 settings provided in subdivisions two and three of this section at such
38 parent's discretion. An operator shall allow a parent to override or
39 maintain each setting provided in subdivisions two and three of this
40 section separately.

41 5. An operator shall notify a parent of a covered minor whenever such
42 covered minor requests that the operator obtain verifiable parental
43 consent from such covered minor's parent to change the default settings
44 provided in subdivisions two and three of this section. Such notice
45 shall include a statement that informs the parent that the parent is
46 being asked to provide verifiable parental consent to change a default
47 setting required under New York law. The parent may thereafter provide
48 or withhold such verifiable parental consent, provided there is separate
49 consent provided for each request by a covered minor.

50 6. Any request to connect may be accompanied by a request to communi-
51 cate directly and privately; provided, however, that no message, message
52 content, attachment, or other communication shall be delivered to or
53 made viewable by a covered minor unless and until the connection is
54 approved and any parental approval required by section fifteen hundred
55 forty-one of this article has been obtained.

1 7. (a) An operator shall, by default, disable the access or use of any
2 integrated AI companion for covered minors.

3 (b) A parent of a covered minor may override the default disabled
4 access or use of an integrated AI companion, provided in paragraph (a)
5 of this subdivision, at such parent's discretion. An operator shall
6 allow a parent to override or maintain the setting provided for in para-
7 graph (a) of this subdivision separately from any other mechanisms to
8 override other default settings.

9 (c) An operator shall notify a parent of a covered minor whenever such
10 minor requests that the operator obtain verifiable parental consent from
11 such covered minor's parent to change the default setting provided in
12 paragraph (a) of this subdivision. Such notice shall include a state-
13 ment that informs the parent that the parent is being asked to provide
14 verifiable parental consent to change a default setting required under
15 New York law. The parent may thereafter provide or withhold such veri-
16 fiable parental consent.

17 § 1541. Verifiable parental consent. 1. (a) For all covered minors
18 under the age of thirteen, an operator shall require verifiable parental
19 consent before the account of such covered minor and the account of such
20 other user may be connected. For covered minors under the age of thir-
21 teen, an operator shall also establish a mechanism by which a parent of
22 such minor may easily view the list of all users or accounts currently
23 connected with the account of the minor.

24 (b) For all covered minors, an operator shall require the parent of
25 such covered minor to approve each Platform Integration involving the
26 account of the covered minor. For covered minors, an operator shall also
27 establish a mechanism by which a parent of such minor may easily view
28 the list of covered platforms that have been linked to the account of
29 the minor through a Platform Integration, or that have been requested to
30 be linked.

31 2. (a) For all covered minors, an operator shall establish a mechanism
32 that either: (i) enables the parent of such minor to set a monthly limit
33 on the spending of money, whether by charging a credit card or other
34 means, in connection with the direct or indirect purchase or acquisition
35 of anything on or via the covered platform, including but not limited to
36 digital currency, relating to such covered minor's account and where the
37 amount of such limit is set at the parent's discretion; or

38 (ii) enables the parent of such minor to opt out of setting such
39 limits.

40 (b) Until a parent sets a monthly limit or affirmatively opts out of
41 such limit pursuant to paragraph (a) of this subdivision, the operator
42 shall not permit a financial transaction by the covered minor in excess
43 of any default limit promulgated by the Attorney General or, where no
44 such default limit has been prescribed, shall not process such trans-
45 action or transactions in excess of fifty dollars per thirty day period
46 unless and until the operator has obtained verifiable parental consent.

47 (c) An operator may establish a mechanism to enable the covered minor
48 to request that the operator obtain verifiable parental consent for the
49 further expenditure of money, such as charging the credit card associ-
50 ated with such covered minor's account, once the limit set forth in
51 subparagraph (i) of paragraph (a) of this subdivision is reached. In
52 such an instance, no such charge may be processed by the operator unless
53 and until the operator has obtained such verifiable parental consent.

54 (d) Such operator shall further establish a mechanism by which a
55 parent of a covered minor may easily view a history of all financial
56 transactions relating to such covered minor's account at any time, which

1 at a minimum, identifies the users involved in each such transaction, in
2 addition to the covered minor, as well as the amounts of money or
3 digital currency associated with each transaction.

4 § 1542. Construction of article. Nothing in this article shall be
5 construed to prohibit an operator from implementing a default privacy
6 setting for covered minors and/or other users that is more protective
7 than that required by this article.

8 § 1543. Prohibition on features that subvert the purposes of this
9 article. It shall be unlawful for an operator to deploy on its platform
10 any mechanism or design feature that materially interferes with, circum-
11 vents, or substantially undermines any requirement, age assurance mech-
12 anism, default setting, or mechanism to obtain verifiable parental
13 consent established pursuant to this article.

14 § 1544. Nondiscrimination. An operator shall not withhold, degrade,
15 lower the quality of, or increase the price of any product, service, or
16 feature of a covered platform, other than as necessary for compliance
17 with the provisions of this article or any rules or regulations promul-
18 gated pursuant to this article, to a covered user or covered minor, due
19 to such operator being required to comply with this article.

20 § 1545. Scope. 1. This article shall apply to conduct that occurs in
21 whole or in part in New York. For purposes of this article, conduct
22 takes place wholly outside of New York if the covered platform is
23 accessed by a user who is physically located outside of New York.

24 2. Nothing in this article shall be construed to impose liability for
25 commercial activities or actions by operators subject to 15 U.S.C. §
26 6501 that is inconsistent with the treatment of such activities or
27 actions under 15 U.S.C. § 6502.

28 § 1546. Rulemaking authority. The attorney general may promulgate such
29 rules and regulations as are necessary to effectuate and enforce the
30 provisions of this article. Such regulations may include, but not be
31 limited to, a prescription of reasonable requirements concerning notice,
32 recordkeeping, revocation, auditability, and the protection and deletion
33 of information collected for purposes of such authentication, consistent
34 with this article and other applicable law.

35 § 1547. Language access. 1. Instructions to parents on how to provide
36 verifiable parental consent and to exercise parental controls, over-
37 rides, settings, and other permissions required by this article shall
38 clearly and conspicuously be made available in no fewer than the twelve
39 most commonly spoken languages in New York state consistent with section
40 two hundred two-a of the executive law and as further defined by regu-
41 lations promulgated by the attorney general.

42 2. The attorney general shall ensure that any public information or
43 guidance that it may provide concerning this article is available in the
44 twelve most commonly spoken languages in New York state consistent with
45 section two hundred two-a of the executive law and as further defined by
46 regulations promulgated by the attorney general.

47 § 1548. Remedies. 1. On or after the effective date of this article,
48 whenever it appears to the attorney general, upon complaint or other-
49 wise, that any person, within or outside the state, has violated the
50 provisions of this article, the attorney general may bring an action or
51 special proceeding in the name and on behalf of the people of the state
52 of New York to enjoin any such violation, to obtain restitution of any
53 moneys or property obtained directly or indirectly by any such
54 violation, to obtain disgorgement of any profits or gains obtained
55 directly or indirectly by any such violation, to obtain damages caused
56 directly or indirectly by any such violation, to obtain civil penalties

1 of up to five thousand dollars per violation, and to obtain any such
2 other and further relief as the court may deem proper, including prelim-
3 inary relief.

4 2. The attorney general shall maintain a website to receive
5 complaints, information, and/or referrals from members of the public
6 concerning an operator's or covered platform's alleged compliance or
7 noncompliance with the provisions of this article.

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

17 § 4. This act shall take effect January 1, 2027. Effective immediate-
18 ly, the addition, amendment and/or repeal of any rule or regulation
19 necessary for the implementation of this act on its effective date are
20 authorized to be made and completed on or before such effective date.

21 PART Z

22 Intentionally Omitted

23 PART AA

24 Section 1. Short title. This act shall be known and may be cited as
25 the "data broker accountability act".

26 § 2. The general business law is amended by adding a new article 48 to
27 read as follows:

28 ARTICLE 48

29 DATA BROKER ACCOUNTABILITY ACT

30 Section 1800. Definitions.

31 1801. Data broker registration.

32 1802. Data broker registration and deletion portal.

33 1803. Consumer deletion requests.

34 1804. Accessible deletion request mechanism for consumers.

35 1805. Data broker website disclosure requirements.

36 1806. Data brokers; comprehensive information security program.

37 1807. Rulemaking.

38 1808. Powers, duties and adjudicatory proceedings.

39 1809. Statute of limitations.

40 1810. Enforcement.

41 1811. Assessments.

42 1812. Exemptions.

43 § 1800. Definitions. For purposes of this article, the following defi-
44 initions shall have the following meanings:

45 1. "Advertising and marketing" means a communication by a business or
46 a person acting on such business' behalf in any medium intended to
47 induce a consumer to obtain goods, services, or employment.

48 2. "Aggregate consumer information" means information that relates to
49 a group or category of consumers, from which individual consumer identi-
50 ties have been removed, that is not linked or reasonably linkable to any
51 consumer or household, including via a device. The term "aggregate

1 consumer information" shall not include one or more individual consumer
2 records that have been deidentified.

3 3. "Biometric information" means an individual's physiological,
4 biological, or behavioral characteristics, including information
5 pertaining to an individual's deoxyribonucleic acid (DNA), that can be
6 used or is intended to be used singly or in combination with each other
7 or with other identifying data, to establish individual identity. The
8 term "biometric information" includes, but is not limited to, imagery of
9 the iris, retina, fingerprint, face, hand, palm, vein patterns, and
10 voice recordings, from which an identifier template, such as a face-
11 print, a minutiae template, or a voiceprint, can be extracted, and
12 keystroke patterns or rhythms, gait patterns or rhythms, and sleep,
13 health, or exercise data that contain identifying information.

14 4. "Business" means:

15 (a) A sole proprietorship, partnership, limited liability company,
16 corporation, association, or other legal entity, that collects consum-
17 ers' personal information, or on the behalf of which such information is
18 collected and that alone, or jointly with others, determines the
19 purposes and means of the processing of consumers' personal information,
20 that does business in the state of New York, and that satisfies one or
21 more of the following thresholds:

22 (i) as of January first of the relevant calendar year, had annual
23 gross revenues in excess of ten million dollars in the preceding calen-
24 dar year;

25 (ii) alone or in combination, annually buys, sells, or shares the
26 personal information of one hundred thousand or more consumers or house-
27 holds; or

28 (iii) derives fifty percent or more of its annual revenues from sell-
29 ing or sharing consumers' personal information;

30 (b) (i) Any entity that controls or is controlled by a business, as
31 defined in paragraph (a) of this subdivision, and that shares common
32 branding with such business and with whom such business shares consum-
33 ers' personal information.

34 (ii) For the purposes of this paragraph, the following terms shall
35 have the following meanings:

36 (1) "Control" or "controlled" means the possession, direct or indi-
37 rect, of the power to direct or cause the direction of the management
38 and policies of an entity, whether through the ownership of voting secu-
39 rities, by contract, or otherwise;

40 (2) "Common branding" means a shared name, service mark, or trademark
41 that the average consumer would understand that two or more entities are
42 commonly owned;

43 (c) A joint venture or partnership composed of businesses in which
44 each business has at least a forty percent interest. For purposes of
45 this article, the joint venture or partnership and each business that
46 composes the joint venture or partnership shall separately be considered
47 a single business, except that personal information in the possession of
48 each business and disclosed to the joint venture or partnership shall
49 not be shared with the other business; or

50 (d) A person that does business in New York, that is not covered by
51 paragraph (a), (b), or (c) of this subdivision, and that voluntarily
52 certifies to the office that it is in compliance with, and agrees to be
53 bound by, this article.

54 5. "Business purpose" means the use of personal information for the
55 business' operational purposes, or other notified purposes, or for the
56 service provider or contractor's operational purposes, as further

1 defined by regulations promulgated by the office, provided that the use
2 of personal information shall be strictly necessary and proportionate to
3 achieve the purpose for which the personal information was collected or
4 processed. The term "business purposes" shall include, but not be limit-
5 ed to:

6 (a) auditing related to counting ad impressions to unique visitors,
7 verifying positioning and quality of ad impressions, and auditing
8 compliance with this specification and other standards;

9 (b) helping to ensure security and integrity to the extent the use of
10 the consumer's personal information is strictly necessary and propor-
11 tionate for these purposes;

12 (c) debugging to identify and repair errors that impair existing
13 intended functionality;

14 (d) short-term, transient use, including, but not limited to, non-per-
15 sonalized advertising shown as part of a consumer's current interaction
16 with the business, provided that the consumer's personal information is
17 not disclosed to another third party, is not used to build a profile
18 about the consumer, and is not otherwise used to alter the consumer's
19 experience outside the current interaction with the business;

20 (e) performing services on behalf of the business, including maintain-
21 ing or servicing accounts, providing customer service, processing or
22 fulfilling orders and transactions, verifying customer information,
23 processing payments, providing financing, providing analytic services,
24 providing storage, or providing similar services on behalf of the busi-
25 ness;

26 (f) providing advertising and marketing services, except for cross-
27 context behavioral advertising, to the consumer provided that, for the
28 purpose of advertising and marketing, a service provider or contractor
29 shall not combine the personal information of opted-out consumers that
30 the service provider or contractor receives from, or on behalf of, the
31 business with personal information that the service provider or contrac-
32 tor receives from, or on behalf of, another person or persons or
33 collects from its own interaction with consumers;

34 (g) undertaking internal research for technological development and
35 demonstration; or

36 (h) undertaking activities to verify or maintain the quality or safety
37 of a service or device that is owned, manufactured, manufactured for, or
38 controlled by the business, and to improve, upgrade, or enhance the
39 service or device that is owned, manufactured, manufactured for, or
40 controlled by the business.

41 6. "Collects", "collected", or "collection" means buying, renting,
42 gathering, obtaining, receiving, sharing or accessing any personal
43 information pertaining to a consumer by any means, including but not
44 limited to, receiving information from the consumer, either actively or
45 passively, or by observing the consumer's behavior.

46 7. "Consent" means any freely given, specific, informed, and unambig-
47 uous indication of a consumer's wishes by which such consumer, or such
48 consumer's legal guardian, a person who has power of attorney, or a
49 person acting as a conservator for such consumer, including by a state-
50 ment or by a clear affirmative action, signifies agreement to the proc-
51 essing of personal information relating to such consumer for a narrowly
52 defined particular purpose. Acceptance of a general or broad terms of
53 use, or similar document, that contains descriptions of personal infor-
54 mation processing along with other, unrelated information, shall not
55 constitute consent. Hovering over, muting, pausing, or closing a given

1 piece of content shall not constitute consent. Agreement obtained
2 through use of dark patterns shall not constitute consent.

3 8. "Consumer" means a natural person who is an individual who is in
4 New York state for other than a transitory purpose, and every individual
5 who is domiciled in New York state who is outside the state.

6 9. "Contractor" means a person to whom a business makes available a
7 consumer's personal information for a business purpose, pursuant to a
8 written contract with such business, provided that such contract:

9 (a) prohibits the contractor from:

10 (i) selling or sharing such personal information;

11 (ii) retaining, using, or disclosing such personal information for any
12 purpose other than for the business purposes specified in such contract,
13 including retaining, using, or disclosing such personal information for
14 a commercial purpose other than the business purposes specified in such
15 contract, or as otherwise permitted by this article;

16 (iii) retaining, using, or disclosing such personal information
17 outside of the direct business relationship between the contractor and
18 such business;

19 (iv) combining such personal information that the contractor receives
20 pursuant to a written contract with such business with personal informa-
21 tion that it receives from or on behalf of another person or persons, or
22 collects from its own interaction with the consumer;

23 (b) includes a certification made by the contractor that the contrac-
24 tor understands the restrictions provided for in accordance with para-
25 graph (a) of this subdivision and will comply with them;

26 (c) permits the business to monitor the contractor's compliance with
27 the contract through measures, including, but not limited to, ongoing
28 manual reviews and automated scans and regular assessments, audits, or
29 other technical and operational testing at least once every twelve
30 months; and

31 (d) provides that if the contractor engages any other person to assist
32 it in processing personal information for a business purpose on behalf
33 of such business, or if any other person engaged by such contractor
34 engages another person to assist in processing personal information for
35 such business purpose, it shall notify such business of such engagement,
36 and such engagement shall be pursuant to a written contract binding such
37 other person to comply with all the requirements set forth in this
38 subdivision.

39 10. "Cross-context behavioral advertising" means the targeting of
40 advertising and marketing to a consumer based on such consumer's
41 personal information obtained from such consumer's activity across busi-
42 nesses, distinctly branded internet websites, applications, or services,
43 distinctly branded internet website, application, or service with which
44 such consumer intentionally interacts.

45 11. (a) "Data broker" means a business that knowingly collects and
46 sells to third parties the personal information of a consumer with whom
47 such business either:

48 (i) does not have a direct relationship; and/or

49 (ii) collects, retains or sells personal information outside of the
50 consumer-facing business with which the consumer intends and expects to
51 interact through informed consent.

52 (b) The term "data broker" shall not include any of the following:

53 (i) a federal, state, tribal, territorial, or local governmental enti-
54 ty, including a body, authority, board, bureau, commission, body,
55 authority, board, bureau, commission, district, district, agency, or
56 political subdivision of a governmental entity;

1 (ii) an entity that serves as a congressionally designated nonprofit,
2 national resource center, or clearinghouse to provide assistance to
3 victims, families, child-serving professionals, and the general public
4 on missing and exploited children issues; or

5 (iii) an entity to the extent it is covered by section eighteen
6 hundred twelve of this article.

7 (c) For the purposes of this subdivision, "direct relationship" shall
8 mean a consumer has intentionally and unambiguously interacted with a
9 business for the purpose of accessing, purchasing, using, requesting, or
10 obtaining information about the business's products or services. A busi-
11 ness shall not be deemed to have a direct relationship with a consumer
12 merely because the business collects personal information of the consum-
13 er.

14 12. "Dark pattern" means a user interface designed or manipulated with
15 the substantial effect of subverting or impairing user autonomy, deci-
16 sion making, or choice, as further defined by regulation issued by the
17 office in consultation with the office of the attorney general.

18 13. "Deidentified" means information that cannot be used to infer
19 information about, or otherwise be linked to, a particular consumer,
20 provided that businesses that possess such information shall:

21 (a) take necessary measures to ensure that such information cannot be
22 associated with a consumer or household;

23 (b) publicly, and within any contract in which such business acquired
24 such information, commit to maintaining and using such information only
25 in deidentified form;

26 (c) not attempt to reidentify such information, except that such busi-
27 ness may attempt to reidentify such information solely for the purpose
28 of determining whether its deidentification processes satisfy the
29 requirements of this subdivision; and

30 (d) contractually: (i) prohibit any recipients of such information
31 from reidentifying such information; and (ii) require compliance with
32 all provisions of this subdivision.

33 14. "Designated methods for submitting requests" means a mailing
34 address, email address, internet web page, internet web portal, toll-
35 free telephone number, or other applicable contact information, whereby
36 consumers may submit a request or direction under this article, and any
37 new, consumer-friendly means of contacting a business, as approved in
38 writing by the office.

39 15. "Developer of a GenAI system" means a person, partnership, corpo-
40 ration, firm, organization or other entity that designs, codes, produc-
41 es, trains or substantially modifies a GenAI system.

42 16. "Device" means any physical object that is capable of connecting
43 to the internet, directly or indirectly, or to another device.

44 17. "Foreign actor" means either of the following:

45 (a) the government of a covered nation as defined in Section 4872 of
46 Title 10 of the United States Code; or

47 (b) a partnership, association, corporation, organization, entity or
48 other combination of persons organized under the laws of or having its
49 principal place of business in a covered nation as defined in Section
50 4872 of Title 10 of the United States Code.

51 18. "Generative artificial intelligence system" or "GenAI system"
52 means an artificial intelligence that can generate derived synthetic
53 content, including text, images, video, and audio, that emulates the
54 structure and characteristics of the system's training data.

55 19. "Homepage" means the introductory page of an internet website and
56 any internet web page where personal information is collected. In the

1 case of an online service, such as a mobile application, the term "home-
2 page" means such application's platform page or download page, a link
3 within such application, such as from the application configuration,
4 "About", "Information", or settings page, and any other location that
5 allows consumers to review the notices required by this article, includ-
6 ing, but not limited to, before downloading such application.

7 20. "Household" means a group, however identified, of consumers who
8 cohabitate with one another at the same residential address and share
9 use of common services.

10 21. "Infer" or "inference" means the derivation of information, data,
11 assumptions, or conclusions from facts, evidence, or another source of
12 information or data.

13 22. "Intentionally interacts" means when a consumer intends to inter-
14 act with a person, or disclose personal information to a person, via one
15 or more deliberate interactions, including visiting such person's inter-
16 net website or purchasing a good or service from such person. Hovering
17 over, muting, pausing, or closing a given piece of content shall not
18 constitute a consumer's intent to interact with a person.

19 23. "Non-personalized advertising" means advertising and marketing
20 that is based solely on such consumer's current interaction with the
21 business.

22 24. "Person" means an individual, proprietorship, firm, partnership,
23 joint venture, syndicate, business trust, company, corporation, limited
24 liability company, association, committee, and any other organization,
25 entity or group of persons acting in concert.

26 25. (a) "Personal information" means information, however maintained,
27 that identifies, relates to, describes, is capable of being associated
28 with, or could be linked, directly or indirectly, with a particular
29 consumer or household, including, but not limited to, the following:

30 (i) identifiers such as a real name, alias, postal address, unique
31 personal identifier, online identifier, internet protocol address, email
32 address, account name, social security number, driver's license number,
33 passport number, or other similar identifiers;

34 (ii) any information that identifies, relates to, describes, or is
35 capable of being associated with, a particular individual, including,
36 but not limited to, such individual's name, signature, social security
37 number, physical characteristics or description, address, telephone
38 number, passport number, driver's license or state identification card
39 number, insurance policy number, education, employment, employment
40 history, bank account number, credit card number, debit card number, or
41 any other financial information, medical information, or health insur-
42 ance information;

43 (iii) characteristics of protected classifications under New York or
44 federal law;

45 (iv) commercial information, including records of personal property,
46 products or services purchased, obtained, or considered, or other
47 purchasing or consuming histories or tendencies;

48 (v) biometric information;

49 (vi) internet or other electronic network activity information,
50 including, but not limited to, browsing history, search history, and
51 information regarding a consumer's interaction with an internet website
52 application, or advertisement;

53 (vii) geolocation data;

54 (viii) audio, electronic, visual, thermal, olfactory, or similar
55 information;

56 (ix) professional or employment-related information;

1 (x) education information, defined as information that is not publicly
2 available personally identifiable information as defined in the Family
3 Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g; 34 C.F.R. Part
4 99);

5 (xi) inferences drawn from any of the information identified in this
6 subdivision to create a profile about a consumer reflecting such consum-
7 er's preferences, characteristics, psychological trends, predisposi-
8 tions, behavior, attitudes, intelligence, abilities, and aptitudes; and

9 (xii) sensitive personal information;

10 (b) The term "personal information" shall not include publicly avail-
11 able information or lawfully obtained, truthful information that is a
12 matter of public concern. For purposes of this paragraph, "publicly
13 available" means any of the following:

14 (i) information that is lawfully made available from federal, state,
15 or local government records;

16 (ii) information that a business has a reasonable basis to believe is
17 lawfully and intentionally made available to the general public by the
18 consumer or from widely distributed media; or

19 (iii) information made available by a person to whom the consumer has
20 intentionally disclosed such information if such consumer has consented
21 to such information not being restricted to a specific audience.

22 (c) The term "publicly available" shall not mean biometric information
23 collected by a business about a consumer.

24 (d) The term "personal information" shall not include:

25 (i) consumer information that is deidentified and aggregate consumer
26 information; and

27 (ii) information that would not otherwise be made public but for a
28 data breach.

29 (e) The term "personal information" may exist in various formats,
30 including, but not limited to, all of the following:

31 (i) physical formats, including paper documents, printed images, vinyl
32 records, or video tapes;

33 (ii) digital formats, including text, image, audio, or video files; or

34 (iii) abstract digital formats, including compressed or encrypted
35 files, metadata, or artificial intelligence systems that are capable of
36 outputting personal information.

37 26. "Precise geolocation" means any data that is derived from a device
38 and that is used or intended to be used to locate a consumer within a
39 geographic area that is equal to or less than the area of a circle with
40 a radius of eighteen hundred fifty feet, except as prescribed by regu-
41 lations.

42 27. "Probabilistic identifier" means the identification of a consumer
43 or such consumer's device to a degree of certainty of more probable than
44 not based on any categories of personal information included in, or
45 similar to, the categories enumerated in the definition of personal
46 information under subdivision twenty-five of this section.

47 28. "Processing" means any operation or set of operations that are
48 performed on personal information or on sets of personal information,
49 whether or not by automated means.

50 29. "Profiling" means any form of processing of personal information,
51 as further defined by any regulations issued by the office, to evaluate
52 personal aspects relating to a natural person, including but not limited
53 to, analyzing or predicting aspects concerning such natural person's
54 performance at work, economic situation, health, personal preferences,
55 interests, reliability, behavior, location, or movements.

1 30. "Pseudonymize" or "pseudonymization" means the processing of
2 personal information in a manner that renders such personal information
3 no longer attributable to a specific consumer without the use of addi-
4 tional information, provided that such additional information is kept
5 separately and is subject to technical and organizational measures to
6 ensure that such personal information is not attributed to an identified
7 or identifiable consumer and shall not be reidentified through methods
8 such as inference, hashing manipulation, or any other computational or
9 analytical technique.

10 31. "Reproductive health care data" means any of the following:

11 (a) information about a consumer searching for, accessing, procuring,
12 using, or otherwise interacting with goods or services associated with
13 the human reproductive system, which includes goods such as contracep-
14 tion including but not limited to condoms or birth-control pills, pre-
15 natal and fertility vitamins and supplements, menstrual-tracking apps,
16 and hormone-replacement therapy, and shall further include, but not be
17 limited to, services such as sperm- and egg-freezing, In Vitro Ferti-
18 lization, abortion care, vasectomies, sexual health counseling; treatment
19 or counseling for sexually transmitted infections, erectile dysfunction,
20 and reproductive tract infections; and precise geolocation information
21 about such treatments; or

22 (b) information about a consumer's sexual history and family planning,
23 which includes information such consumer inputs into a dating app about
24 their history of sexually transmitted infections or desire to have chil-
25 dren.

26 32. "Research" means scientific analysis, systematic study, and obser-
27 vation, including basic research or applied research that is designed to
28 develop or contribute to public or scientific knowledge and that adheres
29 or otherwise conforms to all other applicable ethics and privacy laws,
30 including, but not limited to, studies conducted in the public interest
31 in the area of public health. Research with personal information that
32 may have been collected from a consumer in the course of the consumer's
33 interactions with a business' service or device for other purposes shall
34 be:

35 (a) in furtherance of the business purpose for which the personal
36 information was collected;

37 (b) subsequently pseudonymized and deidentified, or deidentified and
38 in the aggregate, such that the information cannot identify, relate to,
39 describe, be capable of being associated with, or be linked, directly or
40 indirectly, to a particular consumer, by a business;

41 (c) made subject to technical safeguards that prohibit reidentifica-
42 tion of the consumer to whom the information may pertain, other than as
43 needed to support the research;

44 (d) subject to business processes that specifically prohibit reiden-
45 tification of the information, other than as needed to support the
46 research;

47 (e) made subject to business processes to prevent inadvertent release
48 of deidentified information;

49 (f) protected from any reidentification attempts;

50 (g) used solely for research purposes that are compatible with the
51 context in which the personal information was collected; and

52 (h) subjected by the business conducting the research to additional
53 security controls that limit access to the research data to only those
54 individuals as are necessary to carry out the research purpose.

55 33. "Security and integrity" means the ability of:

1 (a) networks or information systems to detect security incidents that
2 compromise the availability, authenticity, integrity, and confidentiali-
3 ty of stored or transmitted personal information;

4 (b) businesses to detect security incidents, resist malicious, decep-
5 tive, fraudulent, or illegal actions and to help prosecute those respon-
6 sible for those actions; or

7 (c) businesses to ensure the physical safety of natural persons.

8 34. (a) "Sell", "selling", "sale", or "sold" means selling, renting,
9 releasing, disclosing, disseminating, making available, transferring, or
10 otherwise communicating orally, in writing, or by electronic or other
11 means, a consumer's personal information by a business to a third party
12 for monetary or other valuable consideration.

13 (b) For purposes of this article, a business shall not be deemed to
14 sell personal information when:

15 (i) a consumer uses or directs such business to intentionally:

16 (1) disclose personal information; or

17 (2) interact with one or more third parties;

18 (ii) such business uses or shares an identifier for a consumer who has
19 opted out of the sale of such consumer's personal information or limited
20 the use of such consumer's sensitive personal information solely for the
21 purposes of alerting persons to or for whom such consumer has opted out
22 of the sale of such consumer's personal information or limited the use
23 of such consumer's sensitive personal information; provided such identi-
24 fier does not disclose any personal information other than what is
25 necessary for such alert; or

26 (iii) such business transfers to a third party the personal informa-
27 tion of a consumer as an asset that is part of a merger, acquisition,
28 bankruptcy, or other transaction in which such third party assumes
29 control of all or part of such business, provided that as a condition to
30 such transaction, the third party contractually agrees to assume all
31 responsibilities of the transferring business with respect to such
32 personal information, and comply with this article in all respects. A
33 third party shall not use or share the personal information of a consum-
34 er in a manner that is inconsistent with the promises made at the time
35 of collection. This subparagraph shall not authorize a business to make
36 retroactive privacy policy changes or make other changes in their priva-
37 cy policy.

38 35. "Sensitive personal information" means:

39 (a) personal information that reveals:

40 (i) a consumer's social security, driver's license, state identifica-
41 tion card, or passport number;

42 (ii) a consumer's account log-in, financial account, debit card, or
43 credit card number in combination with any required security or access
44 code, password, or credentials allowing access to an account;

45 (iii) a consumer's precise geolocation;

46 (iv) a consumer's racial or ethnic origin, citizenship or immigration
47 status, religious or philosophical beliefs, or union membership;

48 (v) the contents of a consumer's mail, email, and text messages unless
49 the business is the intended recipient of the communication;

50 (vi) a consumer's sexuality or gender identity;

51 (vii) reproductive health care data;

52 (viii) a consumer's genetic data; or

53 (ix) a consumer's neural data, meaning information that is generated
54 by measuring the activity of such consumer's central or peripheral nerv-
55 ous system, and that is not inferred from nonneural information; or

1 (b) the processing of biometric information for the purpose of unique-
2 ly identifying a consumer, including but not limited to:

3 (i) personal information collected and analyzed concerning a consum-
4 er's health; or

5 (ii) personal information collected and analyzed concerning a consum-
6 er's sex life or sexual orientation.

7 36. "Service" or "services" means work, labor, and services, including
8 services furnished in connection with the sale or repair of goods.

9 37. (a) "Service provider" means a person that processes personal
10 information on behalf of a business and that receives from or on behalf
11 of such business consumer's personal information for a business purpose
12 pursuant to a written contract, provided that such contract prohibits
13 such person from:

14 (i) selling or sharing such personal information;

15 (ii) retaining, using, or disclosing such personal information for any
16 purpose other than for the business purposes specified in the contract
17 for such business, including retaining, using, or disclosing such
18 personal information for a commercial or business purpose other than the
19 business purposes specified in the contract with such business, or as
20 otherwise permitted by this article;

21 (iii) retaining, using, or disclosing the information outside of the
22 direct business relationship between the service provider and such busi-
23 ness; or

24 (iv) combining such personal information that the service provider
25 receives from, or on behalf of, such business with personal information
26 that it receives from, or on behalf of, another person or persons, or
27 collects from its own interaction with the consumer. Such contract
28 shall permit the business to monitor such service provider's compliance
29 with such contract through measures, including, but not limited to,
30 ongoing manual reviews and automated scans and regular assessments,
31 audits, or other technical and operational testing at least once every
32 twelve months.

33 (b) If a service provider engages any other person to assist it in
34 processing personal information for a business purpose on behalf of the
35 business, or if any other person engaged by such service provider
36 engages another person to assist in processing personal information for
37 such business purpose, it shall notify such business of such engagement,
38 and such engagement shall be pursuant to a written contract binding such
39 other person to comply with all the requirements set forth in paragraph
40 (a) of this subdivision.

41 (c) Any information acquired by a service provider for the purpose of
42 providing verification, authentication or similar service shall not be
43 processed or used for any purpose other than verifying the identity of
44 the individual and shall be deleted immediately upon verification or
45 failure to verify the individual.

46 38. (a) "Share", "shared", or "sharing" means sharing, renting,
47 releasing, disclosing, disseminating, making available, transferring, or
48 otherwise communicating orally, in writing, or by electronic or other
49 means, a consumer's personal information by a business to a third party
50 for cross-context behavioral advertising, whether or not for monetary or
51 other valuable consideration, including transactions between a business
52 and a third party for cross-context behavioral advertising for the bene-
53 fit of a business in which no money is exchanged.

54 (b) For purposes of this article, a business shall not be deemed to
55 share personal information when:

1 (i) a consumer uses or directs such business to intentionally disclose
2 personal information or intentionally interact with one or more third
3 parties;

4 (ii) a consumer directs such business to intentionally interact with
5 one or more third parties and such consumer has provided consent for the
6 business to disclose personal information to such third party or
7 parties;

8 (iii) such business uses or shares an identifier for a consumer who
9 has opted out of the sharing of such consumer's personal information or
10 limited the use of such consumer's sensitive personal information, sole-
11 ly for the purposes of alerting persons to or for whom such consumer has
12 opted out of the sharing of such consumer's personal information or
13 limited the use of such consumer's sensitive personal information,
14 provided such identifier does not disclose any personal information
15 other than what is necessary for such alert; or

16 (iv) such business transfers to a third party the personal information
17 of a consumer as an asset that is part of a merger, acquisition, bank-
18 ruptcy, or other transaction in which such third party assumes control
19 of all or part of such business, provided that as a condition to such
20 transaction, the third party contractually agrees to assume all respon-
21 sibilities of the transferring business with respect to such personal
22 information, and comply with this article in all respects. A third
23 party shall not use or share the personal information of a consumer in a
24 manner that is inconsistent with the promises made at the time of
25 collection. This subparagraph shall not authorize a business to make
26 retroactive privacy policy changes or make other changes in their priva-
27 cy policy.

28 39. "Third party" means a person who is not any of the following:

29 (a) the business with whom a consumer intentionally interacts and that
30 collects personal information from such consumer as part of such consum-
31 er's current interaction with such business under this article;

32 (b) a service provider to the business;

33 (c) a contractor to the business; or

34 (d) a processor to the business.

35 40. "Unique identifier" or "unique personal identifier" means a
36 persistent identifier that can be used to recognize a consumer, a house-
37 hold, a family, or a device that is linked to a consumer, household, or
38 family, over time and across different services, including, but not
39 limited to: a device identifier; an internet protocol address; device
40 fingerprinting; cookies, beacons, pixel tags, mobile ad identifiers, or
41 similar technology; customer number, unique pseudonym, or user alias;
42 telephone numbers, or other forms of persistent or probabilistic identi-
43 fiers that can be used to identify a particular consumer or device that
44 is linked to a consumer, household or family. For purposes of this
45 subdivision, the term "family" means a custodial parent or guardian and
46 any children under eighteen years of age over which the parent or guard-
47 ian has custody.

48 41. "Verifiable consumer request" means a request that is made by a
49 consumer, by a consumer on behalf of such consumer's minor child, or by
50 a person who has power of attorney or is acting as a conservator for
51 such consumer, and that the business can verify, using commercially
52 reasonable methods, pursuant to any regulations adopted by the office to
53 be such consumer about whom the business has collected personal informa-
54 tion.

55 42. "Department" shall mean the department of financial services.

1 43. "Superintendent" shall mean the superintendent of financial
2 services.

3 44. "Office" shall mean an office within the department, which shall
4 report to the superintendent, and is tasked with the implementation of
5 this article.

6 45. "Authorized agent" means:

7 (a) a person designated by a consumer to act on the consumer's behalf;

8 (b) a parent or legal guardian that acts on behalf of the parent's
9 child or on behalf of a child for whom the guardian has legal responsi-
10 bility; or

11 (c) a guardian or conservator that acts on behalf of a consumer that
12 is subject to a guardianship, conservatorship, or other protective
13 arrangement.

14 46. "Processor" shall mean a person who collects, processes, or trans-
15 fers personal information on behalf of, and at the direction of, a data
16 broker or another processor, or a Federal, state, tribal, or local
17 government entity.

18 § 1801. Data broker registration. 1. A data broker shall register
19 with the office pursuant to the requirements of this section no later
20 than sixty days after meeting the definition of data broker under this
21 article, and thereafter on or before the first of July following each
22 year in which a business meets the definition of data broker as provided
23 in this article, or by such other date as the office may establish by
24 regulation.

25 2. In registering with the office, a data broker shall do all of the
26 following:

27 (a) pay the pro rata share fee assessed by the office pursuant to
28 section eighteen hundred eleven of this article;

29 (b) provide the following information in a form and manner determined
30 by the office for the prior calendar year:

31 (i) all names used by the data broker and its primary physical, email,
32 and internet website addresses;

33 (ii) if the data broker permits a consumer to opt-out of such data
34 broker's collection of brokered personal information, opt-out of its
35 databases, or opt-out of certain sales of data:

36 (1) the method for requesting an opt-out;

37 (2) if the opt-out applies to only certain activities or sales, which
38 activities or sales such opt-out applies to; and

39 (3) whether the data broker permits a consumer to authorize a third
40 party to perform the opt-out on the consumer's behalf;

41 (iii) a statement specifying the data collection, databases, or sales
42 activities from which the data broker does not allow a consumer to opt-
43 out of;

44 (iv) a statement regarding whether the data broker implements a
45 purchaser credentialing process;

46 (v) the number of requests from consumers to delete personal informa-
47 tion;

48 (vi) the median and the mean number of days within which the data
49 broker substantively responded to consumer requests to delete personal
50 information;

51 (vii) whether the data broker collects the personal information of
52 minors;

53 (viii) whether the data broker collects or infers consumers' names,
54 dates of birth, zip codes, email addresses, or phone numbers;

55 (ix) whether the data broker collects or infers consumers' account
56 logins or account numbers in combination with any required security

1 codes, access codes, or passwords that would permit access to a consum-
2 er's account with a third party;

3 (x) whether the data broker collects or infers consumers' drivers'
4 license numbers, New York identification card numbers, tax identifica-
5 tion numbers, social security numbers, passport numbers, military iden-
6 tification numbers, or other unique identification numbers issued on a
7 government document commonly used to verify the identity of a specific
8 individual;

9 (xi) whether the data broker collects or infers consumers' mobile
10 advertising identification numbers, connected television identification
11 numbers, or vehicle identification numbers (VIN);

12 (xii) whether the data broker collects or infers consumers' citizen-
13 ship data, including immigration status;

14 (xiii) whether the data broker collects or infers consumers' union
15 membership status;

16 (xiv) whether the data broker collects or infers consumers' sexual
17 orientation status;

18 (xv) whether the data broker collects or infers consumers' gender
19 identity and gender expression data;

20 (xvi) whether the data broker collects or infers consumers' biometric
21 data;

22 (xvii) whether the data broker collects or infers consumers' precise
23 geolocation;

24 (xviii) whether the data broker collects or infers consumers' repro-
25 ductive health care data;

26 (xix) whether the data broker has shared or sold consumers' data to a
27 foreign actor in the past five years;

28 (xx) whether the data broker has shared or sold consumers' data to the
29 federal government in the past five years;

30 (xxi) whether the data broker has shared or sold consumers' data to
31 other state governments in the past five years;

32 (xxii) whether the data broker has shared or sold consumers' data to
33 law enforcement in the past five years, unless such data was shared
34 pursuant to a subpoena or court order;

35 (xxiii) whether the data broker has shared or sold consumers' data to
36 a developer of a GenAI system or model in the past five years;

37 (xxiv) a link to a page on the data broker's internet website that
38 details how a consumer may exercise their deletion rights. Such page
39 shall not make any use of dark patterns;

40 (xxv) whether and to what extent the data broker or any of its subsid-
41 iaries is regulated by any of the following:

42 (1) the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et
43 seq.);

44 (2) the Gramm-Leach-Bliley Act (Public Law 106-102) and implementing
45 regulations; or

46 (3) the privacy, security, and breach notification rules issued by the
47 United States Department of Health and Human Services, Parts 160 and 164
48 of Title 45 of the Code of Federal Regulations, established pursuant to
49 the federal Health Insurance Portability and Accountability Act of 1996
50 (Public Law 104-191);

51 (xxvi) any additional information or explanation the data broker
52 chooses to provide concerning its data collection and use practices and
53 activities; and

54 (xxvii) any other information that the office may require pursuant to
55 regulations or to properly assess the registration fee pursuant to
56 section eighteen hundred eleven of this article.

1 3. No data broker shall acquire personal information through fraudu-
2 lent or deceptive means.

3 4. No data broker shall knowingly acquire, use, license, sell, or
4 facilitate the use of personal information for the purpose of:

5 (a) committing a crime, including stalking or harassing a consumer;

6 (b) committing a fraud, including coercion, identity theft, financial
7 fraud, or email fraud;

8 (c) engaging in unlawful discrimination, including employment discrim-
9 ination or housing discrimination; or

10 (d) unauthorized surveillance or monitoring of a consumer's movements,
11 behaviors, or associations.

12 § 1802. Data broker registration and deletion portal. The office shall
13 create a page on the department's internet website where the registra-
14 tion information provided by data brokers described under section eigh-
15 teen hundred one of this article and the accessible deletion mechanism
16 described under section eighteen hundred four of this article shall be
17 accessible to the public.

18 § 1803. Consumer deletion requests. 1. A data broker shall delete a
19 consumer's personal information, based on such consumer's or authorized
20 agent's request, within thirty days of receiving a verifiable consumer
21 request from the consumer pursuant to section eighteen hundred four of
22 this article or section eighteen hundred five of this article. Such
23 data broker shall promptly take steps to determine whether such request
24 is a verifiable consumer request, but such steps shall not extend such
25 data broker's duty to delete personal information within thirty days of
26 receipt of the consumer's request. The time period to delete personal
27 information may be extended once by an additional fifteen days when
28 strictly necessary, provided the consumer is provided notice of such
29 extension within the first thirty-day period.

30 2. A data broker shall cease all processing activities of personal
31 information promptly and without unreasonable delay not to exceed five
32 days after receiving a verifiable consumer request from the consumer or
33 authorized agent.

34 § 1804. Accessible deletion request mechanism for consumers. 1. The
35 office shall establish an accessible deletion request mechanism that
36 does all of the following:

37 (a) implements and maintains reasonable security procedures and prac-
38 tices, including, but not limited to, administrative, physical, and
39 technical safeguards appropriate to the nature of the information and
40 the purposes for which the personal information will be used and to
41 protect consumers' personal information from unauthorized use, disclo-
42 sure, access, destruction, or modification;

43 (b) allows a consumer, through a single verifiable consumer request,
44 to request that every data broker that maintains any personal informa-
45 tion delete any personal information related to such consumer held by
46 the data broker or associated service provider or contractor;

47 (c) allows a consumer to selectively exclude specific data brokers
48 from a request made under this section; and

49 (d) allows a consumer to make a request to alter a previous request
50 made under this section after at least thirty days have passed since the
51 consumer last made a request under this section.

52 2. The accessible deletion mechanism established pursuant to this
53 section shall meet all of the following requirements:

54 (a) the accessible deletion mechanism shall allow a consumer to
55 request the deletion of all personal information related to such consum-
56 er through a single deletion request;

1 (b) the accessible deletion mechanism shall permit a consumer to
2 securely submit information in one or more privacy-protecting ways
3 determined by the office to aid in the deletion request;

4 (c) the accessible deletion mechanism shall allow data brokers regis-
5 tered with the office to determine whether an individual has submitted a
6 verifiable consumer request to delete the personal information related
7 to such consumer as described in this section and shall not allow the
8 disclosure of any additional personal information when the data broker
9 accesses such accessible deletion mechanism unless otherwise specified
10 in this article;

11 (d) the accessible deletion mechanism shall allow a consumer to make a
12 request described in this section using an internet service operated by
13 the office;

14 (e) the accessible deletion mechanism shall not charge a consumer to
15 make or implement a request described in this section;

16 (f) the accessible deletion mechanism shall allow a consumer to make a
17 request described in this section in any of the twelve most commonly
18 spoken languages in New York state, consistent with section two hundred
19 two-a of the executive law, for whom personal information has been
20 collected by data brokers;

21 (g) the accessible deletion mechanism shall comply with section one
22 hundred three-d of the state technology law;

23 (h) the accessible deletion mechanism shall support the ability of a
24 consumer's authorized agents to aid in the deletion request;

25 (i) the accessible deletion mechanism shall allow the consumer, or
26 their authorized agent, to verify the status of such consumer's deletion
27 request; and

28 (j) the accessible deletion mechanism shall provide a description of
29 all of the following:

30 (i) the deletion permitted by this section including the actions
31 required of data brokers described in this section;

32 (ii) the process for submitting a deletion request pursuant to this
33 section; and

34 (iii) examples of the types of information that may be deleted;

35 3. Beginning on a date established by regulation by the office, the
36 office shall make each request submitted pursuant to this section avail-
37 able to each applicable data broker without undue delay and each data
38 broker shall access the accessible deletion mechanism established pursu-
39 ant to subdivision one of this section at least once every thirty days
40 and do all of the following:

41 (a) within thirty days after a request made pursuant to this section
42 is deemed received pursuant to subdivision one of section eighteen
43 hundred three of this article, a data broker shall process all such
44 requests and delete all personal information related to the consumers
45 who made such requests;

46 (b) in cases where a data broker denies a consumer request to delete
47 under this article because such request cannot be verified, such data
48 broker shall process such request as an opt-out of the sale or sharing
49 of such consumer's personal information and, within thirty days of
50 receiving such request, direct all service providers and processors
51 associated with the data broker to process the request as an opt-out of
52 the sale or sharing of the consumer's personal information, regardless
53 of whether such data broker has an existing policy providing for consum-
54 ers to opt out;

55 (c) a data broker shall direct all service providers or contractors
56 associated with such data broker to delete all personal information in

1 their possession related to the consumers making the requests described
2 in paragraph (a) of this subdivision;

3 (d) a data broker shall direct all service providers or contractors
4 associated with the data broker to process a request described by para-
5 graph (b) of this subdivision; and

6 (e) for purposes of section eighteen hundred three of this article, a
7 request made pursuant to this section shall be deemed received on the
8 date such request is made available to the data broker through the
9 accessible deletion mechanism established pursuant to subdivision one of
10 this section.

11 4. (a) Notwithstanding any other provision of this section, a data
12 broker shall not be required to delete a consumer's personal information
13 to the extent that such personal information is:

14 (i) used by a consumer reporting agency to furnish a consumer report
15 pursuant to the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681
16 et seq.);

17 (ii) strictly necessary to investigate, establish, exercise, prepare
18 for, or defend a legal claim;

19 (iii) strictly necessary to fulfill a specific legal requirement on
20 behalf of a business to which the data broker is bound by a written
21 contract to fulfill that legal requirement;

22 (iv) used to prevent, detect, protect against or respond to security
23 incidents, identity theft, fraud, harassment, or to preserve the phys-
24 ical security and technical integrity of systems or investigate, report,
25 or prosecute those responsible for any such action; or

26 (v) used to comply with a civil, criminal or regulatory inquiry,
27 investigation, subpoena, or summons by federal, state, municipal, or
28 other governmental authority, provided that a business that has received
29 direction from a law enforcement agency not to delete the personal
30 information of a consumer who has requested deletion of such consumer's
31 personal information shall not use such consumer's personal information
32 for any purpose other than retaining it to produce to law enforcement in
33 response to a court-issued subpoena, order, or warrant unless such
34 consumer's deletion request is subject to an exemption from deletion
35 under this article.

36 (b) Personal information not required to be deleted under paragraph
37 (a) of this subdivision shall be separated or segregated from data used
38 for any other purpose, deleted immediately upon the expiration of the
39 legal or contractual requirement, and only be used for purposes directly
40 related to such exceptions and shall not be used or disclosed for any
41 other purpose.

42 5. Beginning on a date established by regulation by the office, after
43 a consumer has submitted a deletion request and a data broker has
44 deleted such consumer's data pursuant to this section, such data broker
45 shall delete all personal information of such consumer at least once
46 every thirty days pursuant to this section unless such consumer requests
47 otherwise or such deletion is not required pursuant to subdivision four
48 of this section.

49 6. Beginning on a date established by regulation by the office, after
50 a consumer has submitted a deletion request and a data broker has
51 deleted such consumer's data pursuant to this section, such data broker
52 shall not sell or share new personal information of such consumer unless
53 such consumer requests otherwise or selling or sharing such personal
54 information is permitted under subdivision four of this section,
55 provided that, where selling, sharing or retention of personal informa-

1 tion is permitted, such consumer shall receive notice of continued
2 retention of personal information.

3 7. Beginning January first, two thousand twenty-nine, or by such other
4 date that may be established by regulation by the office, and every
5 three years thereafter, a data broker shall undergo an audit by an inde-
6 pendent third party to determine compliance with this article. The data
7 broker shall submit a report resulting from the audit and any related
8 materials to the office within five business days of receiving a written
9 request from the office. A data broker shall maintain the report and
10 materials described in this paragraph for at least six years.

11 § 1805. Data broker website disclosure requirements. 1. On or before
12 July first following each calendar year, or by such other date as the
13 office may establish by regulation in which a business meets the defi-
14 nition of a data broker as provided in this article, the business shall
15 clearly and conspicuously post their privacy policy on their website as
16 well as do all of the following:

17 (a) Disclose the number of consumer deletion requests made to the data
18 broker pursuant to section eighteen hundred four of this article;

19 (b) Disclose the median and the mean number of days within which the
20 data broker substantively responded to consumer deletion requests during
21 the previous calendar year; and

22 (c) Disclose the metrics compiled pursuant to paragraphs (a) and (b)
23 of this subdivision within the data broker's privacy policy posted on
24 their internet website and accessible from a link included in the data
25 broker's privacy policy.

26 2. In its disclosure pursuant to subdivision one of this section, a
27 data broker shall disclose the number of consumer deletion requests that
28 the data broker denied in whole or in part because of any of the follow-
29 ing:

30 (a) The request was not verifiable;

31 (b) The request was not made by a consumer;

32 (c) The request called for information exempt from deletion; or

33 (d) The request was denied on other grounds.

34 3. In its disclosure pursuant to subdivision one of this section, a
35 data broker shall specify the number of consumer deletion requests in
36 which deletion was not required in whole, or in part, under a relevant
37 section of this article.

38 4. A data broker shall provide, in a form that is easily accessible to
39 consumers, at least two or more designated methods for submitting
40 deletion requests to such data broker directly. Such forms may include a
41 toll-free telephone number, email or electronic submission via the data
42 broker's internet website.

43 § 1806. Data brokers; comprehensive information security program. 1. A
44 data broker shall develop, implement, and maintain a documented compre-
45 hensive information security program that contains administrative, tech-
46 nical, and physical safeguards, including but not limited to the cessa-
47 tion of collection activities in the interest of the consumer, that are
48 appropriate according to:

49 (a) the size, scope, and type of business of the data broker;

50 (b) the nature of resources available to the data broker;

51 (c) the volume and sensitivity of stored data; and

52 (d) the foreseeable risks of unauthorized access, use, or disclosure
53 of personal information and sensitive personal information.

54 2. A comprehensive information security program required pursuant to
55 subdivision one of this section shall include the following features:

56 (a) designation of one or more employees to maintain the program;

1 (b) identification and assessment of reasonably foreseeable internal
2 and external risks to the security, confidentiality, and integrity of
3 any electronic, paper, or other records containing personal information;

4 (c) a process for evaluating and improving, where necessary, the
5 effectiveness of the current safeguards for limiting such risks, includ-
6 ing means of detecting and preventing security system failures;

7 (d) reasonable restrictions upon physical access to records containing
8 personal information and storage of the records and data in locked
9 facilities, storage areas, or containers;

10 (e) regular monitoring to ensure that the comprehensive information
11 security program is operating in a manner reasonably calculated to
12 prevent unauthorized access to or unauthorized use of personal informa-
13 tion and upgrading information safeguards as necessary to limit risks;
14 and

15 (f) documentation of responsive actions taken in connection with any
16 incident involving a breach of security and mandatory post-incident
17 review of events and actions taken, if any, to make changes in business
18 practices relating to protection of personal information.

19 3. (a) A comprehensive information security program pursuant to subdi-
20 vision one of this section shall, to the extent technically feasible,
21 include the following technical elements:

22 (i) a secure user authentication protocol that has: (1) controlled
23 management of user identifications and credentials; (2) secure methods
24 of assigning and selecting passwords, or use of unique identifier tech-
25 nologies such as biometrics or token devices; (3) control of data pass-
26 words in a location, format and manner that does not compromise the
27 security of the data protected; and (4) the ability to restrict access;

28 (ii) encryption and de-identification of all sensitive personal infor-
29 mation transmitted across public networks or wirelessly prior to trans-
30 mission;

31 (iii) reasonable monitoring of systems for unauthorized use of or
32 access to personal information and sensitive personal information;

33 (iv) reasonably up-to-date firewall protection and operating system
34 security patches that are reasonably designed to maintain the integrity
35 of the personal information and sensitive personal information; and

36 (v) reasonably current system security software, including malware
37 protection and up-to-date patches and virus definitions, configured to
38 receive security updates on a regular basis.

39 (b) Nothing in this subdivision shall prohibit a comprehensive infor-
40 mation security program from providing a higher degree of security than
41 the protocols described in this subdivision.

42 § 1807. Rulemaking. The office shall adopt rules and regulations to
43 implement the provisions of this article.

44 § 1808. Powers, duties and adjudicatory proceedings. 1. In connection
45 with the implementation and enforcement of this article, the office
46 shall have the following powers and duties:

47 (a) to hold hearings, subpoena witnesses, compel their attendance,
48 administer oaths, to examine any person under oath and in connection
49 therewith to require the production of any books or records relative to
50 the inquiry, provided that subpoena issued under this section shall be
51 regulated by the civil practice law and rules;

52 (b) to appoint such advisory groups and committees as deemed necessary
53 to provide assistance to the office to carry out the purposes and objec-
54 tives of this article;

1 (c) to enter into contracts, memoranda of understanding, and agree-
2 ments as deemed appropriate to effectuate the policy and purpose of this
3 chapter;

4 (d) to draft declaratory rulings, guidance and industry advisories;
5 and

6 (e) to delegate the powers provided in this section to such other
7 officers or employees as may be deemed appropriate by the superinten-
8 dent.

9 2. (a) The superintendent, or any person designated by the superinten-
10 dent for the purposes of this subdivision, may issue subpoenas and
11 administer oaths in connection with any hearing or investigation under
12 or pursuant to this article, and it shall be the duty of the superinten-
13 dent and any persons designated by them for such purpose to issue
14 subpoenas at the request of and upon behalf of the respondent.

15 (b) The superintendent and those designated by the superintendent
16 shall not be bound by the laws of evidence in the conduct of hearing
17 proceedings, but the determination shall be founded upon preponderance
18 of evidence to sustain it.

19 (c) Notice and right of hearing as provided in the state administra-
20 tive procedure act shall be served at least fifteen days prior to the
21 date of the hearing, provided that, whenever because of danger to the
22 public health, safety or welfare it appears prejudicial to the interests
23 of the people of the state to delay action for fifteen days, the super-
24 intendent may serve the respondent with an order requiring certain
25 action or the cessation of certain activities immediately or within a
26 specified period of less than fifteen days.

27 (d) Service of notice of hearing or order shall be made by personal
28 service or by registered or certified mail. Where service, whether by
29 personal service or by registered or certified mail, is made upon an
30 incompetent, partnership, or corporation, it shall be made upon the
31 person or persons designated to receive personal service by article
32 three of the civil practice law and rules.

33 (e) At a hearing, that to the greatest extent practicable shall be
34 reasonably near the respondent, the respondent may appear personally,
35 shall have the right of counsel, and may cross-examine witnesses against
36 the respondent and produce evidence and witnesses on their behalf.

37 (f) Following a hearing, the superintendent may make appropriate
38 determinations and issue a final order in accordance therewith.

39 (g) The superintendent may adopt, amend and repeal administrative
40 rules and regulations governing the procedures to be followed with
41 respect to hearings, such rules to be consistent with the policy and
42 purpose of this chapter and the effective and fair enforcement of its
43 provisions.

44 (h) The provisions of this section shall be applicable to all hearings
45 held pursuant to this article.

46 § 1809. Statute of limitations. No administrative action by the office
47 brought pursuant to this article alleging a violation of any of the
48 provisions of this article shall be commenced more than three years
49 after the date on which the violation was discovered.

50 § 1810. Enforcement. 1. The superintendent may, after notice and hear-
51 ing, require any person found violating the provisions of this article
52 or the rules or regulations promulgated hereunder to pay to the people
53 of this state, penalties and expenses as follows:

54 (a) a fine or civil penalty of five hundred dollars for each day the
55 data broker fails to register or fails to comply with the registration
56 requirements as required by this article;

1 (b) an amount equal to the monies that were due during the period it
2 failed to register;

3 (c) a fine or civil penalty of five hundred dollars for each deletion
4 request for each day the data broker fails to delete information as
5 required by section eighteen hundred three or section eighteen hundred
6 four of this article;

7 (d) a fine or civil penalty of two hundred and fifty dollars for each
8 day the data broker fails to comply with the website disclosure require-
9 ments as set forth in section eighteen hundred five of this article; and

10 (e) appropriate expenses incurred by the office in the investigation
11 and administration of the action; or in the case of an action commenced
12 by the attorney general, any expenses incurred by the office, that are
13 deemed appropriate by the court.

14 2. The superintendent may request the attorney general commence an
15 action in a court of competent jurisdiction to enforce the requirements
16 of this article and to recover the penalties and expenses set forth in
17 paragraphs (a) through (e) of subdivision one of this section, and in
18 addition, an application may be made by the attorney general in the name
19 of the people of the state of New York to a court or justice having
20 jurisdiction by a special proceeding to issue an injunction with respect
21 to a violation of this article, and upon notice to the defendant of not
22 less than five days, to enjoin and restrain the continuance of such
23 violation.

24 § 1811. Assessments. Companies or persons required to be licensed,
25 registered or to file with the office pursuant to this article shall be
26 assessed by the superintendent for the operating expenses of the depart-
27 ment, including all direct and indirect costs, attributable to adminis-
28 tering and enforcing this article, in such proportions as the super-
29 intendent shall deem just and reasonable.

30 § 1812. Exemptions. This article shall not apply to any of the follow-
31 ing:

32 1. A covered entity governed by the privacy, security, and breach
33 notification rules issued by the United States Department of Health and
34 Human Services, Parts 160 and 164 of Title 45 of the Code of Federal
35 Regulations, established pursuant to the federal Health Insurance Porta-
36 bility and Accountability Act of 1996 (Public Law 104-191), to the
37 extent the covered entity maintains, uses, and discloses protected
38 health information in compliance with the privacy, security, and breach
39 notification rules issued by the United States Department of Health and
40 Human Services, Parts 160 and 164 of Title 45 of the Code of Federal
41 Regulations, established pursuant to the federal Health Insurance Porta-
42 bility and Accountability Act of 1996 (Public Law 104-191) and the
43 federal Health Information Technology for Economic and Clinical Health
44 Act, Title XIII of the federal American Recovery and Reinvestment Act of
45 2009 (Public Law 111-5).

46 2. A business associate of a covered entity governed by the privacy,
47 security, and data breach notification rules issued by the United States
48 Department of Health and Human Services, Parts 160 and 164 of Title 45
49 of the Code of Federal Regulations, established pursuant to the federal
50 Health Insurance Portability and Accountability Act of 1996 (Public Law
51 104-191) and the federal Health Information Technology for Economic and
52 Clinical Health Act, Title XIII of the federal American Recovery and
53 Reinvestment Act of 2009 (Public Law 111-5), to the extent that such
54 business associate maintains, uses, and discloses protected health
55 information in compliance with the privacy, security, and breach notifi-
56 cation rules issued by the United States Department of Health and Human

1 Services, Parts 160 and 164 of Title 45 of the Code of Federal Regu-
2 lations, established pursuant to the federal Health Insurance Portabil-
3 ity and Accountability Act of 1996 (Public Law 104-191) and the federal
4 Health Information Technology for Economic and Clinical Health Act,
5 Title XIII of the federal American Recovery and Reinvestment Act of 2009
6 (Public Law 111-5).

7 3. Information that is collected, used, or disclosed in research, as
8 defined in Section 164.501 of Title 45 of the Code of Federal Regu-
9 lations, including, but not limited to, a clinical trial, and that is
10 conducted in accordance with applicable ethics, confidentiality, priva-
11 cy, and security rules of Part 164 of Title 45 of the Code of Federal
12 Regulations, the Federal Policy for the Protection of Human Subjects,
13 also known as the Common Rule, good clinical practice guidelines issued
14 by the International Council for Harmonization, or human subject
15 protection requirements of the United States Food and Drug Adminis-
16 tration.

17 4. A health information network regulated under 10 NYCRR Part 300,
18 including the department of health's designated contractor or a quali-
19 fied entity under 10 NYCRR § 300.4 to the extent such health information
20 network is in compliance therewith with respect to the personal informa-
21 tion.

22 5. Personal information collected, processed, sold or disclosed to the
23 extent that it is covered by the federal Fair Credit Reporting Act (15
24 U.S.C. Sec. 1681 et seq.).

25 6. Personal information collected, processed, sold, or disclosed to
26 the extent that it is covered by the Gramm-Leach-Bliley Act (Public Law
27 106-102) and implementing regulations.

28 7. Personal information collected, processed, used, disclosed, sold,
29 shared, licensed, or transferred by or on behalf of a candidate, a poli-
30 tical committee, a party committee, a constituted committee, or an inde-
31 pendent expenditure committee, as such terms are used in article four-
32 teen of the election law, including an authorized committee as defined
33 in section 14-200-a of the election law, or by a consultant, political,
34 media or fundraising advisor, vendor, contractor, or agent that has been
35 compensated, reimbursed or retained by, or that acts on behalf of or at
36 the direction of, any such candidate or committee, to the extent that
37 such personal information is collected, processed, used, disclosed,
38 sold, shared, licensed, or transferred solely in connection with activ-
39 ity regulated by the election law or to comply with a requirement of the
40 election law.

41 8. For purposes of this section, the following terms shall have the
42 following meanings:

43 (a) "Business associate" has the same meaning as defined in Section
44 160.103 of Title 45 of the Code of Federal Regulations.

45 (b) "Covered entity" has the same meaning as defined in Section
46 160.103 of Title 45 of the Code of Federal Regulations.

47 (c) "Identifiable private information" has the same meaning as defined
48 in Section 46.102 of Title 45 of the Code of Federal Regulations.

49 (d) "Individually identifiable health information" has the same mean-
50 ing as defined in Section 160.103 of Title 45 of the Code of Federal
51 Regulations.

52 (e) "Protected health information" has the same meaning as defined in
53 Section 160.103 of Title 45 of the Code of Federal Regulations.

54 § 3. Severability. If any clause, sentence, paragraph, subdivision,
55 section or part of this act shall be adjudged by any court of competent
56 jurisdiction to be invalid, such judgment shall not affect, impair, or

1 invalidate the remainder thereof, but shall be confined in its operation
2 to the clause, sentence, paragraph, subdivision, section or part thereof
3 directly involved in the controversy in which such judgment shall have
4 been rendered. It is hereby declared to be the intent of the legislature
5 that this act would have been enacted even if such invalid provisions
6 had not been included herein.

7 § 4. This act shall take effect on the one hundred eightieth day after
8 the office of the department of financial services tasked with the
9 implementation of article 48 of the general business law pursuant to
10 such article shall promulgate rules and regulations to effectuate the
11 provisions of this act; provided, however, that such office shall notify
12 the legislative bill drafting commission upon the occurrence of the
13 promulgation of such rules and regulations in order that the commission
14 may maintain an accurate and timely effective data base of the official
15 text of the laws of the state of New York in furtherance of effectuating
16 the provisions of section 44 of the legislative law and section 70-b of
17 the public officers law. Effective immediately, the addition, amendment
18 and/or repeal of any rule or regulation necessary for the implementation
19 of this act on its effective date are authorized to be made and
20 completed on or before such effective date.

21 PART BB

22 Section 1. The insurance law is amended by adding a new section 2356
23 to read as follows:

24 § 2356. Premium increase explanations. An insurer shall include on
25 either the premium bill or the declarations page the amount of the
26 premium increase from the prior policy period and a written explanation
27 for the premium for a covered policy as defined in paragraph one and
28 subparagraph (A) of paragraph two of subsection (a) of section three
29 thousand four hundred twenty-five of this chapter. Such explanation
30 shall include, but not be limited to, the primary rating factors and
31 material changes which caused the insurer to request a rate increase
32 from the department.

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

35 PART CC

36 Section 1. The insurance law is amended by adding a new section 2355
37 to read as follows:

38 § 2355. Homeowners' insurance benchmark loss ratio. (a) Beginning one
39 year after the effective date of this section, an insurer that issues or
40 delivers in this state a homeowners' insurance policy and had average
41 annual gross written homeowners' insurance premiums in this state of at
42 least ten million dollars during the previous three calendar years shall
43 refile with the superintendent, for the superintendent's prior approval,
44 its homeowners' insurance rates if the insurer had an actual loss ratio
45 for each of the previous three calendar years that is below the bench-
46 mark loss ratio, specified by the superintendent in a regulation, when
47 taking into account the insurer's investment ratios. The insurer shall
48 make the filing with the superintendent within sixty days after the
49 insurer files its annual statement.

50 (b) Within one year of the effective date of this section, the super-
51 intendent shall conduct a study to determine a benchmark loss ratio for
52 homeowners' insurance for the purpose of subsection (a) of this section.

1 (c) For the purpose of this section, "homeowners' insurance" means a
2 contract of insurance insuring against the contingencies described in
3 subparagraphs (A), (B), and (C) or subparagraphs (B) and (C) of para-
4 graph two of subsection (a) of section three thousand four hundred twen-
5 ty-five of this chapter and which is a "covered policy" of personal
6 lines insurance as defined in such paragraph; provided, however, that
7 the coverages provided under subparagraphs (B) and (C) of paragraph two
8 of subsection (a) of section three thousand four hundred twenty-five of
9 this chapter shall not apply where the natural person does not have an
10 insurable interest in the real property, or a portion thereof, or the
11 residential unit in which such person resides.

12 § 2. This act shall take effect immediately.

13 PART DD

14 Section 1. Subsections 1 and 2 of section 2346 of the insurance law,
15 subsection 1 as amended by chapter 454 of the laws of 1994 and
16 subsection 2 as amended by chapter 637 of the laws of 1993, are amended
17 to read as follows:

18 1. ~~[The superintendent may provide for a]~~ An insurer shall offer at
19 least one discount that provides an actuarially appropriate reduction in
20 the rates of fire insurance premiums or the fire insurance component of
21 homeowners insurance premiums applicable to residential real property
22 for fire prevention or mitigation improvements, such as when the real
23 property is equipped with smoke detecting alarm devices, approved sprin-
24 kler systems, or fire extinguishers~~[, should a statistically valid study~~
25 ~~of insurer experience indicate an actuarially significant decrease in~~
26 ~~losses in the aforementioned circumstances. The reductions provided for~~
27 ~~shall be proportionally related to the actuarially calculable decrease~~
28 ~~in losses in the aforementioned circumstances]~~.

29 2. ~~[The superintendent may provide for a]~~ (a) An insurer shall offer
30 at least one discount that provides an actuarially appropriate reduction
31 in the rates of homeowners insurance premiums applicable to residential
32 real property for each of the following categories of improvements:

33 (1) theft prevention or mitigation improvements, such as when the real
34 property is equipped with dead-bolt locks~~[, should a statistically valid~~
35 ~~study of insurer experience indicate an actuarially significant decrease~~
36 ~~in losses attributable to the use of such a device. The superintendent~~
37 ~~shall by regulation establish standards for dead-bolt locks for which a~~
38 ~~reduction may be approved. The reductions provided for shall be propor-~~
39 ~~tionally related to the actuarially calculable decrease in losses~~
40 ~~attributable to the use of such a device]~~ or a security system; and

41 (2) water damage prevention or mitigation improvements, such as a
42 smart water monitor and shutoff device.

43 (b) An insurer shall offer a discount that provides an actuarially
44 appropriate reduction in the rates of homeowners insurance premiums
45 applicable to residential real property for the installation of a newly
46 constructed roof or a roof replacement and for each of the following
47 wind damage mitigation improvements to the property:

48 (1) improvements made to roof coverings, such as tiles or shingles,
49 for wind-resistance;

50 (2) roof deck attachments;

51 (3) secondary water resistance, including sealing and strengthening a
52 roof deck, roof and gable end vents or covers, and improvements made for
53 water intrusion resistance of attic vents; and

1 (4) roof to wall connections, including toe nails, clips, strapping,
2 or ties.

3 (c) To be considered for any discount provided for in paragraph (b) of
4 this subsection, an insurable property shall be certified as constructed
5 in accordance with any building code applicable in this state or New
6 York city, as amended from time-to-time, or such other standards as
7 approved by the superintendent.

8 § 2. Section 2346-a of the insurance law, as added by chapter 78 of
9 the laws of 1997, is amended to read as follows:

10 § 2346-a. Reduction in rates of certain commercial risk insurance
11 premiums for real property. [~~The superintendent shall provide for~~] (a)
12 An insurer shall offer at least one discount that provides an actuarial-
13 ly appropriate reduction in the rates of fire insurance premiums or the
14 fire insurance component of certain commercial risk insurance, as
15 defined in subparagraph (A) of paragraph forty-seven of subsection (a)
16 of section one hundred seven of this chapter, to a purchaser of such
17 insurance and shall also provide such discount to a public entity as
18 defined in paragraph fifty-one of subsection (a) of section one hundred
19 seven of this chapter, for the loss of or damage to real property
20 equipped with fire prevention or mitigation improvements, such as when
21 the real property is equipped with smoke detecting alarm devices,
22 approved sprinkler systems, or fire extinguishers.

23 (b) An insurer shall offer at least one discount that provides an
24 actuarially appropriate reduction in the rates of premiums for certain
25 commercial risk insurance, as defined in subparagraph (A) of paragraph
26 forty-seven of subsection (a) of section one hundred seven of this chap-
27 ter, to a purchaser of such insurance and shall also provide such
28 reduction to a public entity as defined in paragraph fifty-one of
29 subsection (a) of section one hundred seven of this chapter for loss of
30 or damage to real property for each of the following categories of
31 improvements:

32 (1) theft prevention or mitigation improvements, such as when the real
33 property is equipped with dead-bolt locks or a security system; and

34 (2) water damage prevention or mitigation improvements, such as a
35 smart water monitor and shutoff device.

36 (c) An insurer shall offer a discount that provides an actuarially
37 appropriate reduction in the rates of premiums for certain commercial
38 risk insurance, as defined in subparagraph (A) of paragraph forty-seven
39 of subsection (a) of section one hundred seven of this chapter, to a
40 purchaser of such insurance and shall also provide such reduction to a
41 public entity as defined in paragraph fifty-one of subsection (a) of
42 section one hundred seven of this chapter for the loss of or damage to
43 real property for the installation of a newly constructed roof or a roof
44 replacement and for each of the following wind damage mitigation
45 improvements to the property:

46 (1) improvements made to roof coverings, such as tiles or shingles,
47 for wind-resistance;

48 (2) roof deck attachments;

49 (3) secondary water resistance, including sealing and strengthening a
50 roof deck, roof and gable end vents or covers, and improvements made for
51 water intrusion resistance of attic vents; and

52 (4) roof to wall connections, including toe nails, clips, strapping,
53 or ties.

54 (d) To be considered for any discount provided for in subsection (c)
55 of this section, an insurable property shall be certified as constructed
56 in accordance with any building code applicable in this state or New

1 York city, as amended from time-to-time, or such other standards as
2 approved by the superintendent.

3 (e) An insurer shall offer a discount that provides an actuarially
4 appropriate reduction in the rates of premiums for certain commercial
5 risk insurance, as defined in subparagraph (A) of paragraph forty-seven
6 of subsection (a) of section one hundred seven of this chapter, to a
7 purchaser of such insurance and shall also provide such reduction to a
8 public entity as defined in paragraph fifty-one of subsection (a) of
9 section one hundred seven of this chapter for the loss of or damage to
10 real property fitted or retrofitted with hurricane resistant laminated
11 glass windows or doors. The superintendent shall by regulation estab-
12 lish standards for hurricane resistant laminated glass windows and
13 doors, including the safe and secure installation thereof.

14 § 2-a. The insurance law is amended by adding a new section 2346-b to
15 read as follows:

16 § 2346-b. Homeowners insurance or property/casualty insurance; miti-
17 gation action. 1. For the purposes of this section, the following terms
18 shall have the following meanings:

19 (a) "Natural disaster" means the occurrence or imminent threat of
20 widespread catastrophic or severe damage, injury, or loss of life or
21 property resulting from any natural cause including, but not limited to,
22 fire, flood, earthquake, hurricane, tornado, high water, landslide,
23 mudslide, wind, storm, wave action, ice storm, air contamination,
24 blight, drought, infestation, explosion, water contamination, bridge
25 failure, or bridge collapse.

26 (b) "Property-specific mitigation action" means a science-based miti-
27 gation action that includes a verification and certification process.

28 2. The superintendent shall provide for an actuarially appropriate
29 reduction in the rates of homeowners insurance premiums and
30 property/casualty insurance premiums applicable to residential real
31 property for policyholders who can demonstrate that property-specific
32 mitigation actions have been undertaken on the property to reduce the
33 risk of loss from a natural disaster. The superintendent shall by regu-
34 lation establish a process for policyholders to demonstrate such miti-
35 gation actions have occurred.

36 3. A policyholder or applicant for a policy of insurance whose appli-
37 cable mitigation discount related to property-specific mitigation
38 actions is inaccurate and who provides evidence of such property-specif-
39 ic mitigation action may appeal the mitigation discount directly to the
40 insurer. The insurer shall notify the policyholder or applicant in writ-
41 ing of the right to appeal the mitigation discount when such discount is
42 provided to the policyholder or applicant as required by this section.
43 If the policyholder or applicant appeals the mitigation discount, the
44 insurer shall acknowledge receipt of the appeal in writing within ten
45 calendar days after receipt of the appeal. The insurer shall respond to
46 the appeal in writing with a reconsideration and decision within thirty
47 calendar days after receiving the appeal. If an appeal is denied, the
48 insurer shall, upon request by the superintendent, forward a copy of the
49 appeal and the insurer's response to the superintendent.

50 § 3. The insurance law is amended by adding a new section 2354 to
51 read as follows:

52 § 2354. Disclosure and reporting of discounts. (a) An insurer that
53 issues or delivers in this state a policy that insures loss of or damage
54 to real property shall specify the nature and the total dollar amount
55 reduction of each discount applied to the policy on the declarations
56 page and specify the nature and percentage of all available discounts

1 that the insurer offers on the policy in a conspicuous notice entitled
2 "DISCOUNT INFORMATION" included with the policy.

3 (a-1) An insurer that provides a mitigation discount shall (1)
4 publish, in plain language, all available discounts and specify the
5 nature and total dollar amount reduction of each available discount on
6 its public website; and (2) provide an annual written notice, in plain
7 language, to each policyholder or applicant upon application for insur-
8 ance of the applicable and available mitigation discounts.

9 (b) An insurer shall report the following information to the super-
10 intendent, in a form prescribed by the superintendent, by April first of
11 each year: (1) a list of all discounts offered to insureds during the
12 preceding calendar year, including the nature of the discounts and the
13 discount amounts; and (2) the number of insureds who received each
14 discount during the preceding calendar year and the zip codes in which
15 the insured properties are located.

16 § 4. This act shall take effect immediately; provided, however,
17 sections one and two of this act shall take effect one year after it
18 shall have become a law; and provided further, however, that section
19 three of this act shall take effect on the ninetieth day after it shall
20 have become a law. Effective immediately, the addition, amendment
21 and/or repeal of any rule or regulation necessary for the implementation
22 of this act on its effective date are authorized to be made and
23 completed on or before such effective date.

24 PART EE

25 Intentionally Omitted

26 PART FF

27 Intentionally Omitted

28 PART GG

29 Section 1. The insurance law is amended by adding a new section 346 to
30 read as follows:

31 § 346. Annual report on insurance for multi-family buildings. An
32 authorized insurer that issues or delivers in this state a policy that
33 insures loss of or damage to real property used predominantly for resi-
34 dential purposes and that consists of two or more dwelling units, other
35 than hotels and motels, shall file a report with the superintendent by
36 March first of each year, in a form prescribed by the superintendent,
37 that includes information on such policies for the preceding calendar
38 year, including premiums collected, claims paid, and such other informa-
39 tion as the superintendent shall deem necessary, in consultation with
40 the commissioner of housing and community renewal. The superintendent
41 shall publish on the department's website the reports required by this
42 section.

43 § 2. This act shall take effect immediately.

44 PART HH

45 Section 1. This Part enacts into law components of legislation relat-
46 ing to pre-authorization, access to specialty care, and formulary lists.

1 Each component is wholly contained within a Subpart identified as
2 Subparts A through D. The effective date for each particular provision
3 contained within such Subpart is set forth in the last section of such
4 Subpart. Any provision in any section contained within a Subpart,
5 including the effective date of the Subpart, which makes reference to a
6 section "of this act", when used in connection with that particular
7 component, shall be deemed to mean and refer to the corresponding
8 section of the Subpart in which it is found. Section two of this Part
9 sets forth the general effective date of this Part.

10

SUBPART A

11 Section 1. Section 210 of the insurance law, as amended by chapter 579
12 of the laws of 1998, subsection (d) as amended by chapter 207 of the
13 laws of 2019, is amended to read as follows:

14 § 210. Annual consumer guide of health insurers, and entities certi-
15 fied pursuant to article forty-four of the public health law.

16 (a) The superintendent shall annually publish on or before September
17 first, nineteen hundred ninety-nine, and annually thereafter, a consumer
18 guide to insurers providing managed care products, individual accident
19 and health insurance or group or blanket accident and health insurance
20 and entities licensed pursuant to article forty-four of the public
21 health law providing comprehensive health service plans which includes,
22 in detail, a ranking from best to worst based upon each company's claim
23 processing or medical payments record during the preceding calendar year
24 using criteria available to the department, adjusted for volume of
25 coverage provided. Such ranking shall also take into consideration the
26 corresponding total number or percentage of claims denied which were
27 reversed or compromised after intervention by the department and the
28 department of health, consumer complaints to the department and the
29 department of health, violations of section three thousand two hundred
30 twenty-four-a of this chapter and other pertinent data which would
31 permit the department to objectively determine a company's performance.
32 The department in publishing such consumer guide shall publish one
33 state-wide guide or no more than five regional guides so as to facili-
34 tate comparisons among individual insurers and entities within a service
35 market area. Such rankings shall be printed in a format which ranks all
36 health insurers and all entities certified pursuant to article forty-
37 four of the public health law in one combined list.

38 (b) [~~Beginning September first, nineteen hundred ninety-nine and annu-~~
39 ~~ally thereafter, the~~] The superintendent shall include in such guide
40 annually, and insurers and entities certified pursuant to article
41 forty-four of the public health law shall provide to the superintendent
42 the information required for such guide in a timely fashion, the follow-
43 ing information:

44 (1) The number of grievances filed pursuant to section forty-four
45 hundred eight-a of the public health law, section three thousand two
46 hundred seventeen-d of this chapter, section four thousand three hundred
47 six-c of this chapter, or article forty-eight of this chapter and the
48 number of such grievances in which an adverse determination of the
49 insurer or entity was reversed in whole or in part versus the number of
50 such determinations which were upheld; [~~and~~]

51 (2) Beginning September first, two thousand twenty-seven, the number
52 of approvals and the number of adverse determinations in whole or part
53 issued by utilization review agents pursuant to section forty-nine

1 hundred three of the public health law or section four thousand nine
2 hundred three of this chapter; and

3 (3) The number of appeals to utilization review determinations [~~which~~
4 ~~that~~ were filed pursuant to [~~article forty-nine of the public health law~~
5 ~~or article forty-nine~~] section forty-nine hundred four of the public
6 health law and section four thousand nine hundred four of this chapter
7 and the number of such determinations [~~which~~] ~~that~~ were reversed in
8 whole or in part versus the number of such determinations [~~which~~] ~~that~~
9 were upheld.

10 (c) Beginning September first, nineteen hundred ninety-nine and annu-
11 ally thereafter, in addition to the information required in subsections
12 (a) and (b) of this section, the superintendent, in conjunction with the
13 commissioner of health, in consultation with the National Committee on
14 Quality Assurance or a similar national organization, shall include in
15 such guide the following additional information, for the most recent
16 year in which such information is available and where applicable, for
17 health insurers, health insurers providing managed care products and
18 entities certified under article forty-four of the public health law
19 providing comprehensive health service plans pursuant to such article:

20 (1) the percentage of physicians who are either board certified or
21 board eligible;

22 (2) the percentage of primary care physicians who remained participat-
23 ing providers, provided however, that such percentage shall exclude
24 voluntary terminations due to physician retirement, relocation or other
25 similar reasons;

26 (3) the percentage of enrollees aged twenty-three to thirty-nine and
27 forty to sixty-four who had one or more visits to a health plan practi-
28 tioner during the three years of their continual enrollment.

29 (4) the methods used to compensate primary care physicians and other
30 providers, provided however, that nothing in this section shall be
31 construed to require disclosure of the specific details of any financial
32 arrangement between the insurer or entity and an individual provider or
33 practice;

34 (5) the national accreditation status of insurers and entities, where
35 applicable;

36 (6) indices of the quality of care provided, such as the rates of
37 mammography, prostate, and cervical cancer screening, prenatal care,
38 well-child care, immunization and such other information collected by
39 the commissioner of health through the health plan employer data and
40 information set (HEDIS); or through the quality assurance reporting
41 requirements for entities not otherwise required to collect and report
42 health plan employer data and information set (HEDIS) data;

43 (7) the results of a consumer satisfaction survey among enrollees of
44 the various health insurers and entities, which shall be conducted by
45 the superintendent and commissioner of health, in consultation with the
46 National Committee on Quality Assurance or a similar national organiza-
47 tion;

48 (8) a toll-free telephone number for each health insurer or plan;

49 (9) toll-free telephone numbers at the department and the department
50 of health to which consumers can make complaints about insurers or enti-
51 ties; and

52 (10) except as required in paragraph seven of this subsection, health
53 insurers and entities certified pursuant to article forty-four of the
54 public health law shall report the information required under this
55 subdivision to the commissioner of health, and the commissioner shall

1 provide such information to the superintendent for inclusion in the
2 annual consumer guide.

3 (d) Beginning September first, two thousand twenty-seven and annually
4 thereafter, in addition to the information required in subsections (a),
5 (b), and (c) of this section, the superintendent shall include in such
6 guide, and insurers and entities certified pursuant to article forty-
7 four of the public health law shall provide to the superintendent, in a
8 form and manner specified by the superintendent, the information
9 required for such guide in a timely fashion, the following information
10 regarding pre-authorization requests under article forty-nine of the
11 public health law or article forty-nine of this chapter:

12 (1) the number of pre-authorization requests received under section
13 forty-nine hundred three of the public health law and section four thou-
14 sand nine hundred three of this chapter;

15 (2) the number of pre-authorization requests for which an authori-
16 zation was issued under section forty-nine hundred three of the public
17 health law and section four thousand nine hundred three of this chapter;

18 (3) the number of pre-authorization requests for which an adverse
19 determination was issued in whole or part under section forty-nine
20 hundred three of the public health law and section four thousand nine
21 hundred three of this chapter;

22 (4) the number of pre-authorization requests for which an adverse
23 determination was appealed under section forty-nine hundred four of the
24 public health law and section four thousand nine hundred four of this
25 chapter;

26 (5) the number of pre-authorization requests for which an adverse
27 determination was reversed on appeal in whole or part under section
28 forty-nine hundred four of the public health law and section four thou-
29 sand nine hundred four of this chapter;

30 (6) the number of pre-authorization requests for which an adverse
31 determination was upheld under section forty-nine hundred four of the
32 public health law and section four thousand nine hundred four of this
33 chapter;

34 (7) the twenty-five current procedural terminology codes with the
35 highest number of pre-authorization requests and the percentage of
36 authorizations for each of these current procedural terminology codes
37 under section forty-nine hundred three of the public health law and
38 section four thousand nine hundred three of this chapter;

39 (8) the twenty-five current procedural terminology codes with the
40 highest number of pre-authorization requests for which an authorization
41 was issued under section forty-nine hundred three of the public health
42 law and section four thousand nine hundred three of this chapter;

43 (9) the twenty-five current procedural terminology codes with the
44 highest number of pre-authorization requests under section forty-nine
45 hundred three of the public health law and section four thousand nine
46 hundred three of this chapter for which an adverse determination was
47 issued in whole or part but that was reversed by an appeal, in whole or
48 part, under section forty-nine hundred four of the public health law and
49 section four thousand nine hundred four of this chapter; and

50 (10) the twenty-five current procedural terminology codes with the
51 highest number of pre-authorization requests for which an adverse deter-
52 mination was issued in whole or part under section forty-nine hundred
53 three of the public health law and section four thousand nine hundred
54 three of this chapter.

55 (e) Health insurers and entities certified pursuant to article forty-
56 four of the public health law shall provide annually to the superinten-

1 dent and the commissioner of health, and the commissioner of health
2 shall provide to the superintendent by March first of each year, all of
3 the information necessary for the superintendent to produce the annual
4 consumer guide. In compiling the guide, the superintendent shall make
5 every effort to ensure that the information is presented in a clear,
6 understandable fashion [~~which~~] that facilitates comparisons among indi-
7 vidual insurers and entities, and in a format [~~which~~] that lends itself
8 to the widest possible distribution to consumers. The superintendent
9 shall either include the information from the annual consumer guide in
10 the consumer shopping guide required by subsection (a) of section four
11 thousand three hundred twenty-three of this chapter or combine the two
12 guides as long as consumers in the individual market are provided with
13 the information required by subsection (a) of section four thousand
14 three hundred twenty-three of this chapter.

15 [~~(e)~~] (f) The superintendent shall contract with a national organiza-
16 tion for the purposes of drafting and designing the guide, including the
17 preparation of relevant explanatory material. Such organization shall
18 have actual experience in preparing a similar guide for at least one
19 other state. The superintendent, in consultation with the commissioner
20 of health, may also contract with one or more national organizations to
21 assist such commissioner in the collection of data and the analysis and
22 auditing of the clinical measurers. Such organizations shall consult
23 periodically with associations representing health insurers and health
24 maintenance organizations as well as with consumer representatives in
25 New York in preparing the consumer guide.

26 § 2. This act shall take effect immediately.

27

SUBPART B

28 Section 1. Subsection (f) of section 4804 of the insurance law, as
29 added by chapter 705 of the laws of 1996, is amended to read as follows:

30 (f) If a new insured whose health care provider is not a member of the
31 insurer's in-network benefits portion of the provider network enrolls in
32 the managed care product, the insurer shall permit the insured to
33 continue an ongoing course of treatment with the insured's current
34 health care provider during a transitional period of up to [~~sixty~~] nine-
35 ty days from the effective date of enrollment [~~, if (1) the insured has a~~
36 ~~life-threatening disease or condition or a degenerative and disabling~~
37 ~~disease or condition or (2)]]. If the insured [~~has entered the second~~
38 ~~trimester of pregnancy~~] is pregnant at the time of enrollment, [~~in which~~
39 ~~case~~] the transitional period shall include the provision of [~~post-par-~~
40 ~~tum~~] care for the duration of the pregnancy and postpartum care directly
41 related to the delivery. If an insured elects to continue to receive
42 care from such health care provider pursuant to this paragraph, such
43 care shall be authorized by the insurer for the transitional period only
44 if the health care provider agrees: (A) to accept reimbursement from the
45 insurer at rates established by the insurer as payment in full, which
46 rates shall be no more than the level of reimbursement applicable to
47 similar providers within the in-network benefits portion of the insur-
48 er's network for such services; (B) to adhere to the insurer's quality
49 assurance requirements and agrees to provide to the insurer necessary
50 medical information related to such care; and (C) to otherwise adhere to
51 the insurer's policies and procedures including, but not limited to,
52 procedures regarding referrals and obtaining pre-authorization and a
53 treatment plan approved by the insurer. In no event shall this
54 subsection be construed to require an insurer to provide coverage for~~

1 benefits not otherwise covered or to diminish or impair pre-existing
2 condition limitations contained within the insured's contract.

3 § 2. Paragraph (f) of subdivision 6 of section 4403 of the public
4 health law, as added by chapter 705 of the laws of 1996, is amended to
5 read as follows:

6 (f) If a new enrollee whose health care provider is not a member of
7 the health maintenance organization's provider network enrolls in the
8 health maintenance organization, the organization shall permit the
9 enrollee to continue an ongoing course of treatment with the enrollee's
10 current health care provider during a transitional period of up to
11 [~~sixty~~] ninety days from the effective date of enrollment [~~, if (i) the~~
12 ~~enrollee has a life-threatening disease or condition or a degenerative~~
13 ~~and disabling disease or condition or (ii)].~~ If the enrollee [~~has~~
14 ~~entered the second trimester of pregnancy]~~ is pregnant at the effective
15 date of enrollment, [~~in which case~~] the transitional period shall
16 include the provision of [~~post-partum~~] care for the duration of the
17 pregnancy and postpartum care directly related to the delivery. If an
18 enrollee elects to continue to receive care from such health care
19 provider pursuant to this paragraph, such care shall be authorized by
20 the health maintenance organization for the transitional period only if
21 the health care provider agrees: (A) to accept reimbursement from the
22 health maintenance organization at rates established by the health main-
23 tenance organization as payment in full, which rates shall be no more
24 than the level of reimbursement applicable to similar providers within
25 the health maintenance organization's network for such services; (B) to
26 adhere to the organization's quality assurance requirements and agrees
27 to provide to the organization necessary medical information related to
28 such care; and (C) to otherwise adhere to the organization's policies
29 and procedures including, but not limited to, procedures regarding
30 referrals and obtaining pre-authorization and a treatment plan approved
31 by the organization. In no event shall this paragraph be construed to
32 require a health maintenance organization to provide coverage for bene-
33 fits not otherwise covered or to diminish or impair pre-existing condi-
34 tion limitations contained within the subscriber's contract.

35 § 3. This act shall take effect on the first of January next succeed-
36 ing the date on which it shall have become a law and shall apply to
37 policies issued, renewed, modified, or amended on or after such date.

38 SUBPART C

39 Section 1. Subsection (a) of section 3242 of the insurance law, as
40 added by section 1 of subpart C of part J of chapter 57 of the laws of
41 2019, is amended to read as follows:

42 (a) Every insurer that delivers or issues for delivery in this state a
43 policy that provides coverage for prescription drugs shall, with respect
44 to the prescription drug coverage, publish an up-to-date, accurate, and
45 complete list of all covered prescription drugs on its formulary drug
46 list, including any tiering structure that it has adopted and any
47 restrictions on the manner in which a prescription drug may be obtained,
48 in a manner that is easily accessible to insureds [~~and~~], prospective
49 insureds, health care providers, and other interested parties. The
50 formulary drug list shall clearly identify the preventive prescription
51 drugs that are available without annual deductibles or coinsurance,
52 including co-payments. A formulary drug list shall only be considered
53 easily accessible if:

1 (1) it can be viewed on the insurer's public website without requiring
2 an individual to create or access an account or enter a password or to
3 be covered under an insurance policy issued by the insurer; and

4 (2) an individual can easily discern which formulary drug list applies
5 to which plan, if an insurer offers more than one plan.

6 § 2. Subsection (a) of section 4329 of the insurance law, as added by
7 section 2 of subpart C of part J of chapter 57 of the laws of 2019, is
8 amended to read as follows:

9 (a) Every corporation subject to the provisions of this article that
10 issues a contract that provides coverage for prescription drugs shall,
11 with respect to the prescription drug coverage, publish an up-to-date,
12 accurate, and complete list of all covered prescription drugs on its
13 formulary drug list, including any tiering structure that it has adopted
14 and any restrictions on the manner in which a prescription drug may be
15 obtained, in a manner that is easily accessible to insureds ~~[and]~~,
16 prospective insureds, health care providers, and other interested
17 parties. The formulary drug list shall clearly identify the preventive
18 prescription drugs that are available without annual deductibles or
19 coinsurance, including co-payments. A formulary drug list shall only be
20 considered easily accessible if:

21 (1) it can be viewed on the corporation's public website without
22 requiring an individual to create or access an account or enter a pass-
23 word or to be covered under an insurance policy issued by the corpo-
24 ration; and

25 (2) an individual can easily discern which formulary drug list applies
26 to which plan, if a corporation offers more than one plan.

27 § 3. This act shall take effect on the first of January next succeed-
28 ing the date on which it shall have become a law and shall apply to
29 policies issued, renewed, modified or amended on or after such date.

30 SUBPART D

31 Section 1. Subsection (b-3) of section 4900 of the insurance law is
32 relettered subsection (b-4) and a new subsection (b-3) is added to read
33 as follows:

34 (b-3) "Chronic health condition" means a condition that is expected to
35 last for at least one year and requires ongoing treatment to effectively
36 manage the condition or prevent an adverse health event.

37 § 2. Subsection (f) of section 4905 of the insurance law, as added by
38 chapter 705 of the laws of 1996, is amended read as follows:

39 (f) Utilization review shall not be conducted more frequently than is
40 reasonably required to assess whether the health care services under
41 review are medically necessary provided, however, that utilization
42 review shall not be conducted more than once per year for a course of
43 treatment for a chronic health condition starting from the date of a
44 pre-authorization approval for the course of treatment.

45 § 3. Subdivision 2-c of section 4900 of the public health law is
46 renumbered subdivision 2-d and a new subdivision 2-c is added to read as
47 follows:

48 (2-c) "Chronic health condition" means a condition that is expected to
49 last for at least one year and requires ongoing treatment to effectively
50 manage the condition or prevent an adverse health event.

51 § 4. Subdivision 6 of section 4905 of the public health law, as added
52 by chapter 705 of the laws of 1996, is amended to read as follows:

53 6. Utilization review shall not be conducted more frequently than is
54 reasonably required to assess whether the health care services under

1 review are medically necessary provided, however, that utilization
2 review shall not be conducted more than once per year for a course of
3 treatment for a chronic health condition starting from the date of a
4 pre-authorization approval for the course of treatment.

5 § 5. This act shall take effect on the first of January next succeed-
6 ing the date on which it shall have become a law and shall apply to
7 policies issued, renewed, modified, or amended on or after such date.

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

17 § 3. This act shall take effect immediately; provided, however, that
18 the applicable effective date of Subparts A through D of this act shall
19 be as specifically set forth in the last section of such Subparts.

20 PART II

21 Section 1. Section 2336 of the insurance law is amended by adding a
22 new subsection (i) to read as follows:

23 (i) (1) Any schedule or rating plan for motor vehicle insurance
24 submitted to the superintendent shall provide for an actuarially appro-
25 priate reduction in premium charges for bodily injury liability, proper-
26 ty damage liability, personal injury protection, medical payments, and
27 collision coverage with respect to a motor vehicle equipped with a dash-
28 board camera. A "dashboard camera" means a dashboard-mounted video
29 recording device capable of continuous loop recording with a minimum
30 resolution of 1080p, designed to capture footage of the road ahead of
31 the motor vehicle.

32 (2) To qualify for the discount, an insurer shall require that the
33 policyholder submit proof of installation and operation of the dashboard
34 camera. A policyholder's failure to maintain an operational dashboard
35 camera shall result in the forfeiture of the discount at the next policy
36 renewal, unless the insurer reinstates the discount upon proof of
37 compliance.

38 (3) Notwithstanding any other provision of law to the contrary, all
39 trip data, personal information, images, videos, and other recorded
40 images collected by an insurer or any affiliate pursuant to this
41 subsection shall be for the exclusive use of such insurer for the bene-
42 fit of the policyholder, and shall not be sold, distributed, transferred
43 or otherwise made accessible to any person or entity except where
44 strictly necessary for one or more of the following:

45 (i) to the person who is the subject of such data, information or
46 record, or to enable or facilitate the policyholder's insurance claim or
47 otherwise use the data in accordance with the policyholder's agreement
48 with the insurer, including demonstrating maintenance of an operational
49 dashboard camera;

50 (ii) to provide or maintain a specific product or service requested by
51 the policyholder;

52 (iii) to respond to, process, facilitate, adjust, or defend an insur-
53 ance claim;

1 (iv) to investigate, establish, exercise, prepare for, or defend legal
2 claims; or

3 (v) if necessary, to comply with a lawful court order, judicial
4 warrant signed by a judge appointed pursuant to article three of the
5 United States constitution, or subpoena for individual data, information
6 or records properly issued pursuant to the criminal procedure law or the
7 civil practice law and rules.

8 § 2. This act shall take effect on the one hundred eightieth day after
9 it shall have become a law. Effective immediately, the addition, amend-
10 ment and/or repeal of any rule or regulation necessary for the implemen-
11 tation of this act on its effective date are authorized to be made and
12 completed on or before such effective date.

13 PART JJ

14 Section 1. The general business law is amended by adding a new article
15 42-A to read as follows:

16 ARTICLE 42-A

17 PRIVATE EDUCATION LOAN PROTECTIONS

18 Section 1200. Definitions.

19 1201. Applicability.

20 1202. Exempt organizations.

21 1203. Provisions applicable to cosigners.

22 1204. Prohibition on acceleration of payments on private educa-
23 tion loans.

24 1205. Required communications from creditors and debt collec-
25 tors.

26 1206. Required information to be provided by creditors and debt
27 collectors.

28 1207. Enforcement.

29 1208. Rules and regulations.

30 1209. Penalties.

31 § 1200. Definitions. As used in this article:

32 1. "Private education loan" means an extension of credit that:

33 (a) is not made, insured, or guaranteed under title IV of the Higher
34 Education Act of 1965 (20 U.S.C. 1070 et seq.);

35 (b) is extended to a consumer expressly, in whole or in part, for
36 higher education expenses, regardless of whether the loan is provided by
37 the educational institution that the student attends;

38 (c) does not include open-end credit or any loan that is secured by
39 real property or a dwelling; and

40 (d) does not include an extension of credit in which the covered
41 educational institution is the creditor if:

42 (i) the term of the extension of credit is ninety days or less; or

43 (ii) an interest rate or finance charge will not be applied to the
44 credit balance and the term of the extension of credit is one year or
45 less, even if the credit is payable in more than four installments.

46 2. "Private education lender", except as exempted under this article,
47 means:

48 (a) any person or entity engaged in the business of securing, making,
49 or extending private education loans; or

50 (b) any holder of a private education loan.

51 3. "Borrower" or "private education loan borrower" means a person who
52 has received or agreed to pay a private education loan for such person's
53 own educational expenses.

54 4. "Cosigner" (a) means:

1 (i) any individual who is liable for the obligation of another without
2 compensation, regardless of how designated in the contract or instrument
3 with respect to that obligation, including an obligation under a private
4 education loan extended to consolidate a borrower's pre-existing private
5 education loans; and

6 (ii) includes any person the signature of which is requested as condi-
7 tion to grant credit or to forbear on collection;

8 (b) does not include a spouse of an individual described in subpara-
9 graph (i) of paragraph (a) of this subdivision, the signature of whom is
10 needed to perfect the security interest in a loan.

11 5. "Original creditor" means the private education lender identified
12 in a promissory note, loan agreement, or loan contract entered into with
13 a private education loan borrower or cosigner.

14 6. "Creditor" means:

15 (a) the original creditor, where ownership of a private education loan
16 debt has not been sold, assigned, or transferred;

17 (b) the person or entity that owned the private education loan debt at
18 the time the debt became delinquent or defaulted, even if that person or
19 entity did not originate the private education loan, and where such a
20 debt has not subsequently been sold, transferred or assigned; or

21 (c) a person or entity that purchased a delinquent or defaulted
22 private education loan debt for collection purposes, whether it collects
23 the debt itself, hires a third party for collection, or hires an attor-
24 ney for collection litigation.

25 7. "Debt collector" means any person who regularly collects or
26 attempts to collect, directly or indirectly, consumer debts originally
27 owed or due or asserted to be owed or due another. The term does not
28 include any officer or employee of a creditor who, in the name of the
29 creditor, collects debts for such creditor, but it does include any
30 creditor who, in the process of collecting its own debts, uses any name
31 other than its own which would indicate that a third person is collect-
32 ing or attempting to collect such debts.

33 8. "Higher education expense" means any expense arising from higher
34 education, as defined in section two of the education law, regardless of
35 whether the higher education institution is accredited within New York
36 state.

37 § 1201. Applicability. 1. Any person or entity that enters into a
38 contract or subcontract with a private education lender or servicer to
39 perform the servicing of a private education loan must fulfill the obli-
40 gations of the private education lender under this article.

41 2. Any private education lender as described in subdivision two of
42 section twelve hundred of this article be jointly and severally liable
43 for the actions of the entity or person in fulfilling the obligations of
44 the private educational lender or servicer under this article.

45 § 1202. Exempt organizations. The following shall be exempt from the
46 provisions of this article only to the extent that state regulation is
47 preempted by federal law:

48 1. Any banking organization, foreign banking corporation, national
49 bank, federal savings association, federal credit union, or any bank,
50 trust company, savings bank, savings and loan association, or credit
51 union organized under the laws of any other state; and

52 2. Any subsidiary of such entities set forth in subdivision one of
53 this section.

54 § 1203. Provisions applicable to cosigners. 1. (a) Prior to the origi-
55 nation of a private education loan, the private education lender shall

1 provide to all cosigner applicants information about the rights and
2 responsibilities of the cosigner of the loan, including:

3 (i) information about how the private education lender will furnish
4 information about the cosigner's private education loan obligation to
5 credit reporting agencies;

6 (ii) information about how the cosigner will be notified if the
7 private education loan becomes delinquent, including how the cosigner
8 can cure the delinquency in order to avoid negative credit furnishing
9 and loss of cosigner release eligibility; and

10 (iii) information about eligibility for release of the cosigner's
11 obligation on the private education loan, including number of on-time
12 payments and any other criteria required to approve the release of
13 cosigner from the loan obligation.

14 (b) Lenders shall send borrowers and cosigners annual written notices
15 containing information about cosigner release, including criteria the
16 lender requires to approve the release of cosigner from the loan obli-
17 gation and the process for applying for cosigner release.

18 (c) Once the borrower has met the applicable consecutive on-time
19 payment requirement to be eligible for cosigner release, the lender
20 shall send the borrower and cosigner a written notification by U.S. mail
21 and by electronic mail, where a borrower has elected to receive elec-
22 tronic communications from the lender, informing the borrower and cosig-
23 ner that such person has met the applicable consecutive, on-time
24 payments requirement to be eligible for cosigner release. The notifica-
25 tion shall also include information about any additional criteria to
26 qualify for cosigner release, and the procedure to apply for cosigner
27 release.

28 (d) Lenders shall provide written notice within fifteen days to any
29 borrower who applies for cosigner release, but whose application is
30 incomplete. The written notice must include a description of the infor-
31 mation needed to consider the application complete and the date by which
32 the applicant should furnish the missing information.

33 (e) After a borrower submits a complete application for cosigner
34 release, within thirty days, the lender shall send the borrower and
35 cosigner a written notice that informs the borrower and cosigner whether
36 the cosigner release application has been approved or denied. If the
37 lender denies a request for cosigner release, the lender shall inform
38 the borrower of such person's right to request all documents and infor-
39 mation used in the determination, including the credit score threshold
40 used by the lender, the borrower's consumer report, the borrower's cred-
41 it score, and any other documents specific to the borrower. The lender
42 must also provide any adverse action notices required under applicable
43 federal law if the denial is based in whole or in part on any informa-
44 tion contained in a consumer report.

45 2. (a) In response to any written or oral request for cosigner
46 release, lenders shall send the information described in paragraph (b)
47 of subdivision one of this section.

48 (b) Lenders shall not impose any restrictions that may permanently bar
49 a borrower from qualifying for cosigner release, including restricting
50 the number of times a borrower may apply for cosigner release.

51 (c) Lenders shall not impose any negative consequences on any borrower
52 or cosigner during the sixty days following the issuance of the notice
53 required under paragraph (d) of subdivision one of this section, or
54 until the lender makes a final determination about a borrower's cosigner
55 release application. For the purpose of this paragraph, "negative conse-
56 quences" includes, but is not limited to, the imposition of additional

1 eligibility criteria, negative credit reporting, lost eligibility for
2 cosigner release, late fees, interest capitalization, or other financial
3 injury.

4 (d) Lenders shall not require greater than twelve consecutive, on-time
5 payments as criteria to apply for cosigner release. Any borrower who has
6 paid the equivalent of twelve months of principal and interest payments
7 within any twelve-month period will be considered to have satisfied the
8 consecutive, on-time payment requirement, even if the borrower has not
9 made payments monthly during the twelve-month period.

10 (e) If a borrower or cosigner requests a change that restarts the
11 count of consecutive, on-time payments required for cosigner release,
12 the lender shall notify the borrower and cosigner in writing within ten
13 days of the impact of such an arrangement and provide the borrower or
14 cosigner the right to withdraw or reverse the request to avoid such
15 impact.

16 (f) The borrower has the right to request an appeal of a lender's
17 determination to deny the cosigner release application within ninety
18 days of receiving the lender's determination, and the lender shall
19 permit such borrower to submit additional documentation evidencing that
20 the borrower has the ability, willingness, and stability to handle such
21 person's payment obligations. The borrower may request review of the
22 cosigner release determination by another employee. The lender shall
23 inform the borrower of this right in a clear and conspicuous manner on
24 the notice denying the cosigner release application.

25 (g) A lender must establish and maintain a comprehensive record
26 management system reasonably designed to ensure the accuracy, integrity,
27 and completeness of data and other information about cosigner release
28 applications. This system shall include the number of cosigner release
29 applications received, the approval and denial rate, and the primary
30 reasons for any denial.

31 (h) If a cosigner has a total and permanent disability, as determined
32 by any federal agency, state agency, or physician or doctor of osteopa-
33 thy legally authorized to practice in the state in which the cosigner
34 resides, the lender shall release the cosigner from the cosigner's obli-
35 gation to repay the loan upon receiving a notification of the cosigner's
36 total and permanent disability. The lender shall not require a new
37 cosigner to be added to the loan after the original cosigner has been
38 released from the loan.

39 3. (a) A lender shall provide a cosigner of a private education loan
40 with access to all documents or records related to the cosigned private
41 education loan that are available to the borrower;

42 (b) If a lender provides electronic access to documents and records
43 for a borrower, it shall provide equivalent electronic access to the
44 cosigner; and

45 (c) Upon receiving notice from the borrower or cosigner, the lender
46 shall redact the contact information of the other party.

47 § 1204. Prohibition on acceleration of payments on private education
48 loans. 1. Except as provided in subdivision two of this section, a
49 private education loan executed after the effective date of this article
50 may not include a provision that permits the private educational lender
51 to accelerate, in whole or in part, payments on the private education
52 loan.

53 2. A private education loan may include a provision that permits
54 acceleration of the loan in cases of payment default.

55 3. A lender shall not place any loan or account into default or accel-
56 erate a loan for any reason, other than for failure to pay.

1 4. (a) In the event of the death of a cosigner, a lender shall not
2 attempt to collect against the cosigner's estate, other than for failure
3 to pay.

4 (b) Upon receiving notification of the death or bankruptcy of a cosig-
5 ner, when the loan is not more than sixty days delinquent at the time of
6 the notification, a lender shall not change any terms or benefits under
7 the promissory note, repayment schedule, repayment terms, or monthly
8 payment amount or any other provision associated with the loan.

9 (c) A lender shall not place any loan or account into default or
10 accelerate a loan for any reason, other than for failure to pay.

11 § 1205. Required communications from creditors and debt collectors.
12 In addition to any other information required under applicable federal
13 or state law, a creditor or debt collector shall provide, in writing, in
14 the first debt collection communication with the private education loan
15 borrower or cosigner, or within five days thereafter, and at any other
16 time the borrower or cosigner requests such documentation:

17 1. The name of the current owner of the private education loan debt;

18 2. The original creditor's name at the time of origination and, if
19 different, at the time of sale of the loan, if applicable;

20 3. The original creditor's account number used to identify the private
21 education loan debt at the time of sale, if applicable;

22 4. The total outstanding amount owed at the time of default or the
23 amount due to bring the loan current if the loan is delinquent, but not
24 yet in default;

25 5. A schedule of all transactions credited or debited to the private
26 education loan account;

27 6. A copy of all pages of the contract, application or other documents
28 stating all terms and conditions applicable to the private education
29 loan and evidencing the private education loan borrower's or cosigner's
30 liability for the private education loan; and

31 7. A clear and conspicuous statement disclosing that the borrower or
32 cosigner has a right to request all information possessed by the credi-
33 tor related to the private education loan debt, including, but not
34 limited to the information included in section twelve hundred six of
35 this article.

36 § 1206. Required information to be provided by creditors and debt
37 collectors. 1. A creditor or debt collector may not collect or attempt
38 to collect a private education loan debt unless the creditor or debt
39 collector possesses the following:

40 (a) The name of the owner of the private education loan;

41 (b) The original creditor's name at the time of sale of the loan or
42 default, if applicable;

43 (c) The original creditor's account number used to identify the
44 private education loan at the time of sale or default, if the original
45 creditor used an account number to identify the private education loan
46 at the time of sale or default;

47 (d) The amount due at the time of sale, or at default, or, if the loan
48 is delinquent, to bring the loan current;

49 (e) A schedule of all transactions credited or debited to the private
50 education loan account;

51 (f) An itemization of interest and fees, if any, claimed to be owed
52 and whether those were imposed by the original creditor or any subse-
53 quent owners of the private education loan;

54 (g) The date that the private education loan was incurred;

1 (h) A billing statement or other account record indicating the date of
2 the first partial payment and/or the first day that a payment was
3 missed, whichever is earlier;

4 (i) A billing statement or other account record indicating the date of
5 the last payment made by the borrower or cosigner, if applicable;

6 (j) Any payments, settlement, or financial remuneration of any kind
7 paid to the creditor by a guarantor, cosigner, or surety, and the amount
8 of payment received;

9 (k) A copy of the self-certification form and any other "needs analy-
10 sis" conducted by the original creditor prior to origination of the
11 loan;

12 (l) A log of all collection attempts made in the previous twelve
13 months including date and time of all calls and written communications;

14 (m) Copies of all written settlement offers sent in the last twelve
15 months, or, in the alternative, a statement that the creditor has not
16 attempted to settle or otherwise renegotiate the debt prior to suit;

17 (n) Copies of all collection letters sent to the borrower and cosigner
18 since inception of the loan;

19 (o) Documentation establishing that the creditor is the owner of the
20 specific individual private education loan at issue. If the private
21 education loan was assigned more than once, the creditor must possess
22 each assignment or other writing evidencing the transfer of ownership of
23 the specific individual private education loan to establish an unbroken
24 chain of ownership, beginning with the original creditor to the first
25 subsequent creditor and each additional creditor. Each assignment or
26 other writing evidencing transfer of ownership or the right to collect
27 must contain the original creditor's account number (redacted for secu-
28 rity purposes to show only the last four digits) of the private educa-
29 tion loan purchased or otherwise assigned, the date of purchase and
30 assignment, and must clearly show the borrower's, and if applicable,
31 cosigner's correct name associated with the original account number. The
32 assignment or other writing attached shall be that by which the creditor
33 or other assignee acquired the private education loan, not a document
34 prepared for litigation or collection purposes;

35 (p) A copy of all pages of the contract, application or other docu-
36 ments evidencing the private education loan borrower's, and if applica-
37 ble, cosigner's liability for the private education loan, stating all
38 terms and conditions applicable to the private education loan; and

39 (q) A signed affidavit or affidavits from each of the previous owners
40 of the private education loan regarding when the previous owner accel-
41 erated the loan from delinquency status to default status, or if applica-
42 ble, a statement that no such acceleration occurred.

43 2. Upon written or oral request from a borrower or cosigner for any
44 information that a creditor or debt collector is required to possess
45 pursuant to subdivision one of this section, a creditor or debt collec-
46 tor shall send the requested information to the borrower or cosigner
47 within fifteen days of receipt of the request.

48 § 1207. Enforcement. 1. All private education lenders, creditors and
49 debt collectors shall comply with the provisions of this article.

50 2. No private education lenders, creditors or debt collectors shall
51 engage in unfair, deceptive, or abusive acts or practices.

52 3. Any borrower or cosigner who suffers damage as a result of the
53 failure of a private education lender, creditor, or debt collector
54 covered by the provisions of this article may bring an action on their
55 own behalf and on behalf of a similarly situated class of consumers
56 against that person to recover or obtain any of the following:

1 (a) actual damages, but in no case shall the total award of damages be
2 less than five hundred dollars per person, per violation of this
3 section;

4 (b) punitive damages;

5 (c) correction of any inaccurate, negative reporting by the lender,
6 creditor, or debt collector to any credit reporting agency;

7 (d) injunctive relief; or

8 (e) any other relief that the court deems proper.

9 4. In the case of any successful action to enforce the foregoing
10 liability, a private education lender, creditor, or debt collector shall
11 be liable for the costs of the action, together with reasonable attor-
12 neys' fees as determined by the court.

13 5. The attorney general may bring an action in the name of the people
14 of the state to restrain or prevent any violation of this article or any
15 continuance of any such violation and to obtain restitution of any
16 moneys or property obtained directly or indirectly by any such
17 violation, as well as reasonable attorneys' fees.

18 6. Nothing in this article shall limit any statutory or common law
19 right of any person to bring any action in any court for any act, or the
20 right of the state to punish any person for any violation of any law.

21 § 1208. Rules and regulations. 1. In addition to such powers as may
22 otherwise be prescribed by this chapter, the superintendent of financial
23 services is hereby authorized and empowered to promulgate such rules and
24 regulations as may in the judgment of the superintendent of financial
25 services be consistent with the purposes of this article, or appropriate
26 for the effective administration of this article, including, but not
27 limited to:

28 (a) such rules and regulations in connection with the activities of
29 private education lenders, creditors, and debt collectors as may be
30 necessary and appropriate for the protection of borrowers in this state;

31 (b) such rules and regulations as may be necessary and appropriate to
32 define unfair, deceptive or abusive acts or practices in connection with
33 the activities of private education lenders, creditors, and debt collec-
34 tors;

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

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

40 2. The superintendent of financial services is hereby authorized and
41 empowered to make such specific rulings, demands and findings as the
42 superintendent may deem necessary for the proper conduct of the private
43 education loan industry.

44 § 1209. Penalties. In addition to such penalties as may otherwise be
45 applicable by law, including but not limited to the penalties available
46 under section forty-four of the banking law, the superintendent of
47 financial services may, after notice and a hearing, or upon a finding of
48 a violation of this article in a civil action brought by the attorney
49 general, require any person found violating the provisions of this arti-
50 cle or the rules or regulations promulgated hereunder to pay to the
51 people of this state a penalty for each violation of this article or any
52 regulation or policy promulgated hereunder a sum not to exceed the
53 greater of (i) ten thousand dollars for each offense; (ii) a multiple of
54 two times the aggregate damages attributable to the violation; or (iii)
55 a multiple of two times the aggregate economic gain attributable to the
56 violation.

1 § 2. Subdivision (q-1) of section 105 of the civil practice law and
2 rules, as added by chapter 593 of the laws of 2021, is amended to read
3 as follows:

4 (q-1) Original creditor. The term "original creditor" means the entity
5 that owned a consumer credit account at the date of default giving rise
6 to a cause of action; except that if the consumer credit account is a
7 private education loan, as defined in subdivision one of section twelve
8 hundred of the general business law, "original creditor" means the
9 private education lender identified in a promissory note, loan agree-
10 ment, or loan contract entered into with a private education loan
11 borrower or cosigner.

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

21 § 4. This act shall take effect on the one hundred eightieth day after
22 it shall have become a law.

23 PART KK

24 Section 1. Section 2329 of the insurance law, as amended by chapter
25 182 of the laws of 2023, is amended to read as follows:

26 § 2329. Motor vehicle insurance rates; excess profits. In accordance
27 with regulations prescribed by the superintendent, each insurer issuing
28 policies that are subject to article fifty-one of this chapter, includ-
29 ing policies of motor vehicle personal injury liability insurance or
30 policies of motor vehicle property damage liability insurance or insur-
31 ance for loss or damage to a motor vehicle, shall establish a fair,
32 practicable, and nondiscriminatory plan for refunding or otherwise cred-
33 iting to those purchasing such policies their share of the insurer's
34 excess profit, if any, on such policies. An excess profit shall be a
35 profit beyond a percentage rate of return on net worth attributable to
36 such policies, computed in accordance with the regulation required by
37 section two thousand three hundred twenty-three of this article, and
38 determined by the superintendent to be so far above a reasonable average
39 profit as to amount to an excess profit, taking into consideration the
40 fact that losses or profits below a reasonable average profit will not
41 be recouped from such policyholders. Each plan shall apply to policy
42 periods for the periods January first, nineteen hundred seventy-four
43 through August second, two thousand one, and the effective date of the
44 property/casualty insurance availability act through June thirtieth, two
45 thousand [~~twenty-six~~] twenty-nine. In prescribing such regulations the
46 superintendent may limit the duration of such plans, waive any require-
47 ment for refund or credit that the superintendent determines to be de-
48 minimis or impracticable, adopt forms of returns that shall be made to
49 the superintendent in order to establish the amount of any refund or
50 credit due, establish periods and times for the determination and
51 distribution of refunds and credits, and shall provide that insurers
52 receive appropriate credit against any refunds or credits required by
53 any such plan for policyholder dividends and for return premiums that

1 may be due under rate credit or retrospective rating plans based on
2 experience.
3 § 2. This act shall take effect immediately.

4 PART LL

5 Section 1. Section 4 of chapter 495 of the laws of 2004, amending the
6 insurance law and the public health law relating to the New York state
7 health insurance continuation assistance demonstration project, as
8 amended by section 1 of part S of chapter 58 of the laws of 2025, is
9 amended to read as follows:

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

16 § 2. This act shall take effect immediately.

17 PART MM

18 Intentionally Omitted

19 PART NN

20 Section 1. Short title. This act shall be known and may be cited as
21 the "Long Island MacArthur Airport terminal and rail integration project
22 act".

23 § 2. For the purposes of this act, the following terms shall have the
24 following meanings:

25 1. "Airport" shall mean the Long Island MacArthur Airport owned by and
26 located in the town.

27 2. "Developer lessee" shall mean, in conformity with the requirements
28 of this act, a private entity, which may be a joint venture or other
29 legal entity, acting as a lessee, concessionaire, and/or licensee with
30 respect to the real property and any improvements thereon on which it
31 may undertake the project.

32 3. "Lease and development agreement" shall mean an agreement, includ-
33 ing a lease, concession, license, and/or sub-lease of real property and
34 any improvements thereon, made between the town and a developer lessee
35 pursuant to subdivision 5 of section 352 of the general municipal law,
36 for completion of the Long Island MacArthur Airport terminal and rail
37 integration project.

38 4. "Long Island MacArthur Airport terminal and rail integration
39 project" or "project" shall mean, in conformity with the requirements of
40 this act, any and all phases of planning, development, financing,
41 design, demolition, construction, expansion, improvements, operation,
42 maintenance, and/or repair, which are undertaken, in whole or in part,
43 under a lease, concession, and/or license for the improvement of the
44 airport through development of a north passenger terminal, and any
45 necessary or desirable facilities or improvements for such terminal and
46 associated aviation or non-aviation purposes, including an intermodal
47 interconnection to the Long Island Rail Road Ronkonkoma station.

48 5. "Private design-build contract" shall mean, in conformity with the
49 requirements of this act, a contract for the design and construction of

1 the project between a developer lessee and a single contractor entity,
2 which may be a team comprised of separate entities.

3 6. "Project labor agreement" shall mean a pre-hire collective bargain-
4 ing agreement between a contractor and a bona fide building and
5 construction trade labor organization establishing the labor organiza-
6 tion as the collective bargaining representative for all persons who
7 will perform work on a project, and which provides that only contractors
8 and subcontractors who sign a pre-negotiated agreement with the labor
9 organization can perform project work.

10 7. "Town" shall mean the town of Islip in the county of Suffolk.

11 § 3. Notwithstanding sections 103 and 350 of the general municipal
12 law, section 222 of the town law, or the provisions of any other law to
13 the contrary, in conformity with the requirements of this act, the town
14 may under the terms of a lease and development agreement permit a devel-
15 oper lessee, within the scope of its lease, concession, and/or license
16 rights, to undertake the project, whether utilizing the design-bid-
17 build, design-build, or other delivery method otherwise permitted by
18 law, without such lease and development agreement, or any resulting
19 private design-build contract or other contracts for design or
20 construction of the project entered into, directly or indirectly, by a
21 developer lessee, being deemed to be a contract for public work, includ-
22 ing for purposes of section 103 of the general municipal law or other-
23 wise requiring procurement and award separate and apart from the
24 procurement and award of any lease and development agreement.

25 § 4. A lease and development agreement entered into pursuant to this
26 act shall:

27 1. be awarded by the town to a responsive and responsible entity that
28 is otherwise selected as developer lessee in accordance with law; and

29 2. require performance of a project labor agreement consistent with
30 the provisions of section 222 of the labor law in connection with any
31 resulting private design-build contract.

32 § 4-a. For purposes of this act, an award to a responsive and respon-
33 sible entity shall include awards to:

34 1. an entity that is the lowest responsible bidder; or

35 2. an entity who has been determined to have submitted the proposal
36 that provides the best value to the town, which for purposes of this act
37 shall mean the basis for awarding contracts for services to a proposer
38 that optimizes quality, cost and efficiency, price and performance
39 criteria, which may include, but is not limited to:

40 (1) The quality of the entity's performance on previous projects;

41 (2) The timeliness of the entity's performance on previous projects;

42 (3) The level of customer satisfaction with the entity's performance
43 on previous projects;

44 (4) The entity's record of performing previous projects on budget and
45 ability to minimize cost overruns;

46 (5) The entity's ability to limit change orders;

47 (6) The entity's ability to prepare appropriate project plans;

48 (7) The entity's technical capacities;

49 (8) The individual qualifications of the entity's key personnel;

50 (9) The entity's ability to assess and manage risk and minimize risk
51 impact;

52 (10) The entity's financial capability;

53 (11) The entity's ability to comply with applicable requirements,
54 including the provisions of articles 145, 147 and 148 of the education
55 law;

1 (12) The entity's past record of compliance with federal, state and
2 local laws, rules, licensing requirements, where applicable, and execu-
3 tive orders, including but not limited to compliance with the labor law
4 and other applicable labor and prevailing wage laws, article 15-A of the
5 executive law, and any other applicable laws concerning minority- and
6 women-owned business enterprise participation; and

7 (13) The entity's record of complying with existing labor standards,
8 maintaining harmonious labor relations, and protecting the health and
9 safety of workers and payment of wages above any locally-defined living
10 wage.

11 § 5. Nothing in this act shall be construed to prohibit the town from
12 negotiating the terms and conditions of a lease and development agree-
13 ment.

14 § 6. Neither any lease and development agreement, nor any private
15 design-build contract or other contracts for design or construction of
16 the project entered into, directly or indirectly, by a developer lessee,
17 in each case pursuant to this act shall be construed to be a violation
18 of section 6512 of the education law.

19 § 6-a. Any contract entered into pursuant to this act shall include a
20 clause requiring that any professional services regulated by articles
21 145, 147 and 148 of the education law shall be performed and stamped and
22 sealed, where appropriate, by a professional licensed in accordance with
23 the appropriate articles of the education law.

24 § 7. Nothing in this act shall be construed to exempt a project under-
25 taken by the town pursuant to this act from the requirements of article
26 8 of the environmental conservation law, and, where applicable, the
27 requirements of the National Environmental Policy Act.

28 § 7-a. Each contract entered into by an authorized entity pursuant to
29 this act shall comply with the objectives and goals with regard to
30 minority- and women-owned business enterprises, and, for projects or
31 public works receiving federal aid, applicable federal requirements for
32 disadvantaged business enterprises or minority- and women-owned business
33 enterprises.

34 § 8. Nothing contained in this act shall limit the right or obligation
35 of the town to comply with the provisions of any existing contract,
36 including any existing contract with or for the benefit of the holders
37 of the obligations of the town, or to award contracts as otherwise
38 provided by law.

39 § 8-a. (a) Notwithstanding any provision of law to the contrary, all
40 rights or benefits, including terms and conditions of employment, and
41 protection of civil service and collective bargaining status of all
42 employees of authorized entities solely in connection with public works
43 undertaken by an authorized entity pursuant to this act, shall be
44 preserved and protected.

45 (b) Nothing in this act shall result in the: (1) displacement of any
46 currently employed worker or loss of position, including partial
47 displacement such as a reduction in the hours of non-overtime work,
48 wages or employment benefits, or result in the impairment of existing
49 collective bargaining agreements, (2) transfer of existing duties and
50 functions related to maintenance and operations currently performed by
51 existing employees of authorized entities to a contractor, or (3) trans-
52 fer of future duties and functions ordinarily performed by employees of
53 the authorized entities to the contracting entity.

54 (c) Employees of authorized entities using design-build contracts
55 serving in positions in newly created titles shall be assigned to the
56 appropriate bargaining unit. Nothing contained in this act shall be

1 construed to affect (1) the existing rights of employees of such enti-
2 ties pursuant to an existing collective bargaining agreement, (2) the
3 existing representational relationships among employee organizations
4 representing employees of such entities, or (3) the bargaining relation-
5 ships between such entities and such employee organizations.

6 § 9. This act shall take effect immediately; provided, however that if
7 the town has not entered into a lease and development agreement as
8 provided under this act on or before 10 years after such date, this act
9 shall expire and be deemed repealed 10 years after such effective date;
10 and provided, further, that, the town of Islip, in the county of
11 Suffolk, shall notify the legislative bill drafting commission upon the
12 occurrence of such town entering into a lease and development agreement
13 as provided under this act in order that the commission may maintain an
14 accurate and timely effective data base of the official text of the laws
15 of the state of New York in furtherance of effectuating the provisions
16 of section 44 of the legislative law and section 70-b of the public
17 officers law.

18

PART OO

19 Section 1. Subdivision 2 of section 1283 of the public authorities
20 law, as amended by chapter 744 of the laws of 1970, is amended to read
21 as follows:

22 2. For the purposes of this section, "perfluoroalkyl and polyfluoro-
23 alkyl substances" or "PFAS" shall have the same meaning as in section
24 37-0203 of the environmental conservation law.

25 3. The corporation may award grants and loans to non-public entities
26 for water quality projects that relate to the removal of perfluoroalkyl
27 and polyfluoroalkyl substances (PFAS) for a public water system which
28 provides water to the public for human consumption through pipes or
29 other constructed conveyances. For purposes of this subdivision,
30 "public water system" means a public water system as defined in 10 NYCRR
31 5-1.1(cb) and includes a community water system, noncommunity water
32 system, transient noncommunity water system, nontransient noncommunity
33 water system as defined in such regulations and any subsequent updates
34 of such regulations by the department of health.

35 4. It is hereby found and declared that such purposes are in all
36 respects for the benefit of the people of the state of New York and the
37 corporation shall be regarded as performing an essential governmental
38 function in carrying out its purposes and in exercising the powers
39 granted by this title.

40 § 2. This act shall take effect immediately.

41

PART PP

42 Section 1. Short title. This act shall be known and may be cited as
43 the "food retail establishment subsidization for healthy communities
44 act".

45 § 2. Legislative intent. The legislature finds that the lack of access
46 to fresh foods is a problem of growing concern in many communities
47 across the state. Substantial increases in urban land values and rents,
48 limited access to financing and other economic pressures have left many
49 lower-income residents in urban and rural areas underserved by supermar-
50 kets and other food retail establishments. The resulting lack of access
51 to a variety of fresh food retailers makes it more difficult and expen-
52 sive for these residents to maintain a nutritionally balanced diet and

1 leads to increased public health costs, dilutes the value of public
2 assistance for food purchases, leads to greater travel times and energy
3 expenditures to obtain fresh food, and deprives the state's farmers of
4 markets for their products. Providing access to financial assistance for
5 urban and rural supermarkets in underserved areas will remedy these
6 adverse conditions, create employment opportunities and help to revital-
7 ize and stabilize currently underserved neighborhoods.

8 § 3. Subdivision 1 of section 16-m of section 1 of chapter 174 of the
9 laws of 1968, constituting the New York state urban development corpo-
10 ration act, is amended by adding a new paragraph (p) to read as follows:

11 (p) Loans, loan guarantees, interest subsidies and grants to busi-
12 nesses, municipalities, not-for-profit corporations or local development
13 corporations for the purpose of attracting, maintaining or permitting
14 the expansion of food retail establishments in underserved areas. The
15 corporation shall consider the economic viability of the project and the
16 potential impact on the community when evaluating applications for such
17 loans, loan guarantees, interest subsidies and grants. The corporation
18 shall establish performance indicators to assess the progress of the
19 projects receiving monies pursuant to the authorization provided in this
20 paragraph, and track and publish this information on its website. For
21 purposes of this paragraph, "underserved areas" shall include low or
22 moderate-income census tracts, areas of below average supermarket densi-
23 ty or having a supermarket customer base with more than fifty percent
24 living in low-income census tracts, or other areas demonstrated to have
25 significant access limitations due to travel distance, as determined by
26 the corporation, and "food retail establishments" shall include super-
27 markets and other grocery retailers that operate on a self-service basis
28 and sell a minimum percentage, as determined by the corporation, of
29 produce, meat, poultry, seafood, baked goods and/or dairy products and
30 which:

31 (i) participate in the New York grown and certified program;

32 (ii) accept payment from electronic benefit transfer through the
33 supplemental nutrition assistance program and through the special
34 supplemental nutrition program for women, infants, and children;

35 (iii) do not charge a membership fee; and

36 (iv) hire residents living within a twenty mile radius of such retail
37 food establishment.

38 § 4. This act shall take effect on the first of April next succeeding
39 the date on which it shall have become a law; provided, however that the
40 urban development corporation shall be immediately authorized to take
41 any and all actions necessary to fully implement the provision of
42 section three of this act on or before such effective date; and provided
43 further, that the amendments to section 16-m of the urban development
44 corporation act made by section three of this act shall not affect the
45 expiration of such section and shall be deemed to expire therewith.

46 PART QQ

47 Section 1. The executive law is amended by adding a new article 43 to
48 read as follows:

49 ARTICLE 43

50 CLIMATE RESILIENT NEW YORK ACT OF 2026

51 Section 930. Short title.

52 931. Declaration of purpose.

53 932. Office of resilience.

54 933. Chief resilience officer.

1 934. Statewide resilience plan.

2 935. Resilience task force.

3 936. State agency resilience coordinators.

4 937. Interagency resilience coordination team.

5 938. Public engagement and reporting.

6 § 930. Short title. This act shall be known and may be cited as the
7 "climate resilient New York act of 2026".

8 § 931. Declaration of purpose. The legislature recognizes that the
9 state is particularly vulnerable to adverse impacts from climate change.
10 In less than 15 years, the state has experienced sixteen climate disas-
11 ter declarations. These rising risks pose economic, social, environ-
12 mental, and public health and safety challenges. A coordinated approach
13 is necessary to effectively, efficiently, and equitably address and
14 prepare for the adverse impacts of near-, mid-, and long-term climate
15 threats on the state. This act therefore relates to establishing a
16 statewide office of climate resilience; adding the office of climate
17 resilience to the executive branch of government; creating the office of
18 resilience within the office of the governor; establishing a chief resi-
19 lience officer; establishing resilience coordinators in each state agen-
20 cy; providing for a statewide resilience plan to be coordinated by the
21 office of climate resilience; establishing an interagency resilience
22 coordination team and providing for its members, meetings, and public
23 engagement; and providing for related matters.

24 § 932. Office of resilience. 1. There is hereby created in the execu-
25 tive department an office of resilience, hereinafter in this article
26 referred to as the "office".

27 2. The office shall have the following functions, powers and duties:

28 (a) Coordinate the resilience task force and provide strategic direc-
29 tion for governmental resilience initiatives to build long-term climate
30 resilience for a robust, vibrant economy, sustainable natural environ-
31 ment, healthy communities, and an equitable and just transition to
32 future climate;

33 (b) Establish an interagency resilience coordination team;

34 (c) Establish, in collaboration with the interagency resilience coor-
35 dination team, a statewide resilience plan and framework to facilitate
36 coordination across resilience plans at all levels of government;

37 (d) Provide technical guidance and assistance or support to agencies
38 and local and regional jurisdictions, to integrate statewide resilience
39 goals into future projects, plans, and programs, and to foster inter-
40 municipal cooperation;

41 (e) Establish a means of tracking progress toward statewide goals on
42 climate resilience;

43 (f) Identify and develop policies necessary to implement a statewide
44 resilience plan and risk reduction strategy;

45 (g) Establish and maintain a website which shall facilitate the satis-
46 faction of the functions and duties of the office;

47 (h) Establish and maintain a principal office and such other offices
48 within the state as it may deem necessary;

49 (i) Appoint a secretary, counsel, clerks and such other employees and
50 agents as it may deem necessary, fix their compensation within the limi-
51 tations provided by law, and prescribe their duties; and

52 (j) Require that state agencies and any other state or municipal
53 department, agency, public authority, task force, commission, or other
54 state or municipal government body, provide and the same are hereby
55 authorized to provide, such assistance, documents, and data as will
56 enable the office to carry out its functions and duties.

1 § 933. Chief resilience officer. 1. The head of the office shall be
2 the chief resilience officer who shall be appointed by the governor and
3 who shall hold office at the pleasure of the governor.

4 2. The chief resilience officer shall have the following functions,
5 powers and duties:

6 (a) Employ or allocate the necessary staff and request the assistance
7 of personnel of any state department or agency to carry out the func-
8 tions, powers and duties provided in this article or as otherwise
9 provided by law;

10 (b) Manage the office, the budget for such office, and related func-
11 tions as provided by law;

12 (c) Review and reconcile state agency comments on federally sponsored
13 resilience and risk mitigation activities to develop and present an
14 official state position;

15 (d) Represent the policy and consensus viewpoint of the state at the
16 federal, regional, state, and local levels with respect to resilience
17 and risk mitigation;

18 (e) Monitor and seek available funds to support the state's resilience
19 priorities, including coordinating cross-agency federal funding applica-
20 tions for community resilience projects;

21 (f) Provide strategic direction for interagency and cross-disciplinary
22 initiatives to build resilience, in collaboration with the other rele-
23 vant resilience task force and entities as the chief resilience officer
24 deems appropriate, for the purposes of climate resilience planning and
25 goal development, tracking and reporting progress on climate resilience
26 goals, and public engagement on climate resilience issues;

27 (g) Appraise the adequacy of statutory and administrative mechanisms
28 for coordinating the state's policies and programs at both the intra-
29 state and interstate levels, and between federal, state, and local
30 government, with respect to resilience and risk mitigation;

31 (h) Develop, where appropriate, intrastate or intergovernmental agree-
32 ments to formalize coordination roles for regional resilience projects,
33 such as the New York-New Jersey harbor and tributaries project;

34 (i) Appraise policy barriers to meet the goals of the state with
35 respect to resilience and risk mitigation;

36 (j) Serve as subject-matter expert for the state on issues related to
37 resilience and mitigation and provide recommendations to the legislature
38 and federal congress with respect to policies, programs, and coordinat-
39 ing mechanisms relative to resilience and risk mitigation;

40 (k) Assist with the state's planning efforts, including but not limit-
41 ed to a statewide resilience plan, the state hazard mitigation plan, and
42 other relevant state and regional plans for which there is a state
43 interest, to ensure the incorporation and alignment of the state's resi-
44 lience goals and objectives into a unified, proactive, pre-disaster
45 approach to adaptation and near-, mid-, and long-term resilience;

46 (l) To serve as a clearinghouse for the benefit of municipalities
47 regarding information relating to flooding, extreme heat, and other risk
48 prevention and mitigation, including impact prevention and mitigation
49 project funding programs, and other information relating to their common
50 problems with respect to these hazards and the state and federal
51 services available to assist in solving such problems;

52 (m) Take other actions consistent with law as deemed necessary by the
53 chief resilience officer to carry out such officer's duties, functions,
54 and responsibilities.

55 § 934. Statewide resilience plan. 1. To coordinate and strengthen
56 efforts to reduce losses from future disasters across the state, the

1 office shall contribute to all statewide planning efforts related to
2 resilience and risk mitigation and shall develop a strategic statewide
3 resilience plan to protect the state from multiple climate threats.

4 2. Such plan shall include, but not be limited to, the following:

5 (a) Articulation of the state's resilience goals and objectives;

6 (b) Utilization of the best available science, including a range of
7 future projections, to identify, implement, or reform policies,
8 projects, and programs to achieve the state's resilience goals and
9 objectives;

10 (c) Recommended agency-specific strategic actions, including criteria
11 for prioritization based on a vulnerability assessment of the risks from
12 multiple environmental threats to agency mission areas, assets,
13 services, and populations served;

14 (d) Prioritization of natural, nature-based, and non-structural
15 approaches to mitigating climate threats, wherever possible including,
16 without limitation, use of living shorelines, riparian restoration,
17 permeable surfaces, rain gardens, green roofs, tree canopy expansion,
18 wetland restoration, removing, altering, or right-sizing dams, natural
19 area conservation, waste-water and stormwater infrastructure upgrades,
20 alteration of structures, buyouts, and other flood and extreme heat
21 prevention, mitigation and resiliency strategies or projects;

22 (e) Set goals and resilience indicators that shall be tracked and
23 reported to the public over time in an annual progress report; and

24 (f) A framework for resilience project development, funding, and
25 implementation. Such framework shall include, but not be limited to,
26 the following:

27 (i) Spatial analysis of projected climate threat exposure and vulner-
28 ability, including but not limited to flood, extreme heat and precipi-
29 tation, storm events, and wildfire, and other risks. Such analysis and
30 resulting maps should delineate the geography and the social and ecolog-
31 ical vulnerability of the risk, using the state's environmental justice
32 and disadvantaged community layers and including climate-vulnerable
33 ecosystems, leveraging existing information from the New York state
34 climate impacts assessment, the New York city panel on climate change,
35 and other regional, peer-reviewed, best available scientific source,
36 wherever feasible;

37 (ii) An accessible, updated database or inventory of critical infras-
38 tructure vulnerable to current and future flooding, developed in collab-
39 oration with municipalities. This includes those that are essential for
40 critical government and business functions, national security, transpor-
41 tation, utilities, public health and safety, the economy, flood and
42 storm protection, water quality management, and wildlife habitat manage-
43 ment;

44 (iii) Maps or accessible, visual representation of federal, state, and
45 local municipal and county projects planned to reduce such risks, along
46 with the federal, state, or local agencies leading those projects and
47 the funding source; and

48 (iv) A strategic plan for developing, funding, and financing projects
49 that address such risks through federal, state, local, and private
50 sources. Such strategic plan shall:

51 (1) Include a strategy for how to make every effort practicable that
52 disadvantaged communities, as identified pursuant to section 75-0111 of
53 the environmental conservation law, receive at least forty percent of
54 the benefits of proposed plans and projects; provided, however, disad-
55 vantaged communities shall receive no less than thirty-five percent of
56 such benefits; and

1 (2) Seeks to build alignment and efficiencies across agency vulner-
2 ability assessments and resilience strategies.

3 § 935. Resilience task force. 1. There is hereby established within
4 the office a resilience task force to provide strategic direction to
5 resilience efforts across the state and make recommendations to the
6 office.

7 2. Such task force shall be comprised of the following members:

8 (a) The chief resilience officer, who shall serve as chair and shall
9 represent the views of the interagency resilience coordination team;

10 (b) The commissioner of the department of environmental conservation,
11 or their designee;

12 (c) The commissioner of the division of homeland security and emergen-
13 cy services, or their designee;

14 (d) The commissioner of the division of housing and community renewal,
15 or their designee;

16 (e) The secretary of state, or their designee;

17 (f) The commissioner of the department of financial services, or their
18 designee;

19 (g) The commissioner of the department of health, or their designee;

20 (h) The president of the energy research and development authority, or
21 their designee;

22 (i) The commissioner of the department of transportation, or their
23 designee;

24 (j) The commissioner of the department of agriculture and markets;

25 (k) The chair of the metropolitan transportation authority, or their
26 designee;

27 (l) The chair of the thruway authority, or their designee;

28 (m) The chair of the bridge authority, or their designee;

29 (n) The executive director of the port authority, or their designee;
30 and

31 (o) A member of the general public with expertise in resiliency plan-
32 ning.

33 § 936. State agency resilience coordinators. Each state agency
34 included in the resilience task force and any other agencies to be
35 included in resilience planning as designated by the chief resilience
36 officer or resilience task force shall appoint a resilience coordinator
37 to work with the chief resilience officer to ensure resilience is inte-
38 grated into agency missions and priorities, and otherwise coordinate
39 with the chief resilience officer. Such coordinators shall serve on the
40 interagency resilience coordination team established pursuant to section
41 nine hundred thirty-seven of this article. Each such coordinator shall
42 be appointed by a state agency with the exclusive role of focusing on
43 climate resilience with such agency's mission and activities.

44 § 937. Interagency resilience coordination team. 1. There is hereby
45 established within the office an interagency resilience coordination
46 team to maintain awareness, communication, and alignment with regard to
47 the state's resilience and risk mitigation needs, progress, and priori-
48 ties and to oversee development of the statewide resilience plan.

49 2. Such team shall:

50 (a) Be comprised of resilience coordinators from each state agency
51 included in this article or otherwise designated by the chief resilience
52 officer or resilience task force and the chief resilience officer, who
53 shall serve as chair;

54 (b) Meet upon the call of the chair, with a minimum of four meetings
55 annually;

1 (c) Develop strategic plans for agencies and collaborate in the devel-
2 opment of a statewide resilience plan; and

3 (d) Develop and implement a plan for public engagement, review of key
4 products of the statewide resilience plan, and track and report on
5 progress of such plan over time.

6 3. The chief resilience officer shall convene the first meeting of the
7 interagency resilience coordination team on or before the ninetieth day
8 after the effective date of this section.

9 § 938. Public engagement and reporting. 1. Public engagement. A state-
10 wide resilience plan shall be developed and the resilience task force
11 shall hold at least six regional public comment hearings on the draft
12 plan, including three meetings in the upstate region and three meetings
13 in the downstate region, and shall allow at least one hundred twenty
14 days for the submission of public comment. The task force shall provide
15 meaningful opportunities for public comment from all segments of the
16 population that will be impacted by the plan, including persons living
17 in disadvantaged communities as identified pursuant to section 75-0111
18 of the environmental conservation law.

19 2. Reporting. No later than one year after the effective date of this
20 section, and every five years thereafter, the office shall complete and
21 submit an updated statewide resilience plan to the legislature and make
22 such plan publicly available.

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

25 PART RR

26 Section 1. The public authorities law is amended by adding a new
27 section 1887 to read as follows:

28 § 1887. Previously owned zero-emission vehicles rebate program. 1.
29 There is hereby created within the authority a zero-emission vehicles
30 rebate program. The purpose of the program is to reduce greenhouse gas
31 emissions, improve air quality, and reduce noise pollution by promoting
32 the adoption of quieter, zero-emission vehicles.

33 2. As used in this section:

34 (a) "Institutional or commercial applicant" shall mean a commercial
35 business, or a state agency, state authority, local authority, town,
36 county, village, school district, private school, university, not-for-
37 profit corporation, or other nonprofit organization.

38 (b) "Individual applicant" shall mean a person, who is not an institu-
39 tional or commercial applicant, and who intends to use an eligible zero-
40 emission vehicle for private home use and not for any commercial
41 purposes.

42 (c) "Zero-emission vehicle" shall have the same meaning as under part
43 two hundred eighteen of title six of the New York codes, rules and regu-
44 lations.

45 (d) "Eligible zero-emission vehicle" shall mean a zero-emission vehi-
46 cle that has been used or previously owned, and is purchased or leased
47 from a storefront or online retailer.

48 (e) "Local authority" shall have the same meaning as in subdivision
49 two of section two of this chapter.

50 (f) "State agency" shall mean all state departments, boards, commis-
51 sions, offices or institutions.

52 (g) "State authority" shall have the same meaning as in subdivision
53 one of section two of this chapter.

1 3. The authority shall award rebates to institutional or commercial
2 applicants and individual applicants at the point of sale for eligible
3 zero-emission vehicles in amounts up to two thousand dollars, as deter-
4 mined by the authority.

5 4. The authority shall determine the rebate eligibility of each appli-
6 cant in accordance with the requirements of this section and rules
7 promulgated by the authority. The total amount of rebates allocated to
8 certified applicants in each fiscal year shall not exceed the amount of
9 funds available for the program in such fiscal year. Rebates shall be
10 allocated to applicants on a first-come, first-served basis, determined
11 by the date the application is received, until all appropriated funds
12 for the fiscal year are expended or the program ends, whichever comes
13 first.

14 5. The authority shall promulgate rules and regulations to implement
15 and administer the provisions of this section no later than one year
16 after the effective date of this section, including rules and regu-
17 lations relating to the forms required to claim a rebate under this
18 section, the required documentation and basis for establishing eligibil-
19 ity for a rebate, procedures and guidelines for claiming a rebate, the
20 collection of economic impact data from applicants, and any other
21 requirements the authority deems necessary. The authority shall conduct
22 education and outreach, with informational materials made available in
23 at least English and the three most common non-English languages spoken
24 by individuals with limited-English proficiency in the state of New
25 York, based on United States census data, as necessary to inform poten-
26 tial applicants and manufacturers and retailers of eligible zero-emis-
27 sion vehicles about the zero-emission vehicles rebate program.

28 6. The authority shall determine and publish on its website on an
29 ongoing basis the amount of available funding for rebates remaining in
30 each fiscal year.

31 7. No later than two years after the effective date of this section,
32 and annually thereafter on the first of January, the authority shall
33 issue a report to the temporary president of the senate, the speaker of
34 the assembly, the chair of the senate committee on energy and telecommu-
35 nications and the chair of the assembly committee on energy detailing
36 the status of the zero-emission vehicles rebate program. Such report
37 shall include:

38 (a) the amount of funding dedicated by the authority for the program
39 in the preceding year;

40 (b) the amount of eligible purchases for which a rebate was awarded;

41 (c) the amount and geographic distribution of rebates; and

42 (d) any other information the authority deems necessary.

43 § 2. This act shall take effect immediately and shall expire and be
44 deemed repealed January 1, 2031.

45 PART SS

46 Section 1. The public service law is amended by adding a new section
47 24-c to read as follows:

48 § 24-c. Utility intervenor reimbursement. 1. As used in this
49 section, the following terms shall have the following meanings:

50 (a) "Compensation" means payment from the utility intervenor account
51 fund established by section ninety-seven-uuuu of the state finance law,
52 for all or part, as determined by the department, of reasonable advo-
53 cate's fees, reasonable expert witness fees, and other reasonable costs
54 for preparation and participation in a proceeding.

1 (b) "Participant" means a group of persons that apply jointly for an
2 award of compensation under this section and who represent the interests
3 of a significant number of residential or small business customers, or a
4 not-for-profit organization in this state authorized pursuant to its
5 articles of incorporation or bylaws to represent the interests of resi-
6 dential or small business utility customers. For purposes of this
7 section, a participant does not include a non-profit organization or
8 other organization whose principal interests are the welfare of a public
9 utility or its investors or employees, or the welfare of one or more
10 businesses or industries which receive utility service ordinarily and
11 primarily for use in connection with the profit-seeking manufacture,
12 sale, or distribution of goods or services.

13 (c) "Other reasonable costs" means reasonable out-of-pocket expenses
14 directly incurred by a participant that are directly related to the
15 contentions or recommendations made by the participant that resulted in
16 a substantial contribution.

17 (d) "Party" means any interested party, respondent public utility, or
18 commission staff in a hearing or proceeding.

19 (e) "Proceeding" means a complaint, or investigation, rulemaking, or
20 other formal proceeding before the commission, or alternative dispute
21 resolution procedures in lieu of formal proceedings as may be sponsored
22 or endorsed by the commission, provided however such proceedings shall
23 be limited to those arising under and proceeding pursuant to the follow-
24 ing articles of this chapter: (1) the regulation of the price of gas and
25 electricity, pursuant to article four of this chapter except those
26 described in subparagraph (ii) of paragraph (c) of subdivision twelve of
27 section sixty-six of this chapter; (2) the regulation of the price of
28 steam, pursuant to article four-A of this chapter; (3) the submetering,
29 remetering or resale of electricity to residential premises, pursuant to
30 sections sixty-five and sixty-six of this chapter, and pursuant to regu-
31 lations regarding the submetering, remetering, or resale of electricity
32 adopted by the commission; and (4) such sections of this chapter as are
33 applicable to a proceeding in which the commission makes a finding on
34 the record that the public interest requires the reimbursement of utili-
35 ty intervenor fees pursuant to this section.

36 (f) "Significant financial hardship" means that the participant will
37 be unable to afford, without undue hardship, to pay the costs of effec-
38 tive participation, including advocate's fees, expert witness fees, and
39 other reasonable costs of participation.

40 (g) "Small business" means a business with a gross annual revenue of
41 two hundred fifty thousand dollars or less.

42 (h) "Substantial contribution" means that, in the judgment of the
43 department, the participant's application may substantially assist the
44 commission in making its decision because the decision may adopt in
45 whole or in part one or more factual contentions, legal contentions, or
46 specific policy or procedural recommendations that will be presented by
47 the participant.

48 2. A participant may apply for an award of compensation under this
49 section in a proceeding in which such participant has sought active
50 party status as defined by the department. The department shall deter-
51 mine appropriate procedures for accepting and responding to such appli-
52 cations. At the time of application, such participant shall serve on
53 every party to the proceeding notice of intent to apply for an award of
54 compensation.

55 An application shall include:

1 (a) A statement of the nature and extent and the factual and legal
2 basis of the participant's planned participation in the proceeding as
3 far as it is possible to describe such participation with reasonable
4 specificity at the time the application is filed.

5 (b) At minimum, a reasonably detailed description of anticipated advo-
6 cates and expert witness fees and other costs of preparation and partic-
7 ipation that the participant expects to request as compensation.

8 (c) If participation or intervention will impose a significant finan-
9 cial hardship and the participant seeks payment in advance to an award
10 of compensation in order to initiate, continue or complete participation
11 in the hearing or proceeding, such participant must include evidence of
12 such significant financial hardship in its application.

13 (d) Any other requirements as required by the department.

14 3. (a) Within thirty days after the filing of an application the
15 department shall issue a decision that determines whether or not the
16 participant may make a substantial contribution to the final decision in
17 the hearing or proceeding. If the department finds that the participant
18 requesting compensation may make a substantial contribution, the depart-
19 ment shall describe this substantial contribution and determine the
20 amount of compensation to be paid pursuant to subdivision four of this
21 section.

22 (b) Notwithstanding subdivision four of this section, if the depart-
23 ment finds that the participant has a significant financial hardship,
24 the department may direct the public utility or utilities subject to the
25 proceeding to pay all or part of the compensation to the department to
26 be provided to the participant prior to the end of the proceeding. In
27 the event that the participant discontinues its participation in the
28 proceeding without the consent of the department, the department shall
29 be entitled to, in whole or in part, recover any payments made to such
30 participant to be refunded to the public utility or utilities that
31 provided such payment.

32 (c) The computation of compensation pursuant to paragraph (a) of this
33 subdivision shall take into consideration the market rates paid to
34 persons of comparable training and experience who offer similar
35 services. The compensation awarded may not, in any case, exceed the
36 comparable market rate for services paid by the department or the public
37 utility, whichever is greater, to persons of comparable training and
38 experience who are offering similar services.

39 (d) Any compensation awarded to a participant and not used by such
40 participant shall be returned to the department for refund to the public
41 utility or utilities that provided such payment.

42 (e) The department shall require that participants seeking payment
43 maintain an itemized record of all expenditures incurred as a result of
44 such proceeding.

45 (i) The department may use the itemized record of expenses to verify
46 the claim of financial hardship by a participant seeking payment pursu-
47 ant to paragraph (c) of subdivision two of this section.

48 (ii) The department may use the record of expenditures in determining,
49 after the completion of a proceeding, if any unused funds remain.

50 (iii) The department shall preserve the confidentiality of the partic-
51 ipant's records in making any audit or determining the availability of
52 funds after the completion of a proceeding.

53 (f) In the event that the department finds that two or more partic-
54 ipants' applications have substantially similar interests, the depart-
55 ment may require such participants to apply jointly in order to receive
56 compensation.

1 4. Any compensation pursuant to this section shall be paid at the
2 conclusion of the proceeding by the public utility or utilities subject
3 to the proceeding within thirty days. Such compensation shall be remit-
4 ted to the department which shall then remit such compensation to the
5 participant.

6 5. The department shall deny any award to any participant who attempts
7 to delay or obstruct the orderly and timely fulfillment of the depart-
8 ment's responsibilities.

9 § 2. The state finance law is amended by adding a new section 97-uuuu
10 to read as follows:

11 § 97-uuuu. Utility intervenor account. 1. There is hereby established
12 in the joint custody of the state comptroller and the commissioner of
13 taxation and finance a fund to be known as the utility intervenor
14 account.

15 2. Such account shall consist of all utility intervenor reimbursement
16 monies received from utilities pursuant to section twenty-four-c of the
17 public service law.

18 § 3. This act shall take effect on the thirtieth day after it shall
19 have become a law.

20 PART TT

21 Section 1. The public authorities law is amended by adding a new
22 section 1886 to read as follows:

23 § 1886. Ride clean rebate program. 1. For purposes of this section
24 "eligible purchase" shall mean the purchase of a bicycle with electric
25 assist, as defined in section one hundred two-c of the vehicle and traf-
26 fic law, or the purchase of an electric scooter, as defined in section
27 one hundred fourteen-e of the vehicle and traffic law, that: (a) has not
28 been modified from the original manufacturer's specifications; (b) uses
29 a battery that has been certified by an accredited testing laboratory
30 for compliance with a battery standard; and (c) such certification or
31 the logo, wordmark, or name of such accredited testing laboratory shall
32 be displayed on packaging or documentation at the time of sale for the
33 product or directly on the product itself.

34 2. The authority shall develop a program, entitled the ride clean
35 rebate program, to encourage the deployment of bicycles with an electric
36 assist and electric scooters.

37 3. The program created pursuant to this section shall include a fifty
38 percent rebate, for eligible purchases, provided that a rebate for an
39 eligible purchase shall not exceed one thousand one hundred dollars
40 (\$1,100).

41 4. No later than one year from the effective date of this section, the
42 authority shall implement and administer this section including rules
43 relating to the forms required to claim a rebate, the required documen-
44 tation for establishing eligibility for a rebate, procedures and guide-
45 lines for claiming a rebate, and the collection of economic impact data
46 from applicants and any other requirements the authority deems neces-
47 sary. The authority shall determine and publish on its website on an
48 ongoing basis the amount of available funding for rebates remaining in
49 each fiscal year.

50 5. No later than April first, two thousand twenty-eight and annually
51 thereafter, the authority shall issue a report to the temporary presi-
52 dent of the senate, the speaker of the assembly, the chair of the senate
53 committee on energy and telecommunications and the chair of the assembly
54 committee on energy detailing the status of its program to encourage the

1 deployment of bicycles with an electric assist and electric scooters.

2 Such report shall include:

3 a. the amount of funding dedicated by the authority for the program in
4 the preceding year;

5 b. the amount of eligible purchases for which a rebate was awarded;

6 c. the amount and geographic distribution of rebates; and

7 d. any other information the authority deems necessary.

8 § 2. This act shall take effect immediately.

9

PART UU

10 Section 1. The superintendent of financial services is hereby author-
11 ized and directed to prepare or have prepared a study of the banking
12 development district program and to provide recommendations to improve
13 this program for the purpose of making financial services accessible to
14 unbanked and underbanked communities and households. Such study shall
15 include, but not be limited to:

16 1. analysis of the location and demographics of underbanked communi-
17 ties and households in New York state and the causes of underbanked
18 communities and households in New York state;

19 2. review of the banking development district program listing all the
20 participating financial institutions and their local economic impact,
21 including number of loans and customers; and

22 3. recommendations on how it could be improved and increase the number
23 of participating financial institutions.

24 § 2. Such study and recommendations shall be completed and provided to
25 the governor and the legislature within twelve months of the effective
26 date of this act.

27 § 3. As used in this act the term "underbanked" shall mean having
28 insufficient access to financial institutions for the purpose of banking
29 and investment services.

30 § 4. This act shall take effect immediately.

31

PART VV

32 Section 1. Subdivision 6 of section 27-1405 of the environmental
33 conservation law, as amended by section 2 of part A of chapter 577 of
34 the laws of 2004, is amended to read as follows:

35 6. "~~Citizen~~ Community participation plan" shall mean the description
36 of ~~citizen~~ community participation activities prepared and carried out
37 pursuant to section 27-1417 of this title.

38 § 2. Subdivisions 2 and 9 of section 27-1409 of the environmental
39 conservation law, subdivision 2 as amended by section 7 of part BB of
40 chapter 56 of the laws of 2015, and subdivision 9 as amended by section
41 4 of part A of chapter 577 of the laws of 2004, are amended to read as
42 follows:

43 2. One requiring: (a) the participant to pay for state costs, includ-
44 ing the recovery of state costs incurred before the effective date of
45 such agreement; provided, however, that such costs may be based on a
46 reasonable flat-fee for oversight, which shall reflect the projected
47 future state costs incurred in negotiating and overseeing implementation
48 of such agreement; ~~and~~

49 (b) with respect to a brownfield site which: (i) the department has
50 determined constitutes a significant threat to the public health or
51 environment, or (ii) is located on and/or adjacent to a school or day
52 care facility, the department ~~may~~ shall include a provision requiring

1 the applicant to provide a technical assistance grant, as described in
2 subdivision four of section 27-1417 of this title and under the condi-
3 tions described therein, to an eligible party in accordance with proce-
4 dures established under such program, with the cost of such a grant
5 incurred by a volunteer serving as an offset against such state costs;

6 (c) with respect to all other brownfield sites the department may
7 include a provision requiring the applicant to provide a technical
8 assistance grant, as described in subdivision four of section 27-1417 of
9 this title and under the conditions described therein, to an eligible
10 party in accordance with procedures established under such program, with
11 the cost of such a grant incurred by a volunteer serving as an offset
12 against such state costs;

13 9. One requiring the preparation and implementation of a [~~citizen~~]
14 community participation plan consistent with the requirements of this
15 title as soon as possible following execution of the agreement but no
16 later than prior to the preparation of a draft remedial investigation
17 plan by the applicant which shall include a description of [~~citizen~~]
18 community participation activities already performed by the applicant
19 and/or the department;

20 § 3. Subparagraph (vi) of paragraph (i) of subdivision 3 of section
21 27-1415 of the environmental conservation law, as amended by section 7
22 of part A of chapter 577 of the laws of 2004, is amended to read as
23 follows:

24 (vi) Any written and oral comments submitted by members of the public
25 on the applicant's proposed use as part of [~~citizen~~] community partic-
26 ipation activities performed by the applicant pursuant to this title.

27 § 4. Section 27-1417 of the environmental conservation law, as added
28 by section 1 of part A of chapter 1 of the laws of 2003, paragraphs (b),
29 (d), (e), (f), (g), (h), (i) of subdivision 3 and paragraph (a) of
30 subdivision 4 as amended by section 8 of part A of chapter 577 of the
31 laws of 2004, is amended to read as follows:

32 § 27-1417. [~~Citizen~~] Community participation.

33 1. [~~Citizen~~] Community participation handbook. The commissioner shall
34 prepare a [~~citizen~~] community participation handbook for the purpose of
35 providing guidance to applicants in the design and implementation of
36 meaningful [~~citizen~~] community participation plans consistent with the
37 requirements of this section for the remediation of brownfield sites as
38 provided in this title. Such handbook shall encourage [~~citizen~~] communi-
39 ty involvement by outlining opportunities and recommended methods for
40 effective [~~citizen~~] community participation, including the availability
41 of technical assistance grants. The commissioner shall make such hand-
42 book available to all applicants and other interested members of the
43 public upon request and shall make it available on the department's
44 website.

45 2. [~~Citizen~~] Community participation plans. (a) The design of any
46 [~~citizen~~] community participation plan, including the level of [~~citizen~~]
47 community involvement and the tools utilized, shall take into account
48 the scope and scale of the proposed remedial program, local interest and
49 history, and other relevant factors. While retaining flexibility, [~~citizen~~]
50 community participation plans shall embody the following principles
51 of meaningful [~~citizen~~] community participation:

52 (1) opportunities for [~~citizen~~] community involvement should be
53 provided as early as possible in the decision making process prior to
54 the selection of a preferred course of action by the department and/or
55 the applicant.

1 (2) activities proposed in such plan should be as reflective of the
2 diversity of interests and perspective found within the community as
3 possible, allowing the public the opportunity to have their views heard
4 and considered, which may include opportunities for two-way dialogue.

5 (3) full, timely, and accessible disclosure and sharing of information
6 by the department shall be provided, including the provision of techni-
7 cal data and the assumptions upon which the analyses are based.

8 (b) All [~~citizen~~] community participation plans shall include the
9 following minimum elements:

10 (1) identification of the interested public and preparation of a
11 brownfield site contact list;

12 (2) identification of major issues of public concern related to the
13 brownfield site;

14 (3) a description and schedule of public participation activities
15 required pursuant to this section; and

16 (4) a description and schedule of any additional public participation
17 activities needed to address public concerns.

18 3. [~~Citizen~~] Community participation requirements. (a) In addition to
19 the formal milestones listed below, the public may provide comments at
20 any time during the remedial program.

21 (b) The person submitting a request for participation, in cooperation
22 with the department, shall provide a newspaper notice of the person's
23 request to participate in the program. The person, in cooperation with
24 the department, shall also provide notice thereof to the brownfield site
25 contact list. Such notice shall provide for a thirty day public comment
26 period following publication.

27 (c) Before the department finalizes the remedial investigation work-
28 plan, the applicant, in cooperation with the department, must notify
29 individuals on the brownfield site contact list. Such notice shall
30 include a fact sheet describing such plan and provide for a thirty day
31 public comment period.

32 (d) Before the department approves a proposed remedial investigation
33 report, the department, in consultation with the applicant, shall notify
34 individuals on the brownfield site contact list. Such notice shall
35 include a fact sheet describing such report.

36 (e) Upon the department's determination of significant threat pursuant
37 to section 27-1411 of this title, the department must provide notice to
38 individuals on the brownfield site contact list. Such notice shall
39 include a fact sheet describing the basis of the department's determi-
40 nation.

41 (f) Before the department finalizes a proposed remedial work plan or
42 makes a determination that site conditions meet the requirements of this
43 title without the necessity for remediation pursuant to section 27-1411
44 of this title, the department, in consultation with the applicant, must
45 notify individuals on the brownfield site contact list. Such notice
46 shall include a fact sheet describing such plan and provide for a
47 forty-five day public comment period. The commissioner shall hold a
48 public meeting if requested by the affected community and the commis-
49 sioner has found that the site constitutes a significant threat to the
50 public health or the environment. Further, the affected community may
51 request a public meeting at sites that do not constitute a significant
52 threat. (1) To the extent that the department has determined that site
53 conditions do not pose a significant threat and the site is being
54 addressed by a volunteer, the notice shall state that the department has
55 determined that no remediation is required for the off-site areas and
56 that the department's determination of a significant threat is subject

1 to this forty-five day comment period. (2) If the remedial work plan
2 includes a Track 2, Track 3 or Track 4 remedy at a non-significant
3 threat site, such comment period shall apply both to the approval of the
4 alternatives analysis by the department and the proposed remedy selected
5 by the applicant.

6 (g) Before the applicant commences construction at the brownfield
7 site, the applicant, in cooperation with the department, shall provide
8 notice to the individuals on the brownfield site contact list.

9 (h) Before the department approves a proposed final engineering
10 report, the department, in consultation with the applicant, must notify
11 individuals on such contact list. Such notice shall include a fact sheet
12 describing the brownfield site report, including any proposed institu-
13 tional or engineering controls.

14 (i) Within ten days of the issuance of a certificate of completion at
15 a site which will utilize institutional or engineering controls, the
16 applicant, in cooperation with the department, shall provide notice to
17 the brownfield site contact list. Such notice shall include a fact sheet
18 describing such controls.

19 4. Technical assistance grants. (a) Within the limits of appropri-
20 ations made available pursuant to paragraph [j] (j) of subdivision three
21 of section ninety-seven-b of the state finance law, the commissioner is
22 authorized to provide grants to the New York city community board, which
23 shall have the same meaning as set forth in section twenty-eight hundred
24 of the New York city charter, in which the site is located or to any
25 not-for-profit corporation exempt from taxation under section 501(c)(3)
26 of the internal revenue code at any site determined to pose a signif-
27 icant threat by the department and which may be affected by a brownfield
28 site remedial program. To qualify to receive such assistance, a communi-
29 ty group must demonstrate that its membership represents the interests
30 of the community affected by such site. Furthermore, the commissioner is
31 authorized to direct any applicant who is a responsible party, as
32 defined in section 27-1313 of this article, to provide such grants. Such
33 grants shall be known as technical assistance grants and may be used to
34 obtain technical assistance in interpreting information with regard to
35 the nature of the hazard posed by contamination located at or emanating
36 from a brownfield site or sites and the development and implementation
37 of a brownfield site remedial program or programs. Such grants may also
38 be used to hire health and safety experts to advise affected residents
39 on any health assessments and for the education of interested affected
40 community members to enable them to more effectively participate in the
41 remedy selection process. Grants awarded under this section may not be
42 used for the purposes of collecting field sampling data, political
43 activity or lobbying legislative bodies.

44 (b) The amount of any grant awarded under this section may not exceed
45 fifty thousand dollars at any one site.

46 (c) No matching contribution from the grant recipient shall be
47 required for a technical assistance grant. Following a grant award, a
48 portion of the grant shall be made available to the grant recipient, in
49 advance of the expenditures to be covered by the grant, in five thousand
50 dollar installments.

51 § 5. This act shall take effect on the first of February next succeed-
52 ing the date upon which it shall have become a law and shall apply to
53 any applications received on or after such date.

1 Section 1. Section 56-0501 of the environmental conservation law is
2 amended by adding a new subdivision 3 to read as follows:

3 3. Beginning in the state fiscal year next succeeding the effective
4 date of this subdivision, environmental restoration projects may be
5 funded within available appropriations.

6 § 2. Subdivision 1 of section 56-0502 of the environmental conserva-
7 tion law is REPEALED.

8 § 3. Subdivisions 1-a and 5 of section 56-0502 of the environmental
9 conservation law, subdivision 1-a as added and subdivision 5 as amended
10 by section 2 of part D of chapter 577 of the laws of 2004, are amended
11 and two new subdivisions 1 and 7 are added to read as follows:

12 1. "Contaminant" shall mean hazardous waste as defined in section
13 27-1301 of this chapter, petroleum as defined in section one hundred
14 seventy-two of the navigation law, the chemicals identified in paragraph
15 c of subdivision three of section eleven hundred twelve of the public
16 health law whether or not listed pursuant to the authority of the
17 department of health under such section and any other emerging contam-
18 inants as defined in section eleven hundred twelve of the public health
19 law, and any other PFAS substances for which a testing method has been
20 recommended, certified, approved or is in use by the department, the
21 department of health or the federal environmental protection agency.

22 1-a. "Contamination" or "contaminated" shall [~~have the same meaning as~~
23 ~~provided in section 27-1405 of this chapter~~] mean the presence of a
24 contaminant in any environmental media, including soil, surface water,
25 groundwater, air, or indoor air.

26 5. "Municipality", for purposes of this title, shall have the same
27 meaning as provided in subdivision fifteen of section 56-0101 of this
28 article, except that such term shall not refer to a municipality that
29 [~~generated, transported, or disposed of, arranged for, or that caused~~
30 ~~the generation, transportation, or disposal of contamination located at~~
31 ~~real property proposed to be investigated or to be remediated under an~~
32 ~~environmental restoration project. For purposes of this title, the term~~
33 ~~municipality includes a municipality acting in partnership with a commu-~~
34 ~~nity based organization], through gross negligence or willful or inten-
35 tional misconduct, caused or contributed to contamination, which threat-
36 ens public health or the environment, at real property to be
37 investigated or remediated under an environmental restoration project.~~

38 7. "PFAS substances" shall mean a class of fluorinated organic chemi-
39 cals containing at least one fully fluorinated carbon atom.

40 § 4. Paragraph (c) of subdivision 2 of section 56-0503 of the environ-
41 mental conservation law, as amended by section 38 of part BB of chapter
42 56 of the laws of 2015, is amended to read as follows:

43 (c) A provision that the municipality shall assist in identifying a
44 responsible party by searching local records, including property tax
45 rolls, or document reviews, and if, in accordance with the required
46 departmental approval of any settlement with a responsible party, any
47 responsible party payments become available to the municipality, before,
48 during or after the completion of an environmental restoration project,
49 which were not included when the state share was calculated pursuant to
50 this section, [~~the state assistance share shall be recalculated, and~~
51 the value of such settlement shall be used by the municipality to fund
52 its municipal share, and the state assistance share shall not be recal-
53 culated, to the extent that the total of all such settlement amounts is
54 equal to or less than the municipal share. To the extent the total of
55 all such settlement amounts exceeds the municipal share, the munici-
56 pality shall pay such exceedance to the state, for deposit into the

1 environmental restoration project account of the hazardous waste remedi-
2 al fund established under section ninety-seven-b of the state finance
3 law[~~, the difference between the original state assistance payment and~~
4 ~~the recalculated state share. Recalculation of the state share shall be~~
5 ~~done each time a payment from a responsible party is received by the~~
6 ~~municipality~~];

7 § 5. Paragraphs (a), (d), and (e) of subdivision 1 of section 56-0505
8 of the environmental conservation law, as amended by section 5 of part D
9 of chapter 1 of the laws of 2003, are amended and a new paragraph (f) is
10 added to read as follows:

11 (a) the benefit to the environment and public health realized by the
12 expeditious remediation of the property proposed to be subject to such
13 project;

14 (d) real property in a designated brownfield opportunity area pursuant
15 to section nine hundred seventy-r of the general municipal law or real
16 property in a disadvantaged community pursuant to subdivision five of
17 section 75-0101 of this chapter; [~~and~~]

18 (e) the opportunity for other funding sources to be available for the
19 investigation or remediation of such property, including, but not limit-
20 ed to, enforcement actions against responsible parties (other than the
21 municipality to which state assistance was provided under this title; or
22 a successor in title, lender, or lessee who was not otherwise a respon-
23 sible party prior to such municipality taking title to the property),
24 state assistance payments pursuant to title thirteen of article twenty-
25 seven of this chapter, and the existence of private parties willing to
26 remediate such property using private funding sources. Highest priority
27 shall be granted to projects for which other such funding sources are
28 not available[~~+~~]; and

29 (f) for drinking water contamination sites as defined in section
30 27-1201 of this chapter, any requirements made by the commissioner of
31 health pursuant to section 27-1205 of this chapter, for a municipally
32 owned public water system to take action to reduce exposure to an emerg-
33 ing contaminant or contaminants.

34 § 6. Subdivision 2 of section 56-0505 of the environmental conserva-
35 tion law is REPEALED.

36 § 7. Subdivisions 3, 4, and 5 of section 56-0505 of the environmental
37 conservation law are renumbered subdivisions 2, 3, and 4 and subdivision
38 2, as amended by section 5 of part D of chapter 1 of the laws of 2003
39 and as renumbered by this section, is amended to read as follows:

40 2. The remediation objective of an environmental restoration remedi-
41 ation project shall meet the same standard for protection of public
42 health and the environment that applies to remedial actions undertaken
43 pursuant to [~~section~~] sections 27-1313 and 27-1205 of this chapter.

44 § 8. Subdivision 3 of section 56-0509 of the environmental conserva-
45 tion law, as amended by section 4 of part D of chapter 577 of the laws
46 of 2004, is amended to read as follows:

47 3. The state shall indemnify and save harmless any municipality[~~+~~]
48 that completes an environmental restoration remediation project in
49 compliance with the terms and conditions of a state assistance contract
50 or written agreement pursuant to subdivision three of section 56-0503 of
51 this title providing such assistance and any successor in title, lessee,
52 or lender [~~identified in paragraph (a) of subdivision one of this~~
53 ~~section~~] in the amount of any judgment or settlement, obtained against
54 such municipality, successor in title, lessee, or lender in any court
55 for any common law cause of action arising out of: (a) the presence of
56 any contamination in or on property at anytime before the effective date

1 of a contract entered into pursuant to this title; or (b) municipal
2 actions related to the implementation of the environmental restoration
3 remediation project. Such municipality, successor in title, lessee, or
4 lender shall be entitled to representation by the attorney general,
5 unless the attorney general determines, or a court of competent juris-
6 diction determines, that such representation would constitute a conflict
7 of interest, in which case the attorney general shall certify to the
8 comptroller that such party is entitled to private counsel of its
9 choice, and reasonable attorneys' fees and expenses shall be reimbursed
10 by the state. Any settlement of such an action shall be subject to the
11 approval of the attorney general as to form and amount, and this subdi-
12 vision shall not apply to any settlement of any such action which has
13 not received such approval.

14 § 9. Notwithstanding subdivisions a, b, and c of section 32 of chapter
15 413 of the laws of 1996, a memorandum of understanding shall not be
16 required to make available twenty million dollars (\$20,000,000) from the
17 Clean Water/Clean Air Bond Act of 1996 for state assistance payments to
18 municipalities for environmental remediation in accordance with title 5
19 of article 56 of the environmental conservation law.

20 § 10. This act shall take effect immediately.

21

PART XX

22 Section 1. Article 27 of the environmental conservation law is amended
23 by adding a new title 8 to read as follows:

24 TITLE 8

25 MANAGEMENT OF PFAS IN BIOSOLIDS

26 Section 27-0801. Definitions.

27 27-0803. Testing and reporting.

28 27-0805. Moratorium on the sale and use of biosolids.

29 § 27-0801. Definitions.

30 As used in this title:

31 1. "Biosolids" means the accumulated semi-solids, solids or liquids
32 resulting from treatment of wastewaters from publicly or privately owned
33 or operated sewage treatment plants.

34 2. "Enterprise budget" means an estimation of the revenue, costs, and
35 profits for a farm.

36 3. "Monitoring" means sampling of biosolids from wastewater treatment
37 facilities, soil samples and/or water samples from agricultural land to
38 determine the concentration of PFAS present.

39 4. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a
40 class of fluorinated organic chemicals containing at least one fully
41 fluorinated carbon atom.

42 5. "Permit holder" means a farmer or other landowner authorized to
43 spread biosolids under a permit granted pursuant to NYCRR Part 361-2.4.

44 6. "Wastewater treatment facility" means any facility that treats
45 wastewater, including but not limited to municipal sewage treatment
46 plants, industrial wastewater treatment plants, and septage treatment
47 facilities.

48 7. "Class A biosolids" means biosolids that have been highly treated
49 to reduce pathogens to undetectable levels, allowing unrestricted use.

50 8. "Class B biosolids" means biosolids that have been moderately
51 treated to reduce pathogens to lower but detectable levels, and which
52 may require site restrictions, buffer zones, and waiting periods for
53 harvesting of crops or public access.

54 § 27-0803. Testing and reporting.

1 1. No later than one year from the effective date of this title, the
2 department, in consultation with the department of health, shall promul-
3 gate rules and regulations which add perfluoroalkyl and polyfluoroalkyl
4 substances as a parameter of concern for analysis within NYCRR Part
5 361.2.4.

6 (a) Such regulations shall, at a minimum, do the following:

7 (i) establish a protocol to incentivize farmers to:

8 (1) apply to the department for the department to perform PFAS soil
9 testing on land where Class A biosolids or Class B biosolids have been
10 applied; or

11 (2) contract with a laboratory or provider verified by the department
12 to conduct PFAS soil testing on land where Class A biosolids or Class B
13 biosolids have been applied and submit the results to the department;

14 (ii) provide that a landowner who has satisfied the testing and
15 reporting requirements established pursuant to this section may apply
16 for reimbursement of the costs of perfluoroalkyl and polyfluoroalkyl
17 substances soil testing through the soil health and PFAS agriculture
18 response program established pursuant to article eleven-C of the agri-
19 culture and markets law;

20 (iii) require that perfluoroalkyl and polyfluoroalkyl substances soil
21 testing conducted pursuant to this section be performed on a quarterly
22 basis for a period of not less than one year;

23 (iv) establish standards for demonstrating prior application of Class
24 A biosolids or Class B biosolids on agricultural land, which may
25 include, but shall not be limited to, historic or current permits, proof
26 of prior use of Class A biosolids, or other documentation or means as
27 determined by the department;

28 (v) establish protocols and require the department of health to test
29 drinking water wells at least quarterly for one year where such wells
30 are within one half mile of lands where biosolids have been applied; and

31 (vi) establish protocols for testing and require the department of
32 health to test surface water at least quarterly for one year where such
33 surface water is within one mile of lands where biosolids have been
34 applied; and

35 (b) Regulations promulgated pursuant to this title regarding testing
36 protocols and the timing of sampling for testing of well water and
37 surface water shall take into account the effects of rainfall events
38 and precipitation patterns, as well as weather and temperature changes
39 in determining the timing of sampling.

40 2. Regulations promulgated pursuant to this title shall require all
41 wastewater treatment facilities to test biosolids for PFAS chemicals
42 quarterly for five years and report the results to the department.

43 3. Testing and evaluation of sites shall be conducted using a PFAS
44 testing method or methods authorized by the department. The department
45 shall immediately authorize EPA Method 1633A as an approved testing
46 method. The department shall authorize additional methods that detect
47 more PFAS as such methods become available and shall require that the
48 method that detects the largest number of PFAS (at equal or lower
49 detection limits than EPA Method 1633A) shall be used.

50 4. The department shall establish and maintain a publicly accessible
51 database of disaggregated soil, biosolid (differentiating the sources of
52 the data in such database), and water testing results within eighteen
53 months of the effective date of this title. Such database shall use best
54 practices standards for data collection and dissemination, including
55 standardization and cleaning of data, and shall make such data available
56 to the public in commonly used data formats. Data collected from soil

1 or water samples taken from private lands and wells shall be aggregated
2 by department of environmental conservation region, in a form which
3 excludes specific addresses, locations, or other personally identifying
4 information. The database shall also include records for all previously
5 conducted testing of biosolids for PFAS funded with public monies within
6 New York state.

7 § 27-0805. Moratorium on the sale and use of biosolids.

8 1. For the period commencing one year from the effective date of this
9 title and ending five years after such date, a moratorium shall be
10 established on the land application, and issuance, renewal, or approval
11 of any permits related thereto, of:

12 (a) biosolids generated from a publicly or privately owned or operated
13 wastewater treatment facility;

14 (b) compost material that included in its production biosolids gener-
15 ated from a publicly or privately owned or operated wastewater treatment
16 facility; and

17 (c) any other product or material that is intended for use as a ferti-
18 lizer, soil amendment, topsoil replacement or mulch, or for other simi-
19 lar agricultural purposes including parks, golf courses, or other non-
20 crop land applications, that is derived from or contains biosolids
21 generated from a publicly or privately owned or operated wastewater
22 treatment facility.

23 2. For the period commencing on the effective date of this title and
24 ending five years after such date, a moratorium shall be established on
25 selling, offering for sale, distributing, or otherwise providing bioso-
26 lids, including products containing biosolids, in the state for use as
27 fertilizer, soil amendment, topsoil replacement, mulch, or for other
28 similar purposes.

29 3. The moratoria in subdivisions one and two of this section shall not
30 apply to:

31 (a) the disposal or placement at a solid waste landfill of any of the
32 materials that are prohibited from application, spreading, sale or
33 distribution by this section; or

34 (b) the land application of or the sale or distribution of compost
35 materials or other agricultural products or materials derived from or
36 containing residuals generated as a result of the processing or culti-
37 vation of food, food waste, crops or vegetative material, manure,
38 litter, food processing waste, process wastewater from any animal feed-
39 ing operation, digestate from such materials, or any other product or
40 material that is not derived from or does not contain biosolids.

41 § 2. The environmental conservation law is amended by adding a new
42 section 71-2704 to read as follows:

43 § 71-2704. Violations of title 8 of article 27 of this chapter.

44 A person who violates any of the provisions of, or who fails to
45 perform any duty imposed by title 8 of article 27 of this chapter, or
46 the rules, regulations, orders or determinations of the commissioner
47 promulgated thereto, shall be liable for a penalty of not to exceed
48 twenty-five hundred dollars for each such violation and an additional
49 penalty of not more than five hundred dollars for each day during which
50 such violation continues, and, in addition thereto, such person may be
51 enjoined from continuing such violation. Penalties and injunctive relief
52 provided herein shall be recoverable in an action brought by the attor-
53 ney general at the request and in the name of the commissioner.

54 § 3. The agriculture and markets law is amended by adding a new arti-
55 cle 11-C to read as follows:

ARTICLE 11-CSOIL HEALTH AND PFAS AGRICULTURE RESPONSE PROGRAM§ 151-p. PFAS agricultural response program.

§ 151-p. PFAS agricultural response program. 1. For the purposes of this article:

(a) "Biosolids" means the accumulated semi-solids or solids resulting from treatment of wastewaters from publicly or privately owned or operated sewage treatment plants.

(b) "Enterprise budget" means an estimation of the revenue, costs and profits for a farm.

(c) "Monitoring" means sampling of biosolids from soil samples and/or water samples from agricultural land to determine the concentration of PFAS present.

(d) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

2. Within one year of the effective date of this article, the department, in consultation with the department of environmental conservation, shall establish a PFAS agricultural response program to assist farms found to have levels of PFAS contamination which exceed regulatory standards established pursuant to title eight of article twenty-seven of the environmental conservation law. The commissioner shall be authorized to administer state assistance payments to soil and water conservation districts for purposes of this program.

3. The program shall, at a minimum:

(a) pursuant to an appropriation therefor, provide grants to farmers and other landowners with land found to exceed the thresholds for PFAS established pursuant to title eight of article twenty-seven of the environmental conservation law for the purpose of short-term income supplementation or replacement, including but not limited to, reimbursing farmers for the value of crops lost as a result of PFAS contamination;

(b) assist farmers and other landowners with planning and the development of enterprise budgets to address land or water found to be contaminated by PFAS. Such enterprise budgets may include, but need not be limited to, costs associated with the implementation of:

(i) alternative cropping systems;

(ii) remediation strategies;

(iii) technological adaptations;

(iv) transitioning to alternative revenue streams, including but not limited to transitioning to alternative land use systems; and

(v) locating alternative viable farmland;

(c) pursuant to an appropriation therefor, provide grants for the purchase of transitional equipment and infrastructure for farmers and other landowners to: (i) support a transition to an alternative cropping system; and (ii) implement remediation strategies, technological adaptations, or other modifications to the farmer or other landowner's operations in response to PFAS contamination;

(d) develop best practices to mitigate further PFAS contamination, including but not limited to, alternative cropping systems;

(e) provide for testing of biosolids and biosolids-derived compost products, agricultural products, livestock, soil and water of adjacent properties where it is suspected there may be contamination related to the spreading of biosolids, and feedstock produced on lands where biosolids were spread. During the five-year moratorium on land application of biosolids pursuant to section 27-0803 of the environmental conservation law, the department shall provide notice of such monitoring and

1 testing to the public, including to adjacent impacted communities,
 2 through public outreach to community members and by posting information
 3 on the department's website; and

4 (f) provide for reimbursement for PFAS testing to farmers who make an
 5 application for such state assistance payment in partnership with the
 6 relevant local soil and water conservation district, as prescribed in
 7 section 27-0803 of the environmental conservation law.

8 § 4. The state finance law is amended by adding a new section 95-1 to
 9 read as follows:

10 § 95-1. Agricultural PFAS response fund. 1. There is hereby estab-
 11 lished in the joint custody of the comptroller and the commissioner of
 12 taxation and finance a special fund to be known as the "agricultural
 13 PFAS response fund".

14 2. Such fund shall consist of monies appropriated, credited, or trans-
 15 ferred thereto from any other fund or source pursuant to law.

16 3. All monies deposited in the agricultural PFAS response fund shall
 17 be available for the purposes of the PFAS agricultural response program
 18 pursuant to article eleven-C of the agriculture and markets law.

19 4. Monies shall be payable from the fund on the audit and warrant of
 20 the comptroller on vouchers approved and certified by the commissioner
 21 of the department of agriculture and markets.

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

31 § 6. This act shall take effect immediately.

32 PART YY

33 Section 1. The environmental conservation law is amended by adding a
 34 new section 37-0123 to read as follows:

35 § 37-0123. Perfluoroalkyl and polyfluoroalkyl substances removal treat-
 36 ment installation grant program.

37 1. Definitions. For purposes of this section, "perfluoroalkyl and
 38 polyfluoroalkyl substances" or "PFAS" shall have the same meaning as in
 39 section 27-3301 of this chapter.

40 2. Grant program. The department, within amounts from any source
 41 appropriated or otherwise provided for such purpose, shall establish a
 42 perfluoroalkyl and polyfluoroalkyl substances removal treatment instal-
 43 lation grant program. The department shall provide a one-time grant to
 44 private well users for up to five thousand dollars for the installation
 45 of PFAS treatment, or up to ten thousand dollars for a service
 46 connection to a public water system.

47 3. Eligibility. (a) The following persons shall be eligible to apply
 48 for such grant program:

49 (i) owners of a single or multiple-unit residential property; and

50 (ii) tenants or occupants of a residential property where the owner of
 51 such property has not applied for the grant for such property.

52 (b) Installers of such treatments may apply for such grant on behalf
 53 of an eligible applicant, provided there is a waiver of claims between
 54 such parties.

1 (c) An applicant shall not be eligible to apply for such grant program
2 if such applicant has an offer of an alternate water source from a third
3 party, including bottled water, treatment, or service connection.

4 4. Application. (a) Applicants shall submit an application to the
5 department in a manner and form to be determined by the commissioner,
6 and shall include the following documentation:

7 (i) analytical results from a laboratory certified to test for PFAS by
8 the department of health environmental laboratory approval program. Such
9 results must show a PFAS result greater than the maximum contaminant
10 level or other drinking water cleanup standard set for PFAS by the
11 department of health or the United States environmental protection agen-
12 cy;

13 (ii) an estimate for the cost of treatment installation or service
14 connection; and

15 (iii) specification sheets for treatment and equipment to be
16 installed, if applicable and available.

17 (b) Grants awarded pursuant to this section shall be used solely for
18 the purpose of purchasing and installing PFAS treatment equipment.

19 (c) The commissioner, upon review of an applicant's application, shall
20 determine if such applicant is eligible for a grant pursuant to this
21 section.

22 5. Public awareness. The department shall publish information about
23 the grant program on the department's website and create public educa-
24 tion materials to publicize the grant program and distribute these mate-
25 rials to local governments, community organizations, and other relevant
26 institutions. The department shall also compile and distribute a list of
27 vendors that offer treatment technology or service connection to a
28 public water system for residents of this state, provided that such a
29 list does not imply an endorsement of the vendors by the department.

30 § 2. The environmental conservation law is amended by adding a new
31 section 37-0125 to read as follows:

32 § 37-0125. Perfluoroalkyl and polyfluoroalkyl substances removal treat-
33 ment maintenance rebate program.

34 1. Definitions. For purposes of this section, "perfluoroalkyl and
35 polyfluoroalkyl substances" or "PFAS" shall have the same meaning as in
36 section 27-3301 of this chapter.

37 2. Rebate program. The department, within amounts from any source
38 appropriated or otherwise provided for such purpose, shall establish a
39 perfluoroalkyl and polyfluoroalkyl substances removal treatment mainte-
40 nance rebate program. The department shall provide a rebate for the
41 maintenance of PFAS treatment equipment installed by private well users.

42 3. Eligibility. The following persons shall be eligible to apply for
43 such rebate program:

44 (a) owners of a single or multiple-unit residential property where
45 PFAS treatment is installed; and

46 (b) tenants or occupants of a residential property where PFAS treat-
47 ment is installed.

48 4. Application. (a) Applicants shall submit an application to the
49 department in a manner and form to be determined by the commissioner,
50 and shall include the following documentation:

51 (i) specification sheets for treatment and equipment installed, if
52 applicable and available;

53 (ii) photo documentation of the treatment installation of service
54 connection; and

55 (iii) post-treatment analytical results from a laboratory certified to
56 test for PFAS by the department of health environmental laboratory

1 approval program. Such results must show PFAS concentrations below the
2 maximum contaminant level or other drinking water cleanup standard set
3 for PFAS, if applicable.

4 (b) The commissioner, upon review of an applicant's application, shall
5 determine if such applicant is eligible for a rebate pursuant to this
6 section. The commissioner shall make the determination as to the amount
7 of rebate approved, provided that such amount shall in no event exceed
8 one thousand five hundred dollars.

9 (c) The commissioner shall promulgate rules and regulations regarding
10 how often an applicant may submit an application pursuant to this subdivi-
11 vision.

12 5. Public awareness. The department shall publish information about
13 the rebate program on the department's website and create public educa-
14 tion materials to publicize the rebate program and distribute these
15 materials to local governments, community organizations, and other rele-
16 vant institutions.

17 § 3. This act shall take effect immediately.

18 PART ZZ

19 Section 1. Section 1266 of the public authorities law is amended by
20 adding a new subdivision 20 to read as follows:

21 20. Notwithstanding any other provision of law, the authority and any
22 of its subsidiary corporations shall establish and implement a ten
23 percent fare rate program for veterans, provided, however, the authority
24 shall not pay any costs or expenses related to the ten percent fare rate
25 reduction program from its operating or capital budgets and may only
26 implement the ten percent fare rate reduction program with funds appro-
27 riated to it by the state of New York for such purpose. For purposes of
28 this subdivision "veteran" shall mean a member of the armed forces of
29 the United States who served and was honorably discharged or released
30 under conditions other than dishonorable from such service, and presents
31 an authorized veteran identification card, and who is a resident of the
32 state of New York at the time of application for the ten percent fare
33 rate reduction program.

34 § 2. This act shall take effect immediately.

35 PART AAA

36 Section 1. Short title. This act shall be known and may be cited as
37 the "one city, one fare act".

38 § 2. Legislative findings and statement of purpose. The legislature
39 finds, determines and declares that:

40 (a) The MTA's three transit operating agencies, New York City Transit
41 ("NYCT"), the Long Island Rail Road ("LIRR"), and Metro-North, converge
42 in New York City, in particular at Grand Central Terminal, but fares
43 vary within city limits across the different modes of travel.

44 (b) Many parts of New York City that are in need of enhanced access to
45 the subway, such as Southeast Queens and the East Bronx, are served
46 by--or will be served by--the LIRR or Metro-North. However, high fares
47 on these services and a lack of joint railroad-NYCT ticket options make
48 intracity railroad travel prohibitively expensive. Taking the LIRR from
49 Rosedale to Atlantic Terminal takes a third of the time (36 minutes,
50 versus 1 hour, 32 minutes) but costs more than twice as much (\$7.25
51 versus \$3). A daily peak round-trip ticket between Kew Gardens and Ford-
52 ham consists of either two City Tickets or a one-way ticket and a Combo

1 Ticket add-on, costing \$29 with no weekly or monthly option available,
2 nearly ten times as expensive as the subway.

3 (c) The MTA has already implemented a single CityTicket fare zone for
4 railroad tickets, but only for one railroad or the other. This option
5 has made New York City's railroad stations some of the only stations to
6 surpass pre-COVID ridership, some by as much as 224%, and saved New
7 Yorkers over \$100 million according to Governor Hochul. This is clear
8 evidence of latent demand for enhanced intracity commuter rail options.
9 Unfortunately, the MTA has not expanded CityTicket despite continued
10 calls from elected officials, advocates and communities throughout the
11 city.

12 (d) The MTA has further declined to restore joint railroad-NYCT
13 options such as the Atlantic Ticket, which offered a weekly LIRR ticket
14 between Southeast Queens and Atlantic Terminal along with a weekly
15 unlimited subway pass for \$60 until 2023.

16 (e) The legislature has repeatedly affirmed the necessity of providing
17 fare incentives to transit riders in the FY2025 and FY2026 One-House
18 Budget Resolutions and has acted previously to correct unrealized oppor-
19 tunities at the authority, such as the 2022 bicycle and pedestrian
20 access bill (S4943B/A6235B).

21 (f) A public policy purpose would be served and the interests of the
22 people of the state, in particular parts of The Bronx and Queens where
23 the subway does not reach, would be advanced by directing the Metropol-
24 itan Transportation Authority to develop and implement a field study of
25 a single, unified fare zone across New York City's railroads. Such a
26 field study would broaden the MTA's customer base in areas unserved by
27 the subway, ensuring equitable access to affordable transit for resi-
28 dents of subway deserts.

29 § 3. The Metropolitan Transportation Authority is hereby authorized
30 and directed to conduct a study on a unified, single city fare zone
31 across the Long Island Rail Road and Metro-North for all intracity
32 commuter rail options with free transfers to New York City Transit. Such
33 study shall last no less than two years. Following completion of such
34 study, the Metropolitan Transportation Authority shall report the find-
35 ings to the governor and the legislature.

36 § 4. This act shall take effect immediately.

37 PART BBB

38 Section 1. Section 2855 of the public authorities law, as added by
39 section 1 of part KK of chapter 59 of the laws of 2006, is amended to
40 read as follows:

41 § 2855. Electronic method of payment; periodic charges. Notwithstand-
42 ing the provisions of any law to the contrary, if any authority shall
43 offer any electronic method of payment for tolls, fares, fees, rentals,
44 or other charges, including but not limited to a system called E-ZPass,
45 such authority shall not impose any periodic administrative or other
46 charge for the privilege of using such electronic method of payment for
47 such charges. Nothing in this section shall be construed to prohibit any
48 authority from making any charge for extra services requested by a hold-
49 er of such electronic method of payment, any charge for lost or damaged
50 equipment, or for defaults, such as charges for dishonored checks. The
51 authority shall not enter any agreement with bondholders that would
52 require the imposition of administrative or other periodic charges
53 relating to electronic methods of payment prohibited by this section. No
54 fee or administrative charge for the timely or late payment of a toll

1 bill for an obligation to pay a toll or tolls valued at two hundred
2 dollars or less shall exceed the authority's actual cost to impose the
3 charge and process payment of such obligation. Provided, further, any
4 authority offering such electronic payment methods shall publish their
5 updated fee waiver policy in a prominent location on their website.

6 § 2. Subdivision 5 of section 2985 of the public authorities law, as
7 added by chapter 379 of the laws of 1992, is amended to read as follows:

8 5. An owner found liable for a violation of toll collection regu-
9 lations pursuant to this section involving an obligation to pay a toll
10 or tolls valued at two hundred dollars or less shall be liable for a
11 monetary penalty not to exceed twenty-five dollars for a first violation
12 thereof; for a second violation thereof both within eighteen months be
13 liable for a monetary penalty not to exceed the greater of fifty dollars
14 or two times the toll evaded; for a third or subsequent violation there-
15 of all within eighteen months be liable for a monetary penalty not to
16 exceed the greater of seventy-five dollars or five times the toll
17 evaded. An owner found liable for [a] any other violation of toll

18 collection regulations pursuant to this section shall for a first
19 violation thereof be liable for a monetary penalty not to exceed fifty
20 dollars or two times the toll evaded whichever is greater; for a second
21 violation thereof both within eighteen months be liable for a monetary
22 penalty not to exceed one hundred dollars or five times the toll evaded
23 whichever is greater; for a third or subsequent violation thereof all
24 within eighteen months be liable for a monetary penalty not to exceed
25 one hundred fifty dollars or ten times the toll evaded whichever is
26 greater.

27 § 3. Subdivision 8 of section 2985 of the public authorities law, as
28 amended by section 6 of subpart A of part WW of chapter 56 of the laws
29 of 2024, is amended to read as follows:

30 8. (a) (i) Adjudication of the liability imposed upon owners by this
31 section shall be by the entity having jurisdiction over violations of
32 the rules and regulations of the public authority serving the notice of
33 liability or where authorized by an administrative tribunal and all
34 violations shall be heard and determined in the county in which the
35 violation is alleged to have occurred, or in New York city and upon the
36 consent of both parties, in any county within New York city in which the
37 public authority operates or maintains a facility, and in the same
38 manner as charges of other regulatory violations of such public authori-
39 ty or pursuant to the rules and regulations of such administrative
40 tribunal as the case may be.

41 (ii) The owner of the vehicle or other individual upon whom liability
42 is imposed may designate an agent in writing, including an attorney or
43 elected official, to dispute or resolve a toll incurred pursuant to this
44 section or section twenty-nine hundred eighty-five-a of this article
45 with the relevant tolling authority's customer service center and/or
46 toll payer advocate office identified in section twenty-nine hundred
47 eighty-five-a of this article.

48 (b) Upon exhaustion of remedies pursuant to this section or section
49 twenty-nine hundred eighty-five-a of this title, as applicable, the New
50 York state bridge authority, thruway authority, triborough bridge and
51 tunnel authority, metropolitan transportation authority, and port
52 authority of New York and New Jersey, a bi-state agency created by
53 compact set forth in chapter one hundred fifty-four of the laws of nine-
54 teen hundred twenty-one, shall have the power to enter judgments for
55 unpaid liabilities, provided that such unpaid liabilities include the
56 failure to pay tolls, fees, or other charges or the failure to have such

1 tolls, fees or other charges dismissed or transferred in response to
2 three or more notices of violation issued within a five year period
3 charging the registrant of a motor vehicle with a violation of toll
4 collection regulations, and to enforce such judgments, without court
5 proceedings, in the same manner as the enforcement of money judgments in
6 civil actions in any court of competent jurisdiction or any other place
7 provided for the entry of civil judgment within the state of New York,
8 after a period of notice pursuant to paragraph (c) of this subdivision.
9 The applicable tolling authority shall not enforce such judgments until
10 thirty days have elapsed from issuing a notice pursuant to paragraph (c)
11 of this subdivision. The applicable tolling authority shall not have the
12 power to enter or enforce judgments for unpaid liabilities for failure
13 to pay two hundred dollars or less in tolls incurred within a five-year
14 period.

15 (c) Prior to entering judgments for unpaid liabilities pursuant to
16 paragraph (b) of this subdivision, the applicable tolling authority
17 shall notify the person subject to such judgment, by first class mail,
18 that such person is at risk of entry of a judgment against them if they
19 fail to pay such unpaid liabilities. The form and content of such notice
20 shall be prescribed by the applicable tolling authority, and shall
21 contain a warning to advise the person that failure to pay the applica-
22 ble unpaid liabilities within a period of not less than thirty days of
23 such notice will result in the enforcement of a judgment against them,
24 and shall further contain information about the process to dispute such
25 liabilities, consistent with this section or section twenty-nine hundred
26 eighty-five-a of this title, as applicable. Any person, firm, corpo-
27 ration, or other entity charged with a toll violation may pay such tolls
28 in full and have any toll violation fees related to such paid tolls
29 waived for a period of six months from the effective date of this para-
30 graph.

31 (d) With respect to an obligation to pay a toll or tolls valued at one
32 hundred dollars or less, any toll violation fee charged to any person,
33 firm, corporation, or other entity for the use of a toll highway, bridge
34 or tunnel facility operated by a public authority shall not exceed twice
35 the amount of the toll charged for using such highway, bridge or tunnel
36 for a period of ninety days from the effective date of this paragraph
37 and shall not exceed three times the amount of the toll charged for
38 using such highway, bridge or tunnel for an additional ninety-day period
39 following the initial ninety-day period.

40 § 4. Subdivisions 3, 4, 11 and 13 of section 2985-a of the public
41 authorities law, as added by section 2 of subpart B of part WW of chap-
42 ter 56 of the laws of 2024, are amended to read as follows:

43 3. In the case of an owner who incurs an obligation to pay a toll for
44 the first time in six months under the tolls by mail program at a cash-
45 less tolling facility, a toll bill shall be sent within ten business
46 days after the end of the initial billing cycle and of each subsequent
47 billing cycle. In the case of all other owners incurring an obligation
48 to pay a toll at a cashless tolling facility, a toll bill shall be sent
49 at the end of the next billing cycle. Toll bills shall be sent to the
50 owner by first class mail, and may additionally be sent by electronic
51 means of communication upon the affirmative consent of the owner, by or
52 on behalf of the public authority which operates such cashless tolling
53 facility. The owner shall have thirty days from the date of the toll
54 bill to pay the incurred toll. The toll bill shall include: (i) the
55 total amount of the incurred tolls due, (ii) the date by which payment
56 of the incurred tolls is due, (iii) any administrative fees, (iv) the

1 address for receipt of payment and methods of payment for the toll, (v)
2 the procedure for contesting any toll and the contact information for
3 the relevant toll payer advocate office and customer service center and
4 procedure for designating an agent to contest any toll on the owner's
5 behalf, (vi) information related to the failure to timely pay or respond
6 to the notice of liability, in addition to the possibility that a judg-
7 ment can be entered for repeat unpaid liabilities that could lead to a
8 vehicle being towed or immobilized, (vii) a website address or hyperlink
9 for the owner to access time-stamped photographs or footage of each toll
10 incurred by electronic means, (viii) information related to the avail-
11 ability of the toll payer advocate to discuss payment options, and (ix)
12 other information required by law or by the public authority. Each toll
13 bill shall identify the date, time, location, license plate number, and
14 jurisdiction of the license plate for each toll that has been incurred.
15 Each toll bill shall include an image of the license plate of the vehi-
16 cle being used or operated on the toll facility. If the owner fails to
17 pay the initial toll bill, a second toll bill shall be sent in the next
18 billing cycle, which shall also indicate the overdue toll or tolls and
19 any administrative or late fees due.

20 4. In the case of an owner who does not pay a toll incurred under the
21 tolls by mail program on a cashless facility at the place and time and
22 in the manner established for collection of such toll in the second toll
23 bill, a notice of violation shall be sent notifying the owner that the
24 toll is unpaid and administrative violation fees are being imposed. The
25 notice of violation shall be sent to the owner by first class mail, and
26 may additionally be sent by electronic means of communication upon the
27 affirmative consent of the owner, by or on behalf of the public authori-
28 ty which operates such cashless tolling facility. The notice of
29 violation shall include: (i) the total amount of unpaid tolls and admin-
30 istrative violation fees due, (ii) the date by which payment of the
31 tolls and administrative violation fees is due, (iii) the address for
32 receipt of payment and methods of payment for the toll, (iv) the proce-
33 dure for contesting any toll and the contact information for the rele-
34 vant toll payer advocate office and customer service center and proce-
35 dure for designating an agent to contest any toll on the owner's behalf,
36 (v) information related to the failure to timely pay or respond to the
37 notice of liability, in addition to the possibility that a judgment can
38 be entered for repeat unpaid liabilities that could lead to a vehicle
39 being towed or immobilized, (vi) a website address or hyperlink for the
40 owner to access time-stamped photographs or footage of each toll
41 incurred by electronic means, (vii) information related to the avail-
42 ability of the toll payer advocate to discuss payment options, and
43 (viii) other information required by law or by the public authority.
44 Each notice of violation shall identify the date, time, location,
45 license plate number, and jurisdiction of the license plate for each
46 unpaid toll that has been incurred.

47 11. Any public authority that operates a cashless tolling facility
48 shall: (i) maintain a website and toll-free phone number for any person
49 to receive updated information on any tolls or fees which are outstand-
50 ing; and (ii) establish procedures for owners to dispute any tolls and
51 violation fees incurred in connection with toll bills, including a
52 requirement that written determinations in such disputes shall be issued
53 within forty-five days of receipt of the owner's declaration of dispute.
54 Such information shall be prominently displayed on such public authori-
55 ty's toll bills, notices of violation and website. The authority shall

1 publish its fee waiver policy in a prominent location on its website,
2 including any updates to such policy.

3 13. Every public authority that operates a cashless tolling facility
4 shall establish an office of such authority's toll payer advocate,
5 designed to further assist owners who remain unsatisfied after first
6 attempting resolution in writing of their concern with, and receiving
7 written determination from, such authority's customer service center.
8 The office of the toll payer advocate shall also endeavor to identify
9 any systemic issues and recommend reasonable improvements regarding the
10 use of and process involved with the payment of tolls under the tolls by
11 mail program at cashless tolling facilities to the public authority.
12 The owner of the vehicle or other individual upon whom liability is
13 imposed may designate an agent, in writing, including an attorney or
14 elected official, to dispute or resolve a toll incurred pursuant to this
15 section or section twenty-nine hundred eighty-five of this article with
16 the relevant tolling authority's customer service center and toll payer
17 advocate office.

18 § 5. No later than 270 days after the effective date of this act,
19 every public authority that operates a cashless tolling facility pursu-
20 ant to article 9 of the public authorities law or central business
21 district tolling program pursuant to article 44-C of the vehicle and
22 traffic law shall report to the governor, temporary president of the
23 senate, speaker of the assembly, and chairs of the corporations and
24 public authorities committees in the senate and assembly on the follow-
25 ing: (1) the total number of toll bills issued involving license plates
26 which were disputed by the owner as not having used such tolling asset
27 or been present at the time the toll was incurred or having lawfully
28 surrendered the license plates to which the toll bill was issued; (2)
29 the total number of toll bills issued to owners where a tolling system
30 incorrectly billed an owner for tolls incurred by a distinctive license
31 plate or government use motor vehicle; (3) a summary of how such toll
32 bill disputes were resolved; (4) an explanation of steps taken to
33 prevent similar future issues; and (5) any remedial steps or compen-
34 sation provided to owners.

35 § 6. This act shall take effect immediately. Effective immediately,
36 the addition, amendment and/or repeal of any rule or regulation neces-
37 sary for the implementation of this act on its effective date are
38 authorized to be made on or before such date. With respect to the Port
39 Authority of New York and New Jersey, this act shall take effect upon
40 the enactment into law by the state of New Jersey of legislation having
41 an identical effect with this act upon the Port Authority of New York
42 and New Jersey; but if the state of New Jersey shall have already
43 enacted such legislation, this act shall take effect immediately;
44 provided, that the chair of the port authority shall notify the legisla-
45 tive bill drafting commission upon the occurrence of the enactment of
46 the legislation provided for in section two of this act in order that
47 the commission may maintain an accurate and timely effective data base
48 of the official text of the laws of the state of New York in furtherance
49 of effectuating the provisions of section 44 of the legislative law and
50 section 70-b of the public officers law. Provided, however, that
51 section four of this act shall take effect on the same date and in the
52 same manner as subpart B of part WW of chapter 56 of the laws of 2024.

1 Section 1. Paragraph (f) of subdivision 2 of section 14-1 of the
2 transportation law, as amended by section 1 of part XX of chapter 59 of
3 the laws of 2021, is amended to read as follows:

4 (f) No grant or loan to any eligible applicant shall exceed the sum of
5 two million five hundred thousand dollars, and no part of any such grant
6 or loan shall be used for salaries or for services regularly provided by
7 the applicant for administrative costs in connection with such grant or
8 loan. Notwithstanding the foregoing, the maximum grant award may be
9 higher than the sum of two million five hundred thousand dollars when
10 the commissioner, in their discretion, determines that the total funds
11 available for assistance pursuant to this section supports a higher
12 maximum grant, not to exceed five million dollars.

13 § 2. This act shall take effect immediately.

14 PART DDD

15 Section 1. Section 1800 of the vehicle and traffic law is amended by
16 adding a new subdivision (j) to read as follows:

17 (j) Every person convicted of a violation of the provisions of section
18 eleven hundred forty-four-a of this chapter shall for a first conviction
19 thereof be punished by a fine of not more than two hundred seventy-five
20 dollars or by imprisonment for not more than fifteen days or by both
21 such fine and imprisonment. For a conviction of a second violation, both
22 of which were committed within a period of eighteen months, such person
23 shall be punished by a fine of not more than four hundred fifty dollars
24 or by imprisonment for not more than forty-five days or by both such
25 fine and imprisonment. For a conviction of a third or subsequent
26 violation, all of which were committed within a period of eighteen
27 months, such person shall be punished by a fine of not more than seven
28 hundred fifty dollars or by imprisonment for not more than ninety days
29 or by both such fine and imprisonment.

30 § 2. This act shall take effect January 1, 2027 and shall apply to
31 violations committed on and after such date.

32 PART EEE

33 Section 1. Paragraph 3 of subdivision (h) of section 1180 of the vehi-
34 cle and traffic law, as amended by section 6 of part C of chapter 62 of
35 the laws of 2003, is amended to read as follows:

36 3. Every person convicted of a violation of paragraph two of subdivi-
37 sion (d), subdivision (f) or (g) of this section shall be punished as
38 follows:

39 (i) Where the court or tribunal records or enters that the speed upon
40 which the conviction was based exceeded the applicable speed limit by
41 not more than ten miles per hour, by a fine of not less than ninety nor
42 more than one hundred [~~fifty~~] seventy-five dollars;

43 (ii) Where the court or tribunal records or enters that the speed upon
44 which the conviction was based exceeded the applicable speed limit by
45 more than ten miles per hour, but not more than thirty miles per hour,
46 by a fine of not less than one hundred eighty nor more than three
47 hundred fifty dollars or by imprisonment for not more than thirty days,
48 or by both such fine and imprisonment, provided, however, that where the
49 vehicle is either (A) in violation of any rules or regulations involving
50 an out-of-service defect relating to brake systems, steering components
51 and/or coupling devices, or (B) transporting flammable gas, radioactive
52 materials or explosives, the fine shall be three hundred fifty dollars

1 or imprisonment for not more than thirty days, or both such fine and
2 imprisonment;

3 (iii) Where the court or tribunal records or enters that the speed
4 upon which the conviction was based exceeded the applicable speed limit
5 by more than thirty miles per hour, by a fine of not less than three
6 hundred sixty nor more than ~~six~~ seven hundred dollars or by imprison-
7 ment for not more than thirty days or by both such fine and imprison-
8 ment, provided, however, that where the vehicle is either (A) in
9 violation of any rules or regulations involving an out-of-service defect
10 relating to brake systems, steering components and/or coupling devices,
11 or (B) transporting flammable gas, radioactive materials or explosives,
12 the fine shall be ~~six~~ seven hundred dollars or imprisonment for not
13 more than thirty days, or both such fine and imprisonment.

14 § 2. This act shall take effect January 1, 2027 and shall apply to
15 violations occurring on or after such date.

16 PART FFF

17 Section 1. The public authorities law is amended by adding a new
18 section 1266-n to read as follows:

19 § 1266-n. Long Island Rail Road and Metro-North Commuter Railroad
20 Company; transfers to New York city transit. Notwithstanding any other
21 provision of law, general, special or local, the authority, in conjunc-
22 tion with the New York city transit authority, shall develop and imple-
23 ment a weekly and a monthly ticket valid for optional, discounted trans-
24 fers between the Long Island Rail Road and the Metro-North Commuter
25 Railroad Company to the New York city transit authority subways and
26 buses.

27 § 2. The public authorities law is amended by adding a new section
28 1219-b to read as follows:

29 § 1219-b. Authority; transfers to Long Island Railroad and Metro-North
30 Commuter Railroad Company. Notwithstanding any other provision of law,
31 general, special or local, the authority, in conjunction with the metro-
32 politan transportation authority, shall develop and implement a weekly
33 and a monthly ticket valid for optional, discounted transfers between
34 the authority subways and buses to the Long Island Rail Road and the
35 Metro-North Commuter Railroad Company.

36 § 3. This act shall take effect on the thirtieth day after it shall
37 have become a law.

38 PART GGG

39 Section 1. The public authorities law is amended by adding a new
40 section 1886 to read as follows:

41 § 1886. Heat pump rebate program. 1. There is hereby created within
42 the authority a heat pump rebate program. The purpose of the program is
43 to reduce greenhouse gas emissions by promoting the adoption of effi-
44 cient heat pumps.

45 2. As used in this section:

46 (a) "Eligible applicant" shall mean an individual who is a homeowner
47 or tenant who installs an eligible heat pump at their primary residence.
48 An eligible applicant does not include a business, governmental subdivi-
49 sion, or other entity.

50 (b) "Eligible heat pumps" shall mean heat pumps that meet or exceed
51 the consortium for energy efficiency highest efficiency tier, not
52 including any advanced tier, in effect at the beginning of the year in

1 which the heat pump is installed at the eligible applicant's primary
2 residence.

3 3. The authority shall create a program, within existing appropri-
4 ations, to award rebates to eligible applicants for eligible heat pumps
5 in amounts up to two thousand dollars or thirty percent of the cost of
6 the heat pump, whichever is less.

7 4. The authority shall determine the rebate eligibility of each appli-
8 cant in accordance with the requirements of this section and rules
9 promulgated by the authority. The total amount of rebates allocated to
10 certified applicants in each fiscal year shall not exceed the amount of
11 funds available for the program in such fiscal year. Rebates shall be
12 allocated to applicants on a first-come, first-served basis, determined
13 by the date the application is received, until all appropriated funds
14 for the fiscal year are expended or the program ends, whichever comes
15 first.

16 5. The authority shall promulgate rules and regulations to implement
17 and administer the provisions of this section no later than two hundred
18 seventy days after the effective date of this section, including rules
19 and regulations relating to the types of equipment qualifying as eligi-
20 ble heat pumps under this section, the forms required to claim a rebate,
21 the required documentation and basis for establishing eligibility for a
22 rebate, procedures and guidelines for claiming a rebate and any other
23 requirements the authority deems necessary. In the course of developing
24 such rules and regulations, the authority shall consult with relevant
25 stakeholders. The authority shall conduct education and outreach, with
26 informational materials made available in at least English and the three
27 most common non-English languages spoken by individuals with limited-
28 English proficiency in the state of New York, based on United States
29 census data, as necessary to inform potential applicants and manufactur-
30 ers and retailers of heat pumps about the heat pump rebate program.

31 6. The authority shall determine and publish on its website on an
32 ongoing basis the amount of available funding for rebates remaining in
33 each fiscal year.

34 7. No later than two years after the effective date of this section,
35 and annually thereafter on the first of January, the authority shall
36 issue a report to the temporary president of the senate, the speaker of
37 the assembly, the chair of the senate committee on energy and telecommu-
38 nications and the chair of the assembly committee on energy detailing
39 the status of the heat pump rebate program. Such report shall include:

40 (a) the amount of funding dedicated by the authority for the program
41 in the preceding year;

42 (b) the amount of eligible purchases for which a rebate was awarded;

43 (c) the amount and geographic distribution of rebates; and

44 (d) any other information the authority deems necessary.

45 § 2. This act shall take effect immediately and shall expire and be
46 deemed repealed ten years after it shall have become a law.

47 PART HHH

48 Section 1. The financial services law is amended by adding a new
49 section 208 to read as follows:

50 § 208. Office of digital innovation, governance, integrity, and trust.

51 (a) The superintendent shall establish within the department the office
52 of digital innovation, governance, integrity, and trust.

53 (b) The office shall have the following functions, powers and duties:

1 (1) Registering developers who wish to do business in the state pursu-
2 ant to article forty-four-B of the general business law, and establish-
3 ing and maintaining a publicly available registry of entities registered
4 through the office, in addition to any disclosure statement submitted
5 pursuant to section fourteen hundred twenty-eight of the general busi-
6 ness law;

7 (2) Registering data brokers who wish to do business in the state
8 pursuant to section eighteen hundred one of the general business law,
9 and establishing and maintaining a publicly available registry of enti-
10 ties registered through the office and associated deletion portal, and
11 fulfilling the other duties set forth in article forty-eight of the
12 general business law;

13 (3) Providing guidance to consumers regarding their rights with
14 respect to automated decision-making systems, data brokers, and other
15 emerging technologies regulated by or registered with the office;

16 (4) Establishing, maintaining, and making publicly available a state-
17 wide inventory of all automated decision-making systems developed, used,
18 or procured by any state department, board, commission, agency or
19 authority;

20 (5) Developing, or assisting in the development of, statewide artifi-
21 cial intelligence policies and governance, including but not limited to:

22 (i) Developing and updating state policy and guidelines on the use,
23 procurement, development, and deployment of artificial intelligence in a
24 manner consistent with state laws;

25 (ii) Developing and updating a handbook regarding the use, study,
26 development, evaluation, and procurement of systems that use artificial
27 intelligence in a manner consistent with state and federal laws, and
28 national and international standards for use by the state's departments,
29 boards, commissions, agencies and authorities;

30 (iii) Developing a risk management plan, including procedures for
31 assessing and classifying risk levels for use of artificial intelligence
32 and automated decision-making systems by the state's departments,
33 boards, commissions, agencies and authorities;

34 (iv) Setting governance standards for oversight of artificial intelli-
35 gence and automated systems, and determining resource requirements for
36 responsible adoption, including, but not limited to, developing and
37 deploying employee training programs for safe and responsible use of
38 artificial intelligence;

39 (v) Ensuring public access requirements are established for the publi-
40 cation of information related to each state agency use of automated
41 systems and artificial intelligence; and

42 (vi) Establishing standards for human oversight of automated deci-
43 sion-making systems used by any state department, board, commission,
44 agency or authority, including a minimum requirement for human review
45 for consequential decisions.

46 (6) Establishing a mechanism for reporting critical safety incidents
47 involving artificial intelligence models in conformance with article
48 forty-four-B of the general business law; and

49 (7) Cooperating with and assisting the attorney general and the other
50 offices and personnel in the department in the carrying out of legal
51 enforcement responsibilities for the protection of consumers.

52 (c) For the purposes of this section, the following terms shall have
53 the following meanings:

54 (1) "Automated decision-making system" shall mean any software that
55 uses algorithms, computational models, or artificial intelligence tech-
56 niques, or a combination thereof, to materially automate or replace

1 human decision-making. "Automated decision-making system" shall not
2 include any software used primarily for basic computerized processes,
3 such as calculators, spellcheck tools, autocorrect functions, spread-
4 sheets, electronic communications, or any tool that relates only to
5 internal management affairs such as ordering office supplies or process-
6 ing payments, and that does not materially affect the rights, liberties,
7 benefits, safety or welfare of any individual within the state.

8 (2) "Consequential decision" means a decision or judgment that has a
9 material, legal or similarly significant effect on an individual's
10 access to, or the cost, terms, or availability of rights, liberties,
11 safety or welfare, including but not limited to: employment, workers'
12 management, or self-employment; education and vocational training; hous-
13 ing or lodging, including rental or short-term arrangements; family
14 planning, including adoption, reproductive services, and child protec-
15 tive services assessments; health care or health insurance, including
16 mental health care, dental, and vision; financial services; law enforce-
17 ment activities; or legal services.

18 (d) To effectuate the purposes of this section, the office may request
19 and receive from any department, division, board, bureau, commission or
20 other agency of the state or any political subdivision thereof, or any
21 public authority, such staff and other assistance, information, and
22 resources as will enable the office to properly carry out its functions,
23 powers and duties.

24 § 2. This act shall take effect immediately.

25 PART III

26 Section 1. Short title. This act shall be known and may be cited as
27 the "accelerate solar for affordable power (ASAP) act".

28 § 2. Legislative findings and intent. The legislature finds that
29 increasing distributed solar energy capacity and lowering intercon-
30 nection costs are essential for achieving the state's affordability,
31 economic development, and environmental goals. It is the intent of the
32 legislature to amend the climate leadership and community protection act
33 to set a new target for distributed solar energy capacity and direct the
34 public service commission to advance reforms to the utility intercon-
35 nection process to ensure timely and cost-effective integration of new
36 distributed energy resources, such as solar and energy storage systems,
37 into the electric distribution system.

38 § 3. Paragraph e of subdivision 13 of section 75-0103 of the environ-
39 mental conservation law, as added by chapter 106 of the laws of 2019, is
40 amended to read as follows:

41 e. Measures to achieve [~~six~~] twenty gigawatts of distributed solar
42 energy capacity installed in the state by two thousand [~~twenty-five~~]
43 thirty-five, nine gigawatts of offshore wind capacity installed by two
44 thousand thirty-five, a statewide energy efficiency goal of one hundred
45 eighty-five trillion British thermal units energy reduction from the two
46 thousand twenty-five forecast; and three gigawatts of statewide energy
47 storage capacity by two thousand thirty.

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

50 § 66-x. Interconnection reforms. 1. (a) Within ninety days of the
51 effective date of this section the commission shall issue an order
52 requiring every electric corporation to file a report with the commis-
53 sion which shall include itemized costs of completed upgrades to the
54 electric distribution system required in order to interconnect new

1 distributed energy resources in the prior calendar categorized by
2 upgrade type and equipment type annually by March thirty-first. Such
3 reports shall be accompanied by sufficient supporting documentation as
4 determined by the commission, and shall be subject to inspection and
5 public comment before adoption by the commission. Adopted reports
6 received pursuant to this paragraph shall be the basis for electric
7 corporations to develop future distribution upgrade cost estimates.

8 (b) Electric corporations shall track actual costs of all distribution
9 upgrades they perform and disclose such costs to the department and to
10 the distributed energy resource company that paid for the upgrade. The
11 department shall maintain a database on its publicly accessible website
12 of all disclosed cost data and annual reports submitted pursuant to
13 paragraph (a) of this subdivision.

14 2. The commission shall consider proposals to create greater cost-cer-
15 tainty for distribution upgrades in order to limit the risk of uncapped
16 utility cost overruns, and the commission shall issue an order to
17 increase cost-certainty and counteract utility cost overruns within one
18 hundred eighty days of the effective date of this section.

19 § 5. Subdivision 1 of section 66-j of the public service law is
20 amended by adding a new paragraph (j) to read as follows:

21 (j) "Flexible interconnection" means the use of smart-grid technology
22 to monitor and actively manage distributed energy resources.

23 § 6. Section 66-j of the public service law is amended by adding two
24 new subdivisions 2-a and 6-a to read as follows:

25 2-a. Flexible interconnection. (a) The commission shall direct every
26 electric corporation to develop a proposal for a flexible intercon-
27 nection program to be established in the state. Within ninety days of
28 the effective date of this subdivision, electric corporations with
29 active flexible interconnection pilot projects shall file a flexible
30 interconnection implementation plan, including proposed tariff modifica-
31 tions and interconnection agreement contract language, with the commis-
32 sion. The commission shall solicit public comments on the electric
33 corporation proposals, consider alternative proposals, convene at least
34 two technical conferences, and consult with stakeholders throughout the
35 process of program development. Every electric corporation which does
36 not have an active flexible interconnection pilot project shall file
37 comments in response to the initial proposal and may file alternative
38 proposals for consideration. Within one year of the effective date of
39 this subdivision, the commission shall issue an order establishing a
40 uniform statewide flexible interconnection program. Such program shall
41 include clearly defined limits to annual energy curtailment for solar
42 energy systems and shall include transparent pricing for customer-funded
43 equipment, software and operating expenses. This program shall be tech-
44 nology agnostic, and electric corporations must consider customer-pro-
45 posed flexible interconnection solutions that meet the technical
46 requirements of the electric corporation.

47 (b) The commission shall establish guidelines and timelines for the
48 implementation of flexible interconnection procedures to lower the cost
49 and shorten the timeline to integrate distributed energy resources.

50 6-a. Distributed energy resource capacity expansion. (a) Within three
51 months of the effective date of this subdivision, the commission shall
52 establish a distribution system investment program whose purpose is to
53 identify and direct electric corporations to implement proactive
54 distribution upgrades that create distributed energy resource hosting
55 capacity. Such program shall be integrated into the coordinated grid
56 planning process, and electric corporations shall submit annual reports

1 to the commission detailing actions taken and electric corporation
2 investments made to expand hosting capacity for distributed energy
3 resources.

4 (b) The commission shall establish a defined distribution system volt-
5 age threshold of 69KV, excluding any lines under federal energy regula-
6 tory commission jurisdiction, such that electric infrastructure owned by
7 electric corporations with a voltage at or below 69KV shall be consid-
8 ered distribution for the purposes of distributed energy resource inter-
9 connection and distributed energy resource compensation. All distributed
10 energy resources seeking to interconnect to the distribution system
11 shall be eligible for interconnection under the New York state standard-
12 ized interconnection requirements and shall be eligible for compensation
13 under the value of distributed energy resources tariff.

14 § 7. Implementation. 1. The New York state energy research and devel-
15 opment authority (NYSERDA), in collaboration with the department of
16 public service, is hereby directed to file a proposal to continue the
17 NY-Sun program to develop and implement initiatives necessary to cost-
18 effectively achieve the new distributed solar goal set forth in this
19 act. The implementation plan shall include incentives and other initi-
20 atives to support rooftop solar for homes and businesses as well as
21 community solar, with at least thirty-five percent of program investment
22 benefiting low- to moderate-income households and disadvantaged communi-
23 ties. The implementation plan may include rate design improvements and
24 additional interconnection reforms to lower the cost of the program.

25 2. From available funds, the public service commission is hereby
26 directed to issue an order authorizing additional funding to NYSERDA for
27 the continuation of the NY-Sun program. Such funding shall be sufficient
28 to support the development and implementation of the initiatives
29 required to meet the new distributed solar goal. NY-Sun funding may be
30 authorized by the commission in increments to control program costs,
31 provided that these increments must be sufficient to support at least
32 two gigawatts of solar energy capacity each. The commission shall ensure
33 that the NY-Sun program operates continuously, without interruption,
34 until the distributed solar goal is reached.

35 3. The public service commission is hereby directed to issue orders
36 necessary to effectuate the provisions and modifications set forth in
37 this act.

38 § 8. This act shall take effect immediately.

39 PART JJJ

40 Section 1. Section 1 of part I of chapter 413 of the laws of 1999
41 relating to providing for mass transportation payments, as amended by
42 section 1 of part B of chapter 58 of the laws of 2025, is amended to
43 read as follows:

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

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

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

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

	Percentage of Matching Payment
12	
13	
14 Local Jurisdiction	
15 -----	
16 In the Metropolitan Commuter	
17 Transportation District:	
18 New York City	6.40
19 Dutchess	1.30
20 Nassau	39.60
21 Orange	0.50
22 Putnam	1.30
23 Rockland	0.10
24 Suffolk	25.70
25 Westchester	25.10
26 In the Capital District Trans-	
27 portation District:	
28 Albany	54.05
29 Rensselaer	22.45
30 Saratoga	3.95
31 Schenectady	15.90
32 Montgomery	1.44
33 Warren	2.21
34 In the Central New York Re-	
35 gional Transportation Dis-	
36 trict:	
37 Cayuga	5.05
38 Onondaga	74.94
39 Oswego	2.82
40 Oneida	16.02
41 Cortland.....	1.17
42 In the Rochester-Genesee Reg-	
43 ional Transportation	
44 District:	
45 Genesee	1.36 <u>1.35</u>
46 Livingston90
47 Monroe	90.14 <u>89.75</u>
48 Wayne98
49 Wyoming51
50 Seneca64
51 Orleans77

1 Ontario [~~4.69~~] 4.67
2 Yates45

3 In the Niagara Frontier Trans-
4 portation District:
5 Erie 89.20
6 Niagara 10.80

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

16 Notwithstanding the reporting date provision of section 17-a of the
17 transportation law, the reports of each regional transportation authori-
18 ty and other major public transportation systems receiving mass trans-
19 portation operating assistance shall be submitted on or before July 15
20 of each year in the format prescribed by the commissioner of transporta-
21 tion. Copies of such reports shall also be filed with the chairpersons
22 of the senate finance committee and the assembly ways and means commit-
23 tee and the director of the budget. The commissioner of transportation
24 may withhold future state operating assistance payments to public trans-
25 portation systems or private operators that do not provide such reports.

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

37 The commissioner of transportation shall be required to annually eval-
38 uate the operating and financial performance of each major public trans-
39 portation system. Where the commissioner's evaluation process has iden-
40 tified a problem related to system performance, the commissioner may
41 request the system to develop plans to address the performance deficien-
42 cies. The commissioner of transportation may withhold future state oper-
43 ating assistance payments to public transportation systems or private
44 operators that do not provide such operating, financial, or other infor-
45 mation as may be required by the commissioner to conduct the evaluation
46 process.

47 Payments shall be made contingent upon compliance with regulations
48 deemed necessary and appropriate, as prescribed by the commissioner of
49 transportation and approved by the director of the budget, which shall
50 promote the economy, efficiency, utility, effectiveness, and coordinated
51 service delivery of public transportation systems. The chief executive
52 officer of each public transportation system receiving a payment shall
53 certify to the commissioner of transportation, in addition to informa-
54 tion required by section 18-b of the transportation law, such other

1 information as the commissioner of transportation shall determine is
2 necessary to determine compliance and carry out the purposes herein.

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

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

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

38 In the event that an audit of a public transportation system or
39 private operator receiving funds discloses the existence of an overpay-
40 ment of state operating assistance, regardless of whether such an over-
41 payment results from an audit of revenue passengers and the actual
42 number of revenue vehicle miles statistics, or an audit of private oper-
43 ators in cases where more than a reasonable return based on equity or
44 operating revenues and expenses has resulted, the commissioner of trans-
45 portation, in addition to recovering the amount of state operating
46 assistance overpaid, shall also recover interest, as defined by the
47 department of taxation and finance, on the amount of the overpayment.

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

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

6 § 2. This act shall take effect immediately and shall be deemed to
7 have been in full force and effect on and after April 1, 2026.

8

PART KKK

9 Section 1. Paragraphs (d) and (f) of subdivision 2-a of section 1269-b
10 of the public authorities law, paragraph (d) as added by section 1 of
11 part LLL of chapter 58 of the laws of 2022, the closing paragraph of
12 paragraph (d) as amended and paragraph (f) as added by section 1 of part
13 CCC of chapter 58 of the laws of 2023, are amended and two new para-
14 graphs (h) and (i) are added to read as follows:

15 (d) At a minimum, individual capital project data for all projects
16 that are committed for construction shall be included in a capital
17 program dashboard maintained by the authority on its website. Any summa-
18 ry views provided on the website shall include the original budgets at
19 the time of project commitment when scope and budget are defined,
20 project scopes, and schedules, in addition to current or amended budg-
21 ets, project scopes, and schedules. Data pertaining to individual
22 projects shall include, but not be limited to:

23 (i) the capital project identification number delineated by agency,
24 category, element and project as used in the capital program;

25 (ii) the capital plan years;

26 (iii) the agency or authority undertaking the project;

27 (iv) a project description;

28 (v) the project location where appropriate;

29 (vi) the capital needs code of the project, such as state of good
30 repair, normal replacement, system improvement, system expansion or
31 other category;

32 (vii) budget information including the original budget at the time of
33 project commitment when scope and budget are defined, all amendments,
34 the current budget and planned annual allocations; [~~and~~]

35 (viii) a schedule for project delivery including original, amended and
36 current start and completion dates as projects develop at each phase[~~+~~];

37 (ix) a listing of all contract numbers, vendors, and contractors and
38 subcontractors associated with the project;

39 (x) all sources of funding for the project; and

40 (xi) coding regarding whether the project is related to accessibility,
41 resiliency, or state of good repair.

42 The status of projects shall be provided and state the current phase
43 of the project, such as planning, design, construction or completion,
44 and shall state how far the project has progressed as measured in
45 percentage by expenditure. The dashboard shall measure progress based on
46 original budgets at the time of project commitment when scope and budget
47 are defined. At a minimum, all changes to planned budgets of greater
48 than ten percent, significant project scope or a three month or more
49 change in schedule shall be provided in narrative form and describe the
50 reason for each change or amendment. The dashboard shall include a glos-
51 sary or data dictionary which contains plain language descriptions of
52 the data, including individual project data, and any other information
53 provided on the dashboard. The authority shall provide a definition of
54 resiliency in the glossary or data dictionary. The dashboard shall be

1 updated, at a minimum, on a quarterly basis, and all data fields avail-
2 able on the dashboard shall be made available for download on the
3 authority's website in a single tabular data file in a common, machine
4 readable format. Capital dashboard data shall also be made available on
5 the data.ny.gov website or such other successor website maintained by,
6 or on behalf of, the state, as deemed appropriate by the New York state
7 office of information technology services under executive order number
8 ninety-five of two thousand thirteen, or any successor agency or order.

9 (f) The authority shall create and maintain a separate section on its
10 capital program dashboard website for projects related to state of good
11 repair, accessibility [✕] resiliency, and projects prioritized for the
12 year. Information on this website shall be updated quarterly.

13 (g) For the purposes of this subdivision, "accessibility" shall mean
14 projects regarding elevators, escalators, or other projects related to
15 compliance with the federal Americans with Disabilities Act of 1990, as
16 amended, and corresponding guidelines, and "resiliency" shall have the
17 same meaning as defined by the authority in its twenty-year needs
18 assessment as required by subdivision c of section twelve hundred
19 sixty-nine-c of this title.

20 (h) For the purposes of this subdivision, all sources of funding
21 shall be specified as from the state of New York, the federal govern-
22 ment, the city of New York, the authority, or any other relevant source.
23 Funding from the state of New York shall further specify whether it has
24 been obtained from the central business district tolling lockbox as
25 established by section five hundred fifty-three-j of this chapter or any
26 successor fund or account provided by law.

27 (i) The authority shall create and maintain on its website a publicly
28 accessible database describing the condition of capital assets identi-
29 fied in the authority's twenty-year needs assessment. Such database
30 shall identify for each capital element the condition of such element
31 categorized as poor, marginal, adequate, good or excellent and shall
32 include the estimated cost and time required to achieve a state of good
33 repair. The database shall be updated at least biennially and shall be
34 linked from the capital program dashboard.

35 § 2. To the extent practicable, the authority shall provide the infor-
36 mation required in accordance with subdivision 2-a of section 1269-b of
37 the public authorities law as amended by section one of this act for
38 every capital program plan it has undertaken within one year of the
39 effective date of this section.

40 § 3. This act shall take effect immediately.

41 PART LLL

42 Section 1. The agriculture and markets law is amended by adding a new
43 article 26-D to read as follows:

44 ARTICLE 26-D

45 FARM SECURITY RESILIENCY GRANT AWARDS

46 Section 440. Definitions.

47 441. Farm security resiliency grant board.

48 442. Powers and duties of the board.

49 443. Application process.

50 444. Grant awards.

51 445. Reporting.

52 § 440. Definitions. For purposes of this article, the following terms
53 shall have the following meanings:

1 1. "Farm security resiliency grant board", or "board", shall mean the
2 farm security resiliency grant board established pursuant to section
3 four hundred forty-one of this article.

4 2. "Eligible weather condition" shall mean any of the following weath-
5 er conditions:

6 (a) high winds;

7 (b) excessive moisture or precipitation, including hail, flooding, or
8 excessive snowfall;

9 (c) prolonged lack of precipitation, including drought;

10 (d) extreme temperatures including heat or freeze conditions;

11 (e) widespread fire; or

12 (f) any other severe weather or growing condition determined by the
13 board to substantially impact agricultural income.

14 3. "Eligible losses" shall mean income lost or costs incurred as a
15 result of eligible weather conditions, including:

16 (a) lost wages or other compensation;

17 (b) lost income from destroyed crops, livestock, or other agricultural
18 products;

19 (c) debt payment or other ongoing costs;

20 (d) costs of replanting;

21 (e) costs of replacing livestock feed;

22 (f) infrastructure or equipment repair or replacement costs;

23 (g) farm road or access road repair costs;

24 (h) other losses as determined by the commissioner in consultation
25 with the review board.

26 4. "Farm employer" shall have the same meaning as such term is defined
27 in section three hundred thirty-four of this chapter.

28 § 441. Farm security resiliency grant board. 1. There shall be estab-
29 lished within the department the farm security resiliency grant board
30 for purposes of advising the commissioner regarding the program estab-
31 lished pursuant to this article.

32 2. The board shall consist of eight members selected for their experi-
33 ence and expertise related to areas of board responsibility and
34 comprised of diverse members of the agriculture industry, and shall
35 include:

36 (a) the commissioner or the commissioner's designee;

37 (b) the commissioner of the division of homeland security and emergen-
38 cy services or such commissioner's designee;

39 (c) three representatives of agricultural organizations with demon-
40 strated experience offering technical assistance to or advocacy on
41 behalf of farmers, to be appointed by the commissioner;

42 (d) two current farmers, to be appointed by the commissioner who own,
43 control or operate farms that are less than five-hundred acres; and

44 (e) one member with significant professional experience in crop insur-
45 ance, to be appointed by the commissioner.

46 3. Members of the board shall serve without salary but shall be enti-
47 tled to reimbursement of their ordinary and necessary travel expenses.

48 4. The terms of office of members of the board shall be three years.
49 Members of the board may be reappointed for additional terms by the
50 commissioner. Vacancies shall be filled by the commissioner for the
51 remainder of the unexpired term and may be reappointed for additional
52 terms by the commissioner.

53 5. A majority of appointed members of the board shall constitute a
54 quorum.

55 6. The board shall meet at least quarterly and may meet additionally
56 upon request of the commissioner.

1 § 442. Powers and duties of the board. The board shall advise the
2 commissioner on matters relating to the program established pursuant to
3 this article, including but not limited to sharing feedback from
4 impacted parties including farmers and agricultural organizations and
5 making recommendations related to program administration and efficiency.

6 § 443. Application process. 1. The commissioner shall develop an
7 application form and process for farm employers to seek grant awards
8 under this article. The application form developed pursuant to this
9 subdivision shall include, but not be limited to, the following informa-
10 tion:

11 (a) A description of the damage that occurred, and documentation ther-
12 eof;

13 (b) An attestation that an eligible weather condition or event
14 occurred, and documentation;

15 (c) An estimate of eligible losses, including documentation as
16 required by the commissioner with respect thereto;

17 (d) A year-end report of farm income and expenses from schedule F of
18 United States Internal Revenue Form 1040 for the previous calendar year;

19 (e) Documentation of any other funds sought or acquired related to the
20 eligible weather condition or eligible losses, such as insurance;

21 (f) Documentation of any crop insurance policies held;

22 (g) Documentation evidencing the acreage of the farm; and

23 (h) Any other documentation that the commissioner may require.

24 2. Applications for a grant award under this article shall be made to
25 the commissioner. Such applications may be made at any time and shall be
26 processed in the order such application was received. Applications shall
27 be accepted until all appropriated funds for grant awards pursuant to
28 this article have been awarded for the applicable year.

29 3. Only applicants who own, control or operate farms that are five-
30 hundred acres or less shall be eligible to apply. Applications for farms
31 exceeding such five-hundred acre threshold shall be deemed ineligible
32 and shall be automatically denied.

33 § 444. Grant awards. 1. Upon receipt of an application for a grant
34 award pursuant to this article, the commissioner shall make a determi-
35 nation regarding the approval, disapproval, or modification of a grant
36 award within thirty calendar days of such receipt, provided such appli-
37 cation is administratively complete.

38 2. In making such determinations, the commissioner may modify the
39 amount of the grant award from the amount requested.

40 3. Within the amount of monies appropriated for such purpose, the
41 commissioner shall award grants to farm employers that have incurred
42 substantial eligible losses as a result of eligible weather conditions.

43 4. Grants awarded pursuant to this section shall reimburse a farm
44 employer for up to fifty percent of uninsured or otherwise uncovered
45 eligible losses due to eligible weather conditions up to a maximum award
46 of one hundred fifty thousand dollars per applicant per year.

47 5. Grants awarded pursuant to this section shall be distributed to
48 awardees in a timely manner consistent with all applicable laws and
49 regulations.

50 6. Applicants whose applications are not approved shall receive a
51 written explanation from the commissioner of the reasons why such appli-
52 cation was not approved.

53 § 445. Reporting. 1. By April first of each calendar year, the board
54 shall submit an annual report to the governor and the legislature which
55 includes, but need not be limited to:

1 (a) The total amount of grants awarded pursuant to this article within
2 the previous calendar year;

3 (b) Information regarding the application process, including but not
4 limited to the number of applications received and the number of appli-
5 cations that were approved in the previous calendar year; and

6 (c) Any recommendations for improving the functioning of the program,
7 including ways to improve accessibility for potential applicants.

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

10

PART MMM

11 Section 1. Section 15 of the transportation law, subdivision 2 as
12 amended by chapter 524 of the laws of 2005 and subdivision 3 as amended
13 by chapter 1064 of the laws of 1969, is amended to read as follows:

14 § 15. Comprehensive statewide master plan for transportation. 1. The
15 department shall formulate [~~and from time to time revise~~] a long-range
16 comprehensive statewide master plan for the balanced development and
17 coordination of adequate, safe and efficient commuter and general trans-
18 portation facilities and services in the state at reasonable cost to the
19 people, including, but not limited to, state and local highways[7] and
20 bridges under the jurisdiction of the commissioner, bicycle and pedes-
21 trian facilities on such state highways and bridges, rapid transit,
22 freight and passenger railroad, omnibus, marine and other mass transpor-
23 tation facilities and services, excluding rapid transit, railroad, omni-
24 bus, marine and other mass transportation facilities and services under
25 the jurisdiction of either the metropolitan transportation authority as
26 defined in section two hundred nineteen-c of this chapter or a bi-state
27 public benefit corporation, and public use aviation and airport facili-
28 ties and services[7] whether publicly or privately owned, developed,
29 operated or maintained, excluding airports operated by a bi-state public
30 benefit corporation. Such plan shall include a minimum twenty-year
31 forecast period at the time of adoption, assess long-range needs span-
32 ning such period, include a forecast of pavement and bridge conditions
33 of state and local highways and bridges under the jurisdiction of the
34 commissioner, and take into consideration:

35 a. the most recent twenty-year transportation plan adopted by each
36 metropolitan planning organization within the state pursuant to subpart
37 C of part 450 of title 23 of the code of federal regulations; and

38 b. the most recent long-range statewide transportation plan and state-
39 wide transportation improvement program developed by the state pursuant
40 to subpart B of part 450 of title 23 of the code of federal regulations.

41 2. The department shall submit such plan to the governor, the tempo-
42 rary president of the senate, the speaker of the assembly and to the
43 department of state on or before September first, [~~nineteen hundred~~
44 ~~sixty-eight, and thereafter shall submit appropriate revisions of such~~
45 ~~plan~~] two thousand twenty-seven. The department shall review and update
46 such plan at least every five years to extend the forecast period to at
47 least twenty years, provided that the department may revise such plan at
48 any other time without extending such forecast period. The department
49 shall submit all such revised and updated plans to the governor, the
50 temporary president of the senate, the speaker of the assembly and to
51 the department of state [~~from time to~~] at the time [~~as~~] such revisions
52 are made. The department of state shall review such plan and such
53 revisions and shall submit a report thereon, together with such recom-
54 mendations as it may deem appropriate, to the governor, the temporary

1 president of the senate and the speaker of the assembly. Such plan and
2 such revisions shall become effective upon approval by the governor
3 [~~and~~], shall serve thereafter as a guide to the public and publicly
4 assisted development of transportation facilities and services in the
5 state, and the department shall maintain hard copies of the most recent
6 version of such plan and revisions thereto on file as a public document
7 in the office of the commissioner and at each regional office of the
8 department.

9 3. In formulating such plan and any such revisions, the department:

10 a. shall conduct [~~one or more~~] at least one public [~~hearings~~] hearing
11 in each department region;

12 b. may consult with and cooperate with (i) officials of departments
13 and agencies of the state having duties and responsibilities concerning
14 transportation;

15 (ii) officials and representatives of public corporations as defined
16 in [~~article one, section three of the general corporation~~] section
17 sixty-five of the general construction law;

18 (iii) officials and representatives of the federal government, of
19 neighboring states and of interstate agencies on problems affecting
20 transportation in this state;

21 (iv) officials and representatives of carriers and transportation
22 facilities and systems in the state; and

23 (v) persons, organizations and groups utilizing, served by, interested
24 in or concerned with transportation facilities and systems in the state;

25 c. may request and receive from any department, division, board,
26 bureau, commission or other agency of the state or any political subdi-
27 vision thereof or any public authority such assistance and data as may
28 be necessary to enable the department to carry out its responsibilities
29 under this section; and

30 d. may make use of and incorporate in the department's plan, any
31 recognized long-range regional plan for transportation, survey or report
32 developed by any public or private agency.

33 4. The department shall maintain on its public website the proposed
34 and adopted long-range comprehensive statewide master plan and all
35 proposed and adopted revisions thereto, and shall provide a means on
36 such website for the public to submit comments thereon to the depart-
37 ment.

38 § 2. Subdivision 13 of section 14 of the transportation law, as added
39 by chapter 420 of the laws of 1968, is amended to read as follows:

40 13. To report from time to time to the governor and make an annual
41 report to the governor and the legislature which shall include its
42 recommendations. Additionally, the commissioner shall submit a report to
43 the governor, the temporary president of the senate, and the speaker of
44 the assembly, beginning September first, two thousand twenty-seven and
45 semi annually thereafter, including a list of those capital projects in
46 the department's capital program that have experienced major schedule
47 changes or major cost changes in letting schedule or construction cost,
48 including projects that were eliminated and projects that were added,
49 since the adoption of the most recent state budget. For each project the
50 report shall include the project identification number and description,
51 original and revised letting dates, original and revised construction
52 costs, and a detailed explanation of why the changes occurred. For the
53 purposes of this subdivision, the term "major schedule changes" is
54 defined as a twelve-month or more delay in the letting date of a
55 project, and the term "major cost changes" is defined as one of the
56 following as applicable: a greater than fifty percent change for

1 projects fifteen million dollars or less, and a greater than twenty-five
2 percent change for projects in excess of fifteen million dollars.

3 § 3. This act shall take effect immediately.

4 PART NNN

5 Section 1. The public service law is amended by adding a new article
6 7-B to read as follows:

7 ARTICLE 7-B

8 EXCELSIOR POWER PROGRAM

9 Section 135-p. Excelsior power program.

10 § 135-p. Excelsior power program. Within sixty days of the effective
11 date of this section, the commission shall commence a proceeding to
12 implement the excelsior power program that shall direct gas corpo-
13 rations, electric corporations, combination electric and gas corpo-
14 rations, and the Long Island power authority to create a smart thermo-
15 stat program that provides a monthly bill credit of at least twenty-five
16 dollars a month to enrolled customers with a smart thermostat. The
17 commission within such proceeding shall require the following criteria
18 for the excelsior power program:

19 1. enrollment criteria that clearly state in plain language that the
20 program is opt-in only;

21 2. a mechanism for customers to easily unenroll if they no longer wish
22 to participate;

23 3. education for customers on how frequently adjustments are likely to
24 be made to their smart thermostat and including but not limited to a
25 maximum bandwidth of temperature adjustments;

26 4. protections for customer data;

27 (a) Any customer data collected pursuant to such excelsior power
28 program shall only include personal identifying information necessary to
29 effectively administer this program.

30 (b) No customer data collected pursuant to this program may be sold or
31 shared, except as set forth in paragraph (c) of this subdivision.

32 (c) Participating customer data may be shared with law enforcement
33 only pursuant to a valid judicial warrant or judicial subpoena.

34 (d) Customer data must be safely stored and securely encrypted, along
35 with any other additional cybersecurity protections the commission deems
36 necessary to protect customers and customer data;

37 5. a mechanism for customers to override the thermostat during extreme
38 heat or cold events without penalty;

39 6. identification of the smart thermostats that are eligible for the
40 program;

41 7. outreach to customers living in disadvantaged communities as
42 defined by subdivision five of section 75-0101 of the environmental
43 conservation law, and low to moderate income customers;

44 8. a clear framework that prioritizes decreasing load from non-resi-
45 dential, commercial, and industrial customers prior to adjusting partic-
46 ipating residential customers' load;

47 9. customer notice prior to temperature adjustments;

48 10. clear identification of the parameters for when customers can
49 expect temperature adjustments to occur; and

50 11. any other requirements the commission deems appropriate for such
51 program.

52 § 2. Reporting requirements. Beginning December 31, 2027 and for as
53 long as the excelsior power program is active, an annual report shall be
54 issued by the public service commission to the governor, the temporary

1 president of the senate and the speaker of the assembly and made public-
2 ly available on the public service commission's website.

3 § 3. Funding for the excelsior power program shall be subject to the
4 amount of monies appropriated for such purpose. The public service
5 commission may commit additional existing monies to the excelsior power
6 program if it determines it is appropriate to maintain or grow such
7 program.

8 § 4. This act shall take effect immediately.

9

PART 000

10 Section 1. Subdivision (h) of section 1174-a of the vehicle and traf-
11 fic law, as added by chapter 145 of the laws of 2019, is amended to read
12 as follows:

13 (h) Adjudication of the liability imposed upon owners by this section
14 shall be by a traffic violations bureau established pursuant to section
15 three hundred seventy of the general municipal law where the violation
16 occurred or, if there be none, by the court having jurisdiction over
17 traffic infractions where the violation occurred, except that if a city
18 has established an administrative tribunal to hear and determine
19 complaints of traffic infractions constituting parking, standing or
20 stopping violations such city may, by local law, authorize such adjudi-
21 cation by such tribunal. For courts having jurisdiction over traffic
22 infractions where the violation occurred that adjudicate liability
23 imposed upon owners by this section, a notice of liability validly
24 imposed in accordance with subdivision (g) of this section shall be
25 valid for purposes of such court adjudicating such liability as if it
26 was a uniform traffic ticket or simplified traffic information, and such
27 court shall adjudicate such liability in a manner not inconsistent with
28 sections two hundred forty and two hundred forty-one of this chapter,
29 provided that subsequent judicial review may be sought pursuant to arti-
30 cle seventy-eight of the civil practice law and rules. Notwithstanding
31 any inconsistent provision, such courts may adjudicate such liability
32 remotely.

33 § 2. This act shall take effect immediately; provided, however, that
34 the amendments to subdivision (h) of section 1174-a of the vehicle and
35 traffic law made by section one of this act shall not affect the repeal
36 of such section and shall be deemed repealed therewith.

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

46 § 3. This act shall take effect immediately provided, however, that
47 the applicable effective date of Parts A through 000 of this act shall
48 be as specifically set forth in the last section of such Parts.