

STATE OF NEW YORK

3008--B

IN SENATE

January 22, 2025

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 the executive law, in relation to the Waterfront Commission Act (Part A); to amend part I of chapter 413 of the laws of 1999 relating to providing for mass transportation payments in relation to the amount of payments in the Central New York Regional Transportation District and adding Cortland County to such District (Part B); to amend chapter 368 of the laws of 2019 amending the vehicle and traffic law and state finance law relating to establishing a pre-licensing course internet program, in relation to extending the effectiveness thereof; and to amend the vehicle and traffic law, in relation to the pre-licensing course internet program (Part C); to amend the vehicle and traffic law, in relation to abandoned vehicles (Part D); intentionally omitted (Part E); intentionally omitted (Part F); to amend the vehicle and traffic law, in relation to requiring that all limited use motorcycles sold in the state of New York be registered (Part G); intentionally omitted (Part H); to amend part PP of chapter 54 of the laws of 2016, amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending provisions of law relating to certain tax increment financing provisions; 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, to preparing a comparison of the metropolitan transportation corporation's performance and to maintaining a database of capital needs; and directing the metropolitan transportation corporation to publish a planned scheduling for any projects included in its capital program plan (Part I); to amend chapter 929 of the laws of 1986 amending the tax law and other laws relating to the metropolitan transportation authority, in relation to extending certain provisions thereof applicable to the resolution of labor disputes (Part J); to amend the

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

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public authorities law, in relation to acquisitions or transfers of property for certain transit projects; and to amend part VVV of chapter 58 of the laws of 2020 amending the public authorities law relating to acquisitions or transfers of property for transit projects, in relation to the effectiveness thereof (Part K); intentionally omitted (Part L); to amend the state finance law, in relation to providing funding for the metropolitan transportation authority 2025-2029 capital program (Part M); intentionally omitted (Part N); to amend the vehicle and traffic law, in relation to bus operation-related traffic regulations (Part O); intentionally omitted (Part P); to amend the vehicle and traffic law and the public officers law, in relation to the speed violation photo monitoring systems program in work zones including authorizing a photo monitoring program for the Triborough bridge and tunnel authority and New York state bridge authority; to amend the state finance law, in relation to establishing a work zone speed camera administration fund; to amend chapter 421 of the laws of 2021 amending the vehicle and traffic law and the general municipal law relating to certain notices of liability, in relation to making such provisions permanent; and providing for the repeal of certain provisions upon expiration thereof (Part Q); to amend the penal law and the vehicle and traffic law, in relation to expanding enhanced assault protection for motor vehicle license examiners, motor vehicle representatives, highway workers, motor carrier investigators, motor carrier inspectors, operators of passenger commuter ferries, and triborough bridge and tunnel authority workers (Part R); to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part S); to amend the public authorities law, in relation to authorizing the Olympic regional development authority to enter into agreements for membership of one or more of its ski venues in reciprocal ski pass programs where such members are required to guarantee contractual indemnity up to a capped amount (Part T); to amend the general business law, in relation to artificial intelligence companion models (Part U); intentionally omitted (Part V); to amend the general business law, in relation to automatic renewals (Part W); to amend the general business law, in relation to requiring disclosure of algorithmically set prices and prohibiting certain online retailers from altering prices during a day due to dynamic pricing (Part X); to amend the banking law, in relation to the regulation of buy-now-pay-later lenders (Part Y); to amend the insurance law, in relation to disclosure of pharmacy benefit manager rebate contracts (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); to amend the New York state urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part EE); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to extending loan powers (Part FF); to amend part BB of chapter 58 of the laws of 2012, amending the public authorities law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to the effectiveness thereof (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); to

amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the effectiveness thereof (Part KK); to amend the state finance law, in relation to the excelsior linked deposit program (Part LL); to amend the state finance law and the public authorities law, in relation to purchasing thresholds (Part MM); intentionally omitted (Part NN); to amend the agriculture and markets law, in relation to farmland protection (Part OO); to amend the environmental conservation law, in relation to extending the waste tire management fee for two years and removing the exclusion for mail order sales (Part PP); to amend chapter 55 of the laws of 2021 amending the environmental conservation law relating to establishing a deer hunting pilot program, in relation to making such provisions permanent (Part QQ); to amend the environmental conservation law, the state finance law and the public authorities law, in relation to the inactive hazardous waste disposal site program (Part RR); to amend the general business law, in relation to requiring the recall of any sold or distributed firefighting personal protective equipment containing intentionally added PFAS (Part SS); to amend the environmental conservation law, the parks, recreation and historic preservation law and the executive law, in relation to authorizing the attorney general to approve certain titles for conservation purposes (Subpart A); and to amend the tax law, in relation to exemptions for any not-for-profit tax exempt corporation operated for conservation, environmental, parks or historic preservation purposes (Subpart B) (Part TT); to amend the environmental conservation law, in relation to extending certain provisions relating to the department of environmental conservation's regulation of crabs, and to prohibiting the taking of horseshoe crabs for commercial and biomedical purposes (Part UU); in relation to authorizing the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation, and to supplement EmPower Plus Program, from an assessment on gas and electric corporations (Part VV); to amend abandoned property law, in relation to ensuring ESCOs are subject to the same consumer protection regulations regarding unclaimed deposits and refunds currently facing utility companies (Part WW); to authorize utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of state, the office of parks, recreation and historic preservation, and the department of environmental conservation from utility assessment revenues; to amend the public service law, in relation to prohibiting rate increases to recover certain operating expenses; and providing for the repeal of certain provisions upon expiration thereof (Part XX); to amend the general business law, in relation to increasing and redirecting civil penalties for failing to comply with the department of public service's prescribed rules and regulations established for the protection of underground facilities (Part YY); to amend the tax law, in relation to authorizing the department of taxation and finance to disclose certain information to the department of environmental conservation or the New York state energy research and development authority for the purpose of implementing the New York state climate leadership and community protection act (Part ZZ); to amend the vehicle and traffic law, in relation to establishing and providing

distinctive license plates for gold star families (Part AAA); and establishing a commission to ensure the replacement of the statue of Robert R. Livingston in the National Statuary Hall of the United States Capitol with a statue of Harriet Tubman (Part BBB); to amend the general business law, the agriculture and markets law, and the public health law, in relation to food and food product advertising (Part CCC); to amend the agriculture and markets law, in relation to establishing the sanitary retail food store grant program (Part DDD); to amend the public service law, the public authorities law, the transportation corporations law and the labor law, in relation to enacting the NY Home Energy Affordable Transition Act; to repeal section 66-b of the public service law relating to continuation of gas service; and to repeal section 66-g of the public service law relating to the sale of indigenous natural gas for generation of electricity (Part EEE); to amend the executive law, in relation to enacting the climate resilient New York act of 2025 (Part FFF); to amend the environmental conservation law, in relation to the availability of technical assistance grants in brownfield site remedial programs (Part GGG); to amend the environmental conservation law and the state finance law, in relation to the disposition of certain fees and penalties (Part HHH); to amend the environmental conservation law and the state finance law, in relation to enacting the "harmful algal bloom monitoring and prevention act" (Part III); 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 JJJ); to amend the environmental conservation law, in relation to climate corporate data accountability; and to amend the state finance law, in relation to establishing the climate accountability and emissions disclosure fund (Part KKK); to amend the environmental conservation law, in relation to establishing the safe water infrastructure action program (Part LLL); 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 MMM); to amend the environmental conservation law, in relation to a smart irrigation device rebate pilot program in Nassau and Suffolk counties; and providing for the repeal of such provisions upon the expiration thereof (Part NNN); to amend the environmental conservation law, in relation to environmental restoration projects; and to repeal certain provisions of such law relating thereto (Part OOO); 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 PPP); to amend the public authorities law, in relation to establishing a floating solar incentive and education program (Part QQQ); to amend the public service law and the public authorities law, in relation to advancing grid enhancement technologies (Part RRR); to amend the executive law, in relation to reciprocal minority and women-owned business enterprise certification (Part SSS); to amend the public service law, in relation to requiring certain utilities to adopt the common equity ratio and rate of return on equity authorized by the public service commission (Part TTT); to amend the insurance law, in relation to requiring coverage of asthma inhalers at no cost (Part UUU); to amend the public authorities law and the general municipal law, in relation to the procurement of electric-powered buses, vehicles or other

related equipment (Part VVV); establishing a New York state public bank commission to study the benefits of a public bank or network of public banks owned by the state of New York or by a public authority constituted by the state of New York; making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof (Part WWW); to repeal subdivision 6 of section 51 of the public authorities law, relating to voting by members of the New York state authorities control board (Part XXX); directing empire state development, in conjunction with the office of general services, to create plans for the development of mixed-use commercial and residential property on a certain portion of the Harriman campus, and for redesign of the Harriman campus (Part YYY); to amend the insurance law, in relation to establishing a captive insurance program for commuter vans, black cars, ambulettes and paratransit vehicles, and small school buses (Part ZZZ); to amend the public authorities law, in relation to directing the Metropolitan Transportation Authority to expand the Fair Fares NYC program to include travel on the Long Island Rail Road or Metro-North Railroad within the city of New York (Subpart A); to amend the public authorities law, in relation to directing the Long Island Rail Road, Metro-North Railroad and New York city transit authority to offer a monthly optional discounted ticket (Subpart B); and to amend the public authorities law, in relation to directing the Long Island Rail Road and Metro-North Railroad to develop a lower cost, intra-city combination ticket for certain individuals during peak and non-peak hours (Subpart C)(Part AAAA); to amend the public authorities law, in relation to enacting the "Make Transit Affordable Act" (Part BBBB); to amend subpart A of part TT of chapter 58 of the laws of 2024, amending the economic development law and the urban development corporation act relating to establishing the New York state empire artificial intelligence research program and the empire AI consortium, and relating to the plan of operation and financial oversight of the empire AI consortium, in relation to making permanent certain provisions thereof; and to amend the economic development law, in relation to the empire AI research institute at the university of Buffalo (Part CCCC); to amend the environmental conservation law, in relation to returnable bottles; to direct the multi-agency bottle bill fraud investigation team to submit a report on findings of pervasive bottle redemption fraud in New York state; and to repeal section 27-1018 of such law relating to the beverage container assistance program (Part DDDD); to amend the highway law and the public authorities law, in relation to installing zero-emission charging and refueling station signs on New York state highways (Part EEEE); to amend the vehicle and traffic law and the insurance law, in relation to instruction concerning traffic stops (Part FFFF); enacting the "just energy transition act" (Part GGGG); and to amend the executive law, in relation to enacting the "accountability for development assistance act" (Part HHHH)

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

1 Section 1. This act enacts into law major components of legislation
2 necessary to implement the state transportation, economic development
3 and environmental conservation budget for the 2025-2026 state fiscal
4 year. Each component is wholly contained within a Part identified as

1 Parts A through HHHH. The effective date for each particular provision
2 contained within such Part is set forth in the last section of such
3 Part. Any provision in any section contained within a Part, including
4 the effective date of the Part, which makes a reference to a section "of
5 this act", when used in connection with that particular component, shall
6 be deemed to mean and refer to the corresponding section of the Part in
7 which it is found. Section three of this act sets forth the general
8 effective date of this act.

9

PART A

10 Section 1. Paragraph (a) of subdivision 4 of section 534-n of the
11 executive law, as added by section 2 of part L of chapter 58 of the laws
12 of 2024, is amended to read as follows:

13 (a) The commission may temporarily suspend a permit, license or regis-
14 tration pursuant to the provisions of this subdivision until further
15 order of the commission or final disposition of the underlying case,
16 [~~only~~] where the permittee, licensee or registrant has been indicted
17 for, or otherwise charged with, a crime which is equivalent to a felony
18 in the state of New York or any crime punishable by death or imprison-
19 ment for a term exceeding three hundred sixty-four days or [~~only~~] where
20 the permittee or licensee is a security officer who is charged by the
21 commission pursuant to this section with misappropriating any other
22 person's property at or on a pier or other waterfront terminal.

23 § 2. Subdivisions 6 and 7 of section 534-u of the executive law, as
24 added by section 2 of part L of chapter 58 of the laws of 2024, are
25 amended to read as follows:

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

35 7. Conviction of a racketeering activity or knowing association with a
36 person who has been convicted of a racketeering activity by a court of
37 the United States or any state or territory thereof under circumstances
38 where such association creates a reasonable belief that the partic-
39 ipation of the [~~applicant~~] licensee or registrant in any activity
40 required to be licensed under this act would be inimical to the policies
41 of this article, provided, however, that association without the requi-
42 site showing of inimicality as set forth herein shall be insufficient
43 grounds for revocation.

44 § 3. This act shall take effect immediately.

45

PART B

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

50 Section 1. Notwithstanding any other law, rule or regulation to the
51 contrary, payment of mass transportation operating assistance pursuant
52 to section 18-b of the transportation law shall be subject to the

1 provisions contained herein and the amounts made available therefor by
 2 appropriation.
 3 In establishing service and usage formulas for distribution of mass
 4 transportation operating assistance, the commissioner of transportation
 5 may combine and/or take into consideration those formulas used to
 6 distribute mass transportation operating assistance payments authorized
 7 by separate appropriations in order to facilitate program administration
 8 and to ensure an orderly distribution of such funds.
 9 To improve the predictability in the level of funding for those
 10 systems receiving operating assistance payments under service and usage
 11 formulas, the commissioner of transportation is authorized with the
 12 approval of the director of the budget, to provide service payments
 13 based on service and usage statistics of the preceding year.
 14 In the case of a service payment made, pursuant to section 18-b of the
 15 transportation law, to a regional transportation authority on account of
 16 mass transportation services provided to more than one county (consider-
 17 ing the city of New York to be one county), the respective shares of the
 18 matching payments required to be made by a county to any such authority
 19 shall be as follows:

	Percentage of Matching Payment
20	
21	
22 Local Jurisdiction	
23 -----	
24 In the Metropolitan Commuter	
25 Transportation District:	
26 New York City	6.40
27 Dutchess	1.30
28 Nassau	39.60
29 Orange	0.50
30 Putnam	1.30
31 Rockland	0.10
32 Suffolk	25.70
33 Westchester	25.10
34 In the Capital District Trans-	
35 portation District:	
36 Albany	54.05
37 Rensselaer	22.45
38 Saratoga	3.95
39 Schenectady	15.90
40 Montgomery	1.44
41 Warren	2.21
42 In the Central New York Re-	
43 gional Transportation Dis-	
44 trict:	
45 Cayuga	5.11 <u>5.05</u>
46 Onondaga	75.83 <u>74.94</u>
47 Oswego	2.85 <u>2.82</u>
48 Oneida	16.21 <u>16.02</u>
49 <u>Cortland.....</u>	<u>1.17</u>
50 In the Rochester-Genesee Re-	
51 gional Transportation Dis-	
52 trict:	
53 Genesee	1.36
54 Livingston90
55 Monroe	90.14

1	Wayne98	
2	Wyoming51	
3	Seneca64	
4	Orleans77	
5	Ontario	4.69	
6	In the Niagara Frontier Trans-		
7	portation District: Erie		89.20
8	Niagara	10.80	

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

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

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

39 The commissioner of transportation shall be required to annually eval-
40 uate the operating and financial performance of each major public trans-
41 portation system. Where the commissioner's evaluation process has iden-
42 tified a problem related to system performance, the commissioner may
43 request the system to develop plans to address the performance deficien-
44 cies. The commissioner of transportation may withhold future state oper-
45 ating assistance payments to public transportation systems or private
46 operators that do not provide such operating, financial, or other infor-
47 mation as may be required by the commissioner to conduct the evaluation
48 process.

49 Payments shall be made contingent upon compliance with regulations
50 deemed necessary and appropriate, as prescribed by the commissioner of
51 transportation and approved by the director of the budget, which shall
52 promote the economy, efficiency, utility, effectiveness, and coordinated
53 service delivery of public transportation systems. The chief executive
54 officer of each public transportation system receiving a payment shall
55 certify to the commissioner of transportation, in addition to informa-

1 tion required by section 18-b of the transportation law, such other
2 information as the commissioner of transportation shall determine is
3 necessary to determine compliance and carry out the purposes herein.

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

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

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

39 In the event that an audit of a public transportation system or
40 private operator receiving funds discloses the existence of an overpay-
41 ment of state operating assistance, regardless of whether such an over-
42 payment results from an audit of revenue passengers and the actual
43 number of revenue vehicle miles statistics, or an audit of private oper-
44 ators in cases where more than a reasonable return based on equity or
45 operating revenues and expenses has resulted, the commissioner of trans-
46 portation, in addition to recovering the amount of state operating
47 assistance overpaid, shall also recover interest, as defined by the
48 department of taxation and finance, on the amount of the overpayment.

49 Notwithstanding any other law, rule or regulation to the contrary,
50 whenever the commissioner of transportation is notified by the comp-
51 troller that the amount of revenues available for payment from an
52 account is less than the total amount of money for which the public mass
53 transportation systems are eligible pursuant to the provisions of
54 section 88-a of the state finance law and any appropriations enacted for
55 these purposes, the commissioner of transportation shall establish a

1 maximum payment limit which is proportionally lower than the amounts set
2 forth in appropriations.

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

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

10

PART C

11 Section 1. Section 6 of chapter 368 of the laws of 2019 amending the
12 vehicle and traffic law and state finance law relating to establishing a
13 pre-licensing course internet program, is amended to read as follows:

14 § 6. This act shall take effect June 30, 2020 and shall expire and be
15 deemed repealed June 30, [~~2025~~] 2030; provided, however, that the amend-
16 ments to paragraph (a) of subdivision 3 of section 89-b of the state
17 finance law made by section four of this act shall be subject to the
18 expiration and reversion of such subdivision pursuant to section 13 of
19 part U1 of chapter 62 of the laws of 2003, as amended, when upon such
20 date the provisions of section five of this act shall take effect.
21 Effective immediately, the addition, amendment and/or repeal of any rule
22 or regulation necessary for the implementation of this act on its effec-
23 tive date are authorized to be made and completed on or before such
24 effective date.

25 § 1-a. Section 399-s of the vehicle and traffic law, as amended by
26 section 3 of part ZZ of chapter 58 of the laws of 2020, is amended to
27 read as follows:

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

37 § 1-b. Section 399-t of the vehicle and traffic law, as added by chap-
38 ter 368 of the laws of 2019, is amended to read as follows:

39 § 399-t. Report by commissioner. No later than June first, two thou-
40 sand twenty-five, and every five years thereafter, the commissioner
41 shall report to the governor, the temporary president of the senate and
42 the speaker of the assembly on the pre-licensing course internet pilot
43 program and its results. Such report shall include recommendations as to
44 the future use of the internet as an effective way, in addition to
45 classroom presentation, to deliver to the public approved pre-licensing
46 courses, and qualifications for participants in such approved internet
47 delivered programs.

48 § 2. This act shall take effect immediately; provided, however, that
49 the amendments to sections 399-s and 399-t of the vehicle and traffic
50 law made by sections one-a and one-b of this act shall not affect the
51 repeal of such sections and shall be deemed repealed therewith.

52

PART D

1 Section 1. Paragraph (a) of subdivision 1 of section 1224 of the vehi-
2 cle and traffic law, as amended by chapter 795 of the laws of 1974, is
3 amended to read as follows:

4 (a) with no number plates affixed thereto, for more than [~~six~~] three
5 hours on any highway or other public place;

6 § 2. Subdivision 2 of section 1224 of the vehicle and traffic law, as
7 amended by chapter 540 of the laws of 2002, is amended to read as
8 follows:

9 2. If an abandoned vehicle, at the time of abandonment, has no number
10 plates affixed and is of a wholesale value, taking into consideration
11 the condition of the vehicle, of [~~one thousand two hundred fifty~~] three
12 thousand five hundred dollars or less, ownership shall immediately vest
13 in the local authority having jurisdiction thereof and title to the
14 vehicle shall vest in accordance with applicable law and regulations of
15 the commissioner, provided however that a local authority shall not be
16 required to obtain title to an abandoned vehicle that is subject to the
17 provisions of this subdivision if the vehicle will be sold or otherwise
18 disposed of as junk or salvage, dismantled for use other than as a motor
19 vehicle, or otherwise destroyed.

20 § 3. This act shall take effect on the one hundred eightieth day after
21 it shall have become a law.

22 PART E

23 Intentionally Omitted

24 PART F

25 Intentionally Omitted

26 PART G

27 Section 1. Paragraph b of subdivision 16 of section 415 of the vehicle
28 and traffic law, as amended by chapter 7 of the laws of 2000, is amended
29 to read as follows:

30 b. Except as provided in paragraph c of this subdivision, any person
31 who operates as a dealer without being registered shall be required to
32 pay to the people of this state a civil penalty in the sum of [~~one~~] two
33 thousand dollars. However, any such person against whom such penalty has
34 been assessed may avoid all but [~~five~~] seven hundred fifty dollars of
35 such penalty by obtaining a registration as required by this article,
36 provided that application for such registration is made not more than
37 ten days after the imposition of such penalty.

38 § 2. The vehicle and traffic law is amended by adding a new section
39 2267-a to read as follows:

40 § 2267-a. Dealers and manufacturers of limited use motorcycles. 1. No
41 person shall engage in the business of selling limited use motorcycles,
42 as defined in section one hundred twenty-one-b of this chapter, unless
43 there shall have been issued to them a dealer registration in accordance
44 with section four hundred fifteen of this chapter. The commissioner may,
45 by regulation, provide for identification of dealers as being dealers in
46 limited use motorcycles, and shall make provisions for the issuance of
47 appropriate dealer demonstrator number plates to such dealers.

1 2. No dealer shall acquire any limited use motorcycle for the purpose
 2 of resale for use on the public highways within this state unless such
 3 limited use motorcycle has a vehicle identification number in a form and
 4 manner acceptable to the commissioner permanently affixed to the frame
 5 by the manufacturer or authorized agent of the manufacturer.

6 3. Fees assessed under this section shall be paid to the commissioner
 7 for deposit to the general fund which shall be deposited to the dedi-
 8 cated highway and bridge trust fund established pursuant to section
 9 eighty-nine-b of the state finance law and the dedicated mass transpor-
 10 tation fund established pursuant to section eighty-nine-c of the state
 11 finance law and distributed according to the provisions of subdivision
 12 (d) of section three hundred one-j of the tax law.

13 4. The commissioner may prescribe, by regulation, procedures to be
 14 followed by dealers with respect to record keeping and documents
 15 required upon the sale of a limited use motorcycle, and procedures to be
 16 followed by manufacturers with respect to the assignment and affixing of
 17 vehicle identification numbers.

18 § 3. This act shall take effect on the one hundred eightieth day after
 19 it shall have become a law. Effective immediately, the addition, amend-
 20 ment and/or repeal of any rule or regulation necessary for the implemen-
 21 tation of this act on its effective date are authorized to be made and
 22 completed on or before such effective date.

23 PART H

24 Intentionally Omitted

25 PART I

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

31 § 3. This act shall take effect immediately; provided that the amend-
 32 ments to subdivision 1 of section 119-r of the general municipal law
 33 made by section two of this act shall expire and be deemed repealed
 34 April 1, [~~2025~~ 2026], and provided further that such repeal shall not
 35 affect the validity or duration of any contract entered into before that
 36 date pursuant to paragraph f of such subdivision.

37 § 1-a. Paragraph (c) of subdivision 1 of section 1269-b of the public
 38 authorities law, as added by chapter 637 of the laws of 1996, is amended
 39 and a new subdivision 12 is added to read as follows:

40 (c) on or before October first, nineteen hundred ninety-nine and every
 41 fifth year thereafter, the authority shall submit to the metropolitan
 42 transportation authority capital program review board two capital
 43 program plans for the five-year period commencing January first of the
 44 following year.

45 For each of the periods described above, one such plan shall contain
 46 the capital program for the transit facilities operated by the New York
 47 city transit authority and its subsidiaries and for the Staten Island
 48 rapid transit operating authority; the other such plan shall contain the
 49 capital program for the railroad facilities, not including the Staten
 50 Island rapid transit operating authority, under the jurisdiction of the
 51 authority.

1 Each plan shall set system-wide goals and objectives for capital
2 spending, establish standards for service and operations, and describe
3 each capital element proposed to be initiated in each of the years
4 covered by the plan and explain how each proposed element supports the
5 achievement of the service and operational standards established in the
6 plan. Each plan shall also set forth an estimate of the amount of capi-
7 tal funding required each year and the expected sources of such funding.
8 Each plan subsequent to the first such plan and each proposed amendment
9 or modification thereof shall also describe the current status of each
10 capital element included in the previously approved plan, if any. Each
11 plan shall be accompanied or supplemented by such supporting materials
12 as the metropolitan transportation authority capital program review
13 board shall require.

14 A capital element shall mean either a category of expenditure itemized
15 in a plan, as hereinafter provided, for which a specified maximum dollar
16 amount is proposed to be expended, or a particularly described capital
17 project within one or more categories for which no maximum expenditure
18 is proposed, but for which an estimate of expected cost is provided. A
19 capital element shall be deemed to have been initiated for purposes of
20 this section if in connection with such element the authority shall
21 certify that (i) purchase or construction contracts have been entered
22 into, obligating in the aggregate an amount exceeding ten percent of the
23 maximum or estimated cost of the element as set forth in a plan, (ii)
24 financing specific to the project has been undertaken, or (iii) in a
25 case where such element is limited to design or engineering, a contract
26 therefor has been entered into.

27 Each plan shall contain a schedule for all construction capital
28 projects with the year the authority plans to commit such projects for
29 construction.

30 12. (a) On the first of January of each year the authority shall
31 publish a list of capital projects identified in its capital program it
32 prioritizes for that year and for which the authority plans to commit
33 funds or implement during the year.

34 (b) On December thirty-first of each year the authority shall publish
35 a list of all capital projects for which the total cost expended or
36 expected has increased by more than twenty percent of the original esti-
37 imated cost when the estimated cost of such capital project was first
38 identified in the capital program plan.

39 § 1-b. Subparagraphs (vii) and (viii) of paragraph (d) of subdivision
40 2-a of section 1269-b of the public authorities law, as added by section
41 1 of part LLL of chapter 58 of the laws of 2022, are amended and three
42 new subparagraphs (ix), (x), (xi) and an undesignated paragraph are
43 added to read as follows:

44 (vii) budget information including the original budget at the time of
45 project commitment when scope and budget are defined, all amendments,
46 the current budget and planned annual allocations; [~~and~~]

47 (viii) a schedule for project delivery including original, amended and
48 current start and completion dates as projects develop at each phase[~~+~~];

49 (ix) a listing of all contract numbers, vendors, and contractors asso-
50 ciated with the project;

51 (x) all sources of funding for the project; and

52 (xi) coding regarding whether the project is related to accessibility
53 or resiliency.

54 For the purposes of this paragraph, sources of funding shall be speci-
55 fied as from the state of New York, the federal government, the city of
56 New York, or any other relevant source. Funding from the state of New

1 York shall further specify whether it has been obtained from the central
 2 business district tolling lockbox as established by section five hundred
 3 fifty-three-j of this chapter or any successor fund or account provided
 4 by law. Accessibility shall mean projects regarding elevators, escala-
 5 tors or other projects related to compliance with the federal Americans
 6 with Disabilities Act of 1990, as amended, and corresponding guidelines.
 7 Resiliency shall have the same meaning as defined by the authority in
 8 its twenty-year needs assessment released in two thousand twenty-three
 9 as required by subdivision c of section twelve hundred sixty-nine-c of
 10 this title.

11 § 1-c. Paragraph (a) of subdivision 3 of section 1276-f of the public
 12 authorities law, as amended by section 1 of part A of chapter 39 of the
 13 laws of 2019, is amended to read as follows:

14 (a) The authority shall publish an annual report presenting the
 15 authority's performance in comparison with [~~other national~~] at least
 16 five of largest public transit systems in the country and [~~international~~
 17 ~~peer agencies~~] at least five of the largest public transit systems in
 18 the world outside of the country. This report shall include, but not be
 19 limited to, the following metrics:

20 (i) total operating cost per car per mile;

21 (ii) maintenance cost per car per mile;

22 (iii) passenger journeys per total staff and contractor hours; [~~and~~]

23 (iv) staff hours lost to accidents[~~+~~];

24 (v) comparison of cost of individual capital projects completed during
 25 the year with average cost of projects of similar nature for other tran-
 26 sit systems; and

27 (vi) comparison of per unit procurement costs of items or services
 28 procured during the year compared to average cost of similar items or
 29 services for other transit systems.

30 § 1-d. Section 1269-c of the public authorities law is amended by
 31 adding a new subdivision d to read as follows:

32 d. The authority shall create and maintain on its website a database
 33 of the needs identified pursuant to this section including detailed
 34 condition of each capital element and cost and time needed to achieve a
 35 state of good repair. Such database shall be updated at least biennial-
 36 ly. For each capital element the authority shall identify its condition
 37 as poor, marginal, adequate, good, or excellent, along with a
 38 description of the element and explanation of its condition.

39 § 1-e. No later than ninety days after the effective date of this act,
 40 the metropolitan transportation authority shall publish a planned sched-
 41 ule for any projects included in its capital program plan, or amendments
 42 thereto, approved prior to December 31, 2024, that have not been commit-
 43 ted for construction.

44 § 2. This act shall take effect immediately; provided that section
 45 one-a of this act shall take effect on the one hundred eightieth day
 46 after this act shall have become a law.

47

PART J

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

52 § 45. This act shall take effect immediately; except that: (a) para-
 53 graph (d) of subdivision 3 of section 1263 of the public authorities
 54 law, as added by section twenty-six of this act, shall be deemed to have

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

16

PART K

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

20 (a) Whenever the authority determines in consultation with the city of
21 New York that it is necessary to obtain the temporary or permanent use,
22 occupancy, control or possession of vacant or undeveloped or underuti-
23 lized but replaceable real property, or any interest therein, or subsur-
24 face real property or any interest therein then owned by the city of New
25 York for a project in the two thousand fifteen to two thousand nineteen
26 [~~or the~~], two thousand twenty to two thousand twenty-four, or two thou-
27 sand twenty-five to two thousand twenty-nine approved capital programs
28 to (i) install one or more elevators to make one or more subway stations
29 more accessible, (ii) construct or reconstruct an electrical substation
30 to increase available power to the subway system to expand passenger
31 capacity or reliability, or (iii) in connection with the capital project
32 to construct four commuter railroad passengers stations in the borough
33 of the Bronx known as Penn Station access, the authority upon approval
34 by the board of the metropolitan transportation authority and upon suit-
35 able notice and with the consent of the city of New York may cause the
36 title to such real property, or any interest therein, to be transferred
37 to the authority by adding it to the agreement of lease dated June
38 first, nineteen hundred fifty-three, as amended, renewed and supple-
39 mented, authorized by section twelve hundred three of this article, or
40 may itself acquire title to such property from the city of New York, and
41 any such transfer or acquisition of real property shall be subject to
42 the provisions of subdivision five of section twelve hundred sixty-six-c
43 of this title. Nothing in this subdivision shall be deemed to authorize
44 any temporary or permanent transfer or acquisition of real property, or
45 interest therein, that is dedicated parkland without separate legisla-
46 tive approval of such alienation.

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

50 § 3. This act shall take effect immediately and shall expire and be
51 deemed repealed [~~on~~] December 31, [~~2025~~] 2030; provided, however, that
52 the repeal of this act shall not affect any transfer or acquisition
53 pursuant to all of the terms of section two of this act that has been

1 approved by the board of the metropolitan transportation authority
2 before such repeal date.

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

7 PART L

8 Intentionally Omitted

9 PART M

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

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

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

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

48 (b) Notwithstanding any provision of law to the contrary and as set
49 forth in a plan or plans submitted by the New York state director of the
50 budget pursuant to subdivision (a) of this section, the state comp-
51 troller is hereby directed and authorized to: (i) transfer funds author-

1 ized by any undisbursed general fund aid to localities appropriations or
2 state special revenue fund aid to localities appropriations, excluding
3 debt service, fiduciary, and federal fund appropriations, to the city to
4 the Metropolitan Transportation Authority capital assistance fund estab-
5 lished by section 92-ii of the state finance law in accordance with such
6 plan; and/or (ii) collect and deposit into the Metropolitan Transporta-
7 tion Authority capital assistance fund established by section 92-ii of
8 the state finance law funds from any other revenue source of the city,
9 including the sales and use tax, in accordance with such plan. The state
10 comptroller is hereby authorized and directed to make such transfers,
11 collections and deposits as soon as practicable but not more than 3 days
12 following the transmittal of such plan to the comptroller in accordance
13 with subdivision (a) of this section.

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

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

23 2. Such fund shall consist of any monies directed thereto pursuant to
24 the provisions of section three of [~~the~~] part UUU of [~~the~~] chapter
25 fifty-eight of the laws of two thousand twenty [~~which added this~~
26 section] and to the provisions of section three of the part of the chap-
27 ter of the laws of two thousand twenty-five which amended this subdivi-
28 sion.

29 3. All monies deposited into the fund pursuant to [~~the~~] part UUU of
30 [~~the~~] chapter fifty-eight of the laws of two thousand twenty [~~which~~
31 added this section] and the part of the chapter of the laws of two thou-
32 sand twenty-five which amended this subdivision shall be paid to the
33 metropolitan transportation authority by the comptroller, without appro-
34 priation, for use in the same manner as the payments required by section
35 two of such part, as soon as practicable but not more than five days
36 from the date the comptroller determines that the full amount of the
37 unpaid balance of any payment required by section three of part UUU of
38 chapter fifty-eight of the laws of two thousand twenty and by section
39 three of such part of the chapter of the laws of two thousand twenty-
40 five which amended this subdivision has been deposited into the fund.

41 § 5. This act shall take effect immediately.

42 PART N

43 Intentionally Omitted

44 PART O

45 Section 1. Paragraph 3 of subdivision (d) of section 1111-c-1 of the
46 vehicle and traffic law, as added by section 1 of part MM of chapter 56
47 of the laws of 2023, is amended to read as follows:

48 3. "bus operation-related traffic regulations" shall mean the follow-
49 ing provisions set forth in chapter four of title thirty-four of the
50 rules of the city of New York, adopted pursuant to section sixteen
51 hundred forty-two of this chapter: 4-08(c)(3), violation of posted no

1 standing rules prohibited-bus stop; 4-08(e)(9), general no stopping
2 zones-bicycle lanes; 4-08(f)(1), general no standing zones-double park-
3 ing; [~~and~~] 4-08(f)(4), general no standing zones-bus lane; 4-08(e)(12),
4 obstructing traffic at intersection; and section eleven hundred seven-
5 ty-five of this title.

6 § 2. This act shall take effect immediately; provided, however, that
7 the amendments to section 1111-c-1 of the vehicle and traffic law made
8 by section one of this act shall not affect the repeal of such section
9 and shall be deemed repealed therewith.

10 PART P

11 Intentionally Omitted

12 PART Q

13 Section 1. The section heading, paragraphs 1, 2, 4 and subparagraph
14 (i) of paragraph 6 of subdivision (a), subdivisions (b), (e), (f), (h),
15 (i), (j), paragraph 3 of subdivision (g) and the opening paragraph of
16 subdivision (m) of section 1180-e of the vehicle and traffic law, as
17 added by chapter 421 of the laws of 2021, are amended to read as
18 follows:

19 Owner liability for failure of operator to comply with certain posted
20 maximum speed limits; highway construction or maintenance work area.

21 1. Notwithstanding any other provision of law, the commissioner of
22 transportation is hereby authorized to establish a demonstration program
23 imposing monetary liability on the owner of a vehicle for failure of an
24 operator thereof to comply with posted maximum speed limits in a highway
25 construction or maintenance work area located on a controlled-access
26 highway (i) when highway construction or maintenance work is occurring
27 and a work area speed limit is in effect as provided in paragraph two of
28 subdivision (d) or subdivision (f) of section eleven hundred eighty of
29 this article or (ii) when highway construction or maintenance work is
30 occurring and other speed limits are in effect as provided in subdivi-
31 sion (b) or (g) or paragraph one of subdivision (d) of section eleven
32 hundred eighty of this article. Such demonstration program shall empower
33 the commissioner to install photo speed violation monitoring systems
34 within no more than [~~twenty~~] forty highway construction or maintenance
35 work areas located on controlled-access highways and to operate such
36 systems within such work areas (iii) when highway construction or main-
37 tenance work is occurring and a work area speed limit is in effect as
38 provided in paragraph two of subdivision (d) or subdivision (f) of
39 section eleven hundred eighty of this article or (iv) when highway
40 construction or maintenance work is occurring and other speed limits are
41 in effect as provided in subdivision (b) or (g) or paragraph one of
42 subdivision (d) of section eleven hundred eighty of this article. The
43 commissioner, in consultation with the superintendent of the division of
44 state police, shall determine the location of the highway construction
45 or maintenance work areas located on a controlled-access highway in
46 which to install and operate photo speed violation monitoring systems.
47 In selecting a highway construction or maintenance work area in which to
48 install and operate a photo speed violation monitoring system, the
49 commissioner shall consider criteria including, but not limited to, the
50 speed data, crash history, and roadway geometry applicable to such high-
51 way construction or maintenance work area. A photo speed violation moni-

1 toring system shall not be installed or operated on a controlled-access
2 highway exit ramp.

3 2. Notwithstanding any other provision of law, after holding a public
4 hearing in accordance with the public officers law and subsequent
5 approval of the establishment of a demonstration program in accordance
6 with this section by a majority of the members of the entire board of
7 the thruway authority, the chair of the thruway authority is hereby
8 authorized to establish a demonstration program imposing monetary
9 liability on the owner of a vehicle for failure of an operator thereof
10 to comply with posted maximum speed limits in a highway construction or
11 maintenance work area located on the thruway (i) when highway
12 construction or maintenance work is occurring and a work area speed
13 limit is in effect as provided in paragraph two of subdivision (d) or
14 subdivision (f) of section eleven hundred eighty of this article or (ii)
15 when highway construction or maintenance work is occurring and other
16 speed limits are in effect as provided in subdivision (b) or (g) or
17 paragraph one of subdivision (d) of section eleven hundred eighty of
18 this article. Such demonstration program shall empower the chair to
19 install photo speed violation monitoring systems within no more than
20 [~~ten~~] twenty highway construction or maintenance work areas located on
21 the thruway and to operate such systems within such work areas (iii)
22 when highway construction or maintenance work is occurring and a work
23 area speed limit is in effect as provided in paragraph two of subdivi-
24 sion (d) or subdivision (f) of section eleven hundred eighty of this
25 article or (iv) when highway construction or maintenance work is occur-
26 ring and other speed limits are in effect as provided in subdivision (b)
27 or (g) or paragraph one of subdivision (d) of section eleven hundred
28 eighty of this article. The chair, in consultation with the superinten-
29 dent of the division of state police, shall determine the location of
30 the highway construction or maintenance work areas located on the thru-
31 way in which to install and operate photo speed violation monitoring
32 systems. In selecting a highway construction or maintenance work area in
33 which to install and operate a photo speed violation monitoring system,
34 the chair shall consider criteria including, but not limited to, the
35 speed data, crash history, and roadway geometry applicable to such high-
36 way construction or maintenance work area. A photo speed violation moni-
37 toring system shall not be installed or operated on a thruway exit ramp.

38 4. Operators of photo speed violation monitoring systems shall have
39 completed training in the procedures for setting up, testing, and oper-
40 ating such systems. Each such operator shall complete and sign a daily
41 set-up log for each such system that [~~he or she~~] the operator operates
42 that (i) states the date and time when, and the location where, the
43 system was set up that day, and (ii) states that such operator success-
44 fully performed, and the system passed, the self-tests of such system
45 before producing a recorded image that day. The commissioner or the
46 chair, as applicable, shall retain each such daily log until the later
47 of the date on which the photo speed violation monitoring system to
48 which it applies has been permanently removed from use or the final
49 resolution of all cases involving notices of liability issued based on
50 photographs, microphotographs, video or other recorded images produced
51 by such system.

52 (i) Such demonstration program shall utilize necessary technologies to
53 ensure, to the extent practicable, that photographs, microphotographs,
54 videotape or other recorded images produced by such photo speed
55 violation monitoring systems shall not include images that identify the
56 driver, the passengers, or the contents of the vehicle. Provided,

1 however, that no notice of liability issued pursuant to this section
2 shall be dismissed solely because such a photograph, microphotograph,
3 videotape or other recorded image allows for the identification of the
4 driver, the passengers, or the contents of vehicles where the commis-
5 sioner or the chair, as applicable, shows that they made reasonable
6 efforts to comply with the provisions of this paragraph in such case.

7 (b) If the commissioner or chair establishes a demonstration program
8 pursuant to subdivision (a) of this section, the owner of a vehicle
9 shall be liable for a penalty imposed pursuant to this section if such
10 vehicle was used or operated with the permission of the owner, express
11 or implied, within a highway construction or maintenance work area
12 located on a controlled-access highway or on the thruway in violation of
13 paragraph two of subdivision (d) or subdivision (f), or when other speed
14 limits are in effect in violation of subdivision (b) or (g) or paragraph
15 one of subdivision (d), of section eleven hundred eighty of this arti-
16 cle, such vehicle was traveling at a speed of more than ten miles per
17 hour above the posted speed limit in effect within such highway
18 construction or maintenance work area, and such violation is evidenced
19 by information obtained from a photo speed violation monitoring system;
20 provided however that no owner of a vehicle shall be liable for a penal-
21 ty imposed pursuant to this section where the operator of such vehicle
22 has been convicted of the underlying violation of subdivision (b), (d),
23 (f) or (g) of section eleven hundred eighty of this article.

24 (e) An owner liable for a violation of subdivision (b), (d), (f) or
25 (g) of section eleven hundred eighty of this article pursuant to a
26 demonstration program established pursuant to this section shall be
27 liable for monetary penalties not to exceed fifty dollars for a first
28 violation, seventy-five dollars for a second violation both of which
29 were committed within a period of eighteen months, and one hundred
30 dollars for a third or subsequent violation all of which were committed
31 within a period of eighteen months; provided, however, that an addi-
32 tional penalty not in excess of twenty-five dollars for each violation
33 may be imposed for the failure to respond to a notice of liability with-
34 in the prescribed time period.

35 (f) An imposition of liability under the demonstration program estab-
36 lished pursuant to this section shall not be deemed a conviction as an
37 operator and shall not be made part of the operating record of the
38 person upon whom such liability is imposed nor shall it be used for
39 insurance purposes in the provision of motor vehicle insurance coverage.

40 3. The notice of liability shall contain information advising the
41 person charged of the manner and the time in which [~~he or she~~] the owner
42 may contest the liability alleged in the notice. Such notice of liabil-
43 ity shall also contain a prominent warning to advise the person charged
44 that failure to contest in the manner and time provided shall be deemed
45 an admission of liability and that a default judgment may be entered
46 thereon.

47 (h) Adjudication of the liability imposed upon owners of this section
48 shall be by a traffic violations bureau established pursuant to section
49 three hundred seventy of the general municipal law where the violation
50 occurred or, if there be none, by [~~the court having jurisdiction over~~
51 ~~traffic infractions where the violation occurred, except that if a city~~
52 ~~has established an administrative tribunal to hear and determine~~
53 ~~complaints of traffic infractions constituting parking, standing or~~
54 ~~stopping violations such city may, by local law, authorize such adjudi-~~
55 ~~cation by such tribunal] a hearing officer designated by the commis-
56 er of motor vehicles provided, however, if a city with a population of~~

one million or more has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations, such tribunal shall adjudicate liability pursuant to this section for violations occurring within such city. Provided further that such hearing officer or administrative tribunal shall cooperate and consult with the office of the state comptroller as necessary to implement the program, including with respect to providing necessary revenue collection and notice of liability data.

(i) If an owner receives a notice of liability pursuant to this section for any time period during which the vehicle or the number plate or plates of such vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section that the vehicle or the number plate or plates of such vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision, it shall be sufficient that a certified copy of the police report on the stolen vehicle or number plate or plates of such vehicle be sent by first class mail to the traffic violations bureau, ~~[court having jurisdiction or parking violations bureau]~~ hearing officer, or administrative tribunal as applicable, and may also send to the department of transportation or thruway authority as applicable.

(j) 1. ~~[Where the adjudication of liability imposed upon owners pursuant to this section is by a traffic violations bureau or a court having jurisdiction, an]~~ An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section, provided that ~~[he or she]~~ the owner sends to the traffic violations bureau ~~[or court having jurisdiction]~~, hearing officer, or administrative tribunal as applicable, and may also send to the commissioner or chair as applicable a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the bureau ~~[or court]~~, hearing officer, or administrative tribunal as applicable, or from the commissioner or chair as applicable of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven day time period shall render the owner liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for the violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

2. ~~[(i)]~~ In a city which, by local law, has authorized the adjudication of liability imposed upon owners by this section by a parking violations bureau, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article, provided that:

1 [~~(A)~~] (i) prior to the violation, the lessor has filed with the bureau
 2 in accordance with the provisions of section two hundred thirty-nine of
 3 this chapter; and

4 [~~(B)~~] (ii) within thirty-seven days after receiving notice from the
 5 [bureau] chair or commissioner as applicable of the date and time of a
 6 liability, together with the other information contained in the original
 7 notice of liability, the lessor submits to the bureau the correct name
 8 and address of the lessee of the vehicle identified in the notice of
 9 liability at the time of such violation, together with such other addi-
 10 tional information contained in the rental, lease or other contract
 11 document, as may be reasonably required by the bureau, hearing officer,
 12 administrative tribunal, chair or commissioner as applicable pursuant to
 13 regulations that may be promulgated for such purpose.

14 [~~(ii)~~] 3. Failure to comply with [~~clause (B) of subparagraph (i) of~~]
 15 this [~~paragraph~~] subdivision shall render the owner liable for the
 16 penalty prescribed in this section.

17 [~~(iii)~~] 4. Where the lessor complies with the provisions of this
 18 [~~paragraph~~] subdivision, the lessee of such vehicle on the date of such
 19 violation shall be deemed to be the owner of such vehicle for purposes
 20 of this section, shall be subject to liability for such violation pursu-
 21 ant to this section and shall be sent a notice of liability pursuant to
 22 subdivision (g) of this section.

23 If the commissioner or chair adopts a demonstration program pursuant
 24 to subdivision (a) of this section the commissioner or chair, as appli-
 25 cable, shall conduct a study and submit a report on or before May first,
 26 two thousand twenty-four, and [a] report on or before [~~May first, two~~
 27 ~~thousand twenty-six~~] every two years thereafter, on the results of the
 28 use of photo devices to the governor, the temporary president of the
 29 senate and the speaker of the assembly. The commissioner or chair shall
 30 also make such reports available on their public-facing websites,
 31 provided that they may provide aggregate data from paragraph one of this
 32 subdivision if the commissioner or chair finds that publishing specific
 33 location data would jeopardize public safety. Such report shall include:

34 § 2. The vehicle and traffic law is amended by adding a new section
 35 1180-h to read as follows:

36 § 1180-h. Owner liability for failure of operator to comply with
 37 certain posted maximum speed limits; Triborough bridge and tunnel
 38 project highway construction or maintenance work area. (a) 1. Notwith-
 39 standing any other provision of law, the Triborough bridge and tunnel
 40 authority, a body corporate and politic constituting a public benefit
 41 corporation created and constituted pursuant to title three of article
 42 three of the public authorities law, is hereby authorized to establish a
 43 program imposing monetary liability on the owner of a vehicle for fail-
 44 ure of an operator thereof to comply with posted maximum speed limits in
 45 a construction or maintenance work area located at any Triborough bridge
 46 and tunnel authority project referred to in subdivision nine of section
 47 five hundred fifty-three of the public authorities law, or as otherwise
 48 provided in an applicable interagency agreement, (i) when construction
 49 or maintenance work is occurring and a work area speed limit is in
 50 effect as provided in paragraph two of subdivision (d) or subdivision
 51 (f) of section eleven hundred eighty of this article or (ii) when
 52 construction or maintenance work is occurring and other speed limits are
 53 in effect as provided in subdivision (b) or (g) or paragraph one of
 54 subdivision (d) of section eleven hundred eighty of this article. Such
 55 program shall empower the Triborough bridge and tunnel authority to
 56 install photo speed violation monitoring systems within no more than

1 nine construction or maintenance work areas located at Triborough bridge
2 and tunnel authority projects and to operate such systems within such
3 work areas (iii) when construction or maintenance work is occurring and
4 a work area speed limit is in effect as provided in paragraph two of
5 subdivision (d) or subdivision (f) of section eleven hundred eighty of
6 this article or (iv) when construction or maintenance work is occurring
7 and other speed limits are in effect as provided in subdivision (b) or
8 (g) or paragraph one of subdivision (d) of section eleven hundred eighty
9 of this article. The Triborough bridge and tunnel authority shall deter-
10 mine the location of the construction or maintenance work areas located
11 at a Triborough bridge and tunnel authority project in which to install
12 and operate photo speed violation monitoring systems. In selecting a
13 construction or maintenance work area in which to install and operate a
14 photo speed violation monitoring system, the Triborough bridge and
15 tunnel authority shall consider criteria including, but not limited to,
16 the speed data, crash history, and roadway geometry applicable to such
17 construction or maintenance work area.

18 2. No photo speed violation monitoring system shall be used in a
19 construction or maintenance work area unless (i) on the day it is to be
20 used it has successfully passed a self-test of its functions; and (ii)
21 it has undergone an annual calibration check performed pursuant to para-
22 graph four of this subdivision. The Triborough bridge and tunnel author-
23 ity shall install signs giving notice that a photo speed violation moni-
24 toring system is in use, in conformance with standards established in
25 the MUTCD.

26 3. Operators of photo speed violation monitoring systems shall have
27 completed training in the procedures for setting up, testing, and oper-
28 ating such systems. Each such operator shall complete and sign a daily
29 set-up log for each such system that the operator operates that (i)
30 states the date and time when, and the location where, the system was
31 set up that day, and (ii) states that such operator successfully
32 performed, and the system passed, the self-tests of such system before
33 producing a recorded image that day. The Triborough bridge and tunnel
34 authority shall retain each such daily log until the later of the date
35 on which the photo speed violation monitoring system to which it applies
36 has been permanently removed from use or the final resolution of all
37 cases involving notices of liability issued based on photographs, micro-
38 photographs, video or other recorded images produced by such system.

39 4. Each photo speed violation monitoring system shall undergo an annu-
40 al calibration check performed by an independent calibration laboratory
41 which shall issue a signed certificate of calibration. The Triborough
42 bridge and tunnel authority shall keep each such annual certificate of
43 calibration on file until the final resolution of all cases involving a
44 notice of liability issued during such year which were based on photo-
45 graphs, microphotographs, videotape or other recorded images produced by
46 such photo speed violation monitoring system.

47 5. (i) Such program shall utilize necessary technologies to ensure, to
48 the extent practicable, that photographs, microphotographs, videotape or
49 other recorded images produced by such photo speed violation monitoring
50 systems shall not include images that identify the driver, the passen-
51 gers, or the contents of the vehicle. Provided, however, that no notice
52 of liability issued pursuant to this section shall be dismissed solely
53 because such a photograph, microphotograph, videotape or other recorded
54 image allows for the identification of the driver, the passengers, or
55 the contents of vehicles where the Triborough bridge and tunnel authori-

1 ty shows that it made reasonable efforts to comply with the provisions
2 of this paragraph in such case.

3 (ii) Photographs, microphotographs, videotape or any other recorded
4 image from a photo speed violation monitoring system shall be for the
5 exclusive use of the Triborough bridge and tunnel authority for the
6 purpose of the adjudication of liability imposed pursuant to this
7 section and of the owner receiving a notice of liability pursuant to
8 this section, and shall be destroyed by the Triborough bridge and tunnel
9 authority upon the final resolution of the notice of liability to which
10 such photographs, microphotographs, videotape or other recorded images
11 relate, or one year following the date of issuance of such notice of
12 liability, whichever is later. Notwithstanding the provisions of any
13 other law, rule or regulation to the contrary, photographs, microphoto-
14 graphs, videotape or any other recorded image from a photo speed
15 violation monitoring system shall not be open to the public, nor subject
16 to civil or criminal process or discovery, nor used by any court or
17 administrative or adjudicatory body in any action or proceeding therein
18 except that which is necessary for the adjudication of a notice of
19 liability issued pursuant to this section, and no public entity or
20 employee, officer or agent thereof shall disclose such information,
21 except that such photographs, microphotographs, videotape or any other
22 recorded images from such systems:

23 (A) shall be available for inspection and copying and use by the motor
24 vehicle owner and operator for so long as such photographs, microphoto-
25 graphs, videotape or other recorded images are required to be maintained
26 or are maintained by such public entity, employee, officer or agent; and

27 (B) (1) shall be furnished when described in a search warrant issued
28 by a court authorized to issue such a search warrant pursuant to article
29 six hundred ninety of the criminal procedure law or a federal court
30 authorized to issue such a search warrant under federal law, where such
31 search warrant states that there is reasonable cause to believe such
32 information constitutes evidence of, or tends to demonstrate that, a
33 misdemeanor or felony offense was committed in this state or another
34 state, or that a particular person participated in the commission of a
35 misdemeanor or felony offense in this state or another state, provided,
36 however, that if such offense was against the laws of another state, the
37 court shall only issue a warrant if the conduct comprising such offense
38 would, if occurring in this state, constitute a misdemeanor or felony
39 against the laws of this state; and

40 (2) shall be furnished in response to a subpoena duces tecum signed by
41 a judge of competent jurisdiction and issued pursuant to article six
42 hundred ten of the criminal procedure law or a judge or magistrate of a
43 federal court authorized to issue such a subpoena duces tecum under
44 federal law, where the judge finds and the subpoena states that there is
45 reasonable cause to believe such information is relevant and material to
46 the prosecution, or the defense, or the investigation by an authorized
47 law enforcement official, of the alleged commission of a misdemeanor or
48 felony in this state or another state, provided, however, that if such
49 offense was against the laws of another state, such judge or magistrate
50 shall only issue such subpoena if the conduct comprising such offense
51 would, if occurring in this state, constitute a misdemeanor or felony in
52 this state; and

53 (3) may, if lawfully obtained pursuant to this clause and clause (A)
54 of this subparagraph and otherwise admissible, be used in such criminal
55 action or proceeding.

1 (b) The owner of a vehicle shall be liable for a penalty imposed
2 pursuant to this section if such vehicle was used or operated with the
3 permission of the owner, express or implied, within a construction or
4 maintenance work area located at a Triborough bridge and tunnel authori-
5 ty project in violation of paragraph two of subdivision (d) or subdivi-
6 sion (f), or when other speed limits are in effect in violation of
7 subdivision (b) or (g) or paragraph one of subdivision (d) of section
8 eleven hundred eighty of this article, such vehicle was traveling at a
9 speed of more than ten miles per hour above the posted speed limit in
10 effect within such construction or maintenance work area, and such
11 violation is evidenced by information obtained from a photo speed
12 violation monitoring system; provided however that no owner of a vehicle
13 shall be liable for a penalty imposed pursuant to this section where the
14 operator of such vehicle has been convicted of the underlying violation
15 of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
16 this article.

17 (c) For purposes of this section, the following terms shall have the
18 following meanings:

19 1. "manual on uniform traffic control devices" or "MUTCD" shall mean
20 the manual and specifications for a uniform system of traffic control
21 devices maintained by the commissioner of transportation pursuant to
22 section sixteen hundred eighty of this chapter;

23 2. "owner" shall have the meaning provided in article two-B of this
24 chapter;

25 3. "photo speed violation monitoring system" shall mean a vehicle
26 sensor installed to work in conjunction with a speed measuring device
27 which automatically produces two or more photographs, two or more micro-
28 photographs, a videotape or other recorded images of each vehicle at the
29 time it is used or operated in a construction or maintenance work area
30 located at a Triborough bridge and tunnel authority project in violation
31 of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
32 this article in accordance with the provisions of this section;

33 4. "Triborough bridge and tunnel authority projects" shall mean the
34 projects referred to in subdivision nine of section five hundred fifty-
35 three of the public authorities law, or as otherwise provided in an
36 applicable interagency agreement.

37 (d) A certificate, sworn to or affirmed by a technician employed by
38 the Triborough bridge and tunnel authority or its agent as applicable,
39 or a facsimile thereof, based upon inspection of photographs, micropho-
40 tographs, videotape or other recorded images produced by a photo speed
41 violation monitoring system, shall be prima facie evidence of the facts
42 contained therein. Any photographs, microphotographs, videotape or other
43 recorded images evidencing such a violation shall include at least two
44 date and time stamped images of the rear of the motor vehicle that
45 include the same stationary object near the motor vehicle to the extent
46 practicable and shall be available for inspection reasonably in advance
47 of and at any proceeding to adjudicate the liability for such violation
48 pursuant to this section.

49 (e) An owner liable for a violation of subdivision (b), (d), (f) or
50 (g) of section eleven hundred eighty of this article pursuant to a
51 program established pursuant to this section shall be liable for mone-
52 tary penalties not to exceed fifty dollars for a first violation, seven-
53 ty-five dollars for a second violation both of which were committed
54 within a period of eighteen months, and one hundred dollars for a third
55 or subsequent violation all of which were committed within a period of
56 eighteen months; provided, however, that an additional penalty not in

1 excess of twenty-five dollars for each violation may be imposed for the
2 failure to respond to a notice of liability within the prescribed time
3 period.

4 (f) An imposition of liability under the program established pursuant
5 to this section shall not be deemed a conviction as an operator and
6 shall not be made part of the operating record of the person upon whom
7 such liability is imposed nor shall it be used for insurance purposes in
8 the provision of motor vehicle insurance coverage.

9 (g) 1. A notice of liability shall be sent by first class mail to each
10 person alleged to be liable as an owner for a violation of subdivision
11 (b), (d), (f) or (g) of section eleven hundred eighty of this article
12 pursuant to this section, within fourteen business days if such owner is
13 a resident of this state and within forty-five business days if such
14 owner is a non-resident. Personal delivery on the owner shall not be
15 required. A manual or automatic record of mailing prepared in the ordi-
16 nary course of business shall be prima facie evidence of the facts
17 contained therein.

18 2. A notice of liability shall contain the name and address of the
19 person alleged to be liable as an owner for a violation of subdivision
20 (b), (d), (f) or (g) of section eleven hundred eighty of this article
21 pursuant to this section, the registration number of the vehicle
22 involved in such violation, the location where such violation took
23 place, the date and time of such violation, the identification number of
24 the camera which recorded the violation or other document locator
25 number, at least two date and time stamped images of the rear of the
26 motor vehicle that include the same stationary object near the motor
27 vehicle to the extent practicable, and the certificate charging the
28 liability.

29 3. The notice of liability shall contain information advising the
30 person charged of the manner and the time in which such person may
31 contest the liability alleged in the notice. Such notice of liability
32 shall also contain a prominent warning to advise the person charged that
33 failure to contest in the manner and time provided shall be deemed an
34 admission of liability and that a default judgment may be entered there-
35 on.

36 4. The notice of liability shall be prepared and mailed by the Tribor-
37 ough bridge and tunnel authority or by any other entity authorized by
38 the Triborough bridge and tunnel authority to prepare and mail such
39 notice of liability.

40 (h) Adjudication of the liability imposed upon owners of this section
41 shall be by the New York city parking violations bureau.

42 (i) If an owner receives a notice of liability pursuant to this
43 section for any time period during which the vehicle or the number plate
44 or plates of such vehicle was reported to the police department as
45 having been stolen, it shall be a valid defense to an allegation of
46 liability for a violation of subdivision (b), (d), (f) or (g) of section
47 eleven hundred eighty of this article pursuant to this section that the
48 vehicle or the number plate or plates of such vehicle had been reported
49 to the police as stolen prior to the time the violation occurred and had
50 not been recovered by such time. For purposes of asserting the defense
51 provided by this subdivision, it shall be sufficient that a certified
52 copy of the police report on the stolen vehicle or number plate or
53 plates of such vehicle be sent by first class mail to the Triborough
54 bridge and tunnel authority.

55 (j) 1. An owner who is a lessor of a vehicle to which a notice of
56 liability was issued pursuant to subdivision (g) of this section shall

1 not be liable for the violation of subdivision (b), (d), (f) or (g) of
2 section eleven hundred eighty of this article pursuant to this section,
3 provided that the owner sends to the Triborough Bridge and tunnel
4 authority a copy of the rental, lease or other such contract document
5 covering such vehicle on the date of the violation, with the name and
6 address of the lessee clearly legible, within thirty-seven days after
7 receiving notice from the Triborough bridge and tunnel authority of the
8 date and time of such violation, together with the other information
9 contained in the original notice of liability. Failure to send such
10 information within such thirty-seven-day time period shall render the
11 owner liable for the penalty prescribed by this section. Where the
12 lessor complies with the provisions of this paragraph, the lessee of
13 such vehicle on the date of such violation shall be deemed to be the
14 owner of such vehicle for purposes of this section, shall be subject to
15 liability for the violation of subdivision (b), (d), (f) or (g) of
16 section eleven hundred eighty of this article pursuant to this section
17 and shall be sent a notice of liability pursuant to subdivision (g) of
18 this section.

19 2. An owner who is a lessor of a vehicle to which a notice of liabil-
20 ity was issued pursuant to subdivision (g) of this section shall not be
21 liable for the violation of subdivision (b), (d), (f) or (g) of section
22 eleven hundred eighty of this article, provided that:

23 (i) prior to the violation, the lessor has filed with the bureau in
24 accordance with the provisions of section two hundred thirty-nine of
25 this chapter; and

26 (ii) within thirty-seven days after receiving notice from the Tribor-
27 ough bridge and tunnel authority of the date and time of a liability,
28 together with the other information contained in the original notice of
29 liability, the lessor submits to the Triborough bridge and tunnel
30 authority the correct name and address of the lessee of the vehicle
31 identified in the notice of liability at the time of such violation,
32 together with such other additional information contained in the rental,
33 lease or other contract document, as may be reasonably required by the
34 Triborough bridge and tunnel authority pursuant to regulations that may
35 be promulgated for such purpose.

36 3. Failure to comply with this subdivision shall render the owner
37 liable for the penalty prescribed in this section.

38 4. Where the lessor complies with the provisions of this subdivision,
39 the lessee of such vehicle on the date of such violation shall be deemed
40 to be the owner of such vehicle for purposes of this section, shall be
41 subject to liability for such violation pursuant to this section and
42 shall be sent a notice of liability pursuant to subdivision (g) of this
43 section.

44 (k) 1. If the owner liable for a violation of subdivision (b), (d),
45 (f) or (g) of section eleven hundred eighty of this article pursuant to
46 this section was not the operator of the vehicle at the time of the
47 violation, the owner may maintain an action for indemnification against
48 the operator.

49 2. Notwithstanding any other provision of this section, no owner of a
50 vehicle shall be subject to a monetary fine imposed pursuant to this
51 section if the operator of such vehicle was operating such vehicle with-
52 out the consent of the owner at the time such operator operated such
53 vehicle in violation of subdivision (b), (d), (f) or (g) of section
54 eleven hundred eighty of this article. For purposes of this subdivision
55 there shall be a presumption that the operator of such vehicle was oper-
56 ating such vehicle with the consent of the owner at the time such opera-

1 tor operated such vehicle in violation of subdivision (b), (d), (f) or
2 (g) of section eleven hundred eighty of this article.

3 (l) Nothing in this section shall be construed to limit the liability
4 of an operator of a vehicle for any violation of subdivision (b), (d),
5 (f) or (g) of section eleven hundred eighty of this article.

6 (m) It shall be a defense to any prosecution for a violation of subdivi-
7 vision (b), (d), (f) or (g) of section eleven hundred eighty of this
8 article pursuant to this section that such photo speed violation moni-
9 toring system was malfunctioning at the time of the alleged violation.

10 § 3. The vehicle and traffic law is amended by adding a new section
11 1180-i to read as follows:

12 § 1180-i. Owner liability for failure of operator to comply with
13 certain posted maximum speed limits; New York state bridge authority
14 project highway construction or maintenance work area. (a) 1. Notwith-
15 standing any other provision of law, the New York state bridge authority
16 "bridge authority", a body corporate and politic constituting a public
17 benefit corporation created and constituted pursuant to title two of
18 article three of the public authorities law, is hereby authorized to
19 establish a program imposing monetary liability on the owner of a vehi-
20 cle for failure of an operator thereof to comply with posted maximum
21 speed limits in a construction or maintenance work area located at any
22 bridge authority project referred to in subdivision ten or ten-a of
23 section five hundred twenty-eight of the public authorities law, or as
24 otherwise provided in an applicable interagency agreement, (i) when
25 construction or maintenance work is occurring and a work area speed
26 limit is in effect as provided in paragraph two of subdivision (d) or
27 subdivision (f) of section eleven hundred eighty of this article or (ii)
28 when construction or maintenance work is occurring and other speed
29 limits are in effect as provided in subdivision (b) or (g) or paragraph
30 one of subdivision (d) of section eleven hundred eighty of this article.
31 Such program shall empower the bridge authority to install photo speed
32 violation monitoring systems within no more than five construction or
33 maintenance work areas located at bridge authority projects and to oper-
34 ate such systems within such work areas (iii) when construction or main-
35 tenance work is occurring and a work area speed limit is in effect as
36 provided in paragraph two of subdivision (d) or subdivision (f) of
37 section eleven hundred eighty of this article or (iv) when construction
38 or maintenance work is occurring and other speed limits are in effect as
39 provided in subdivision (b) or (g) or paragraph one of subdivision (d)
40 of section eleven hundred eighty of this article. The bridge authority
41 shall determine the location of the construction or maintenance work
42 areas located at a bridge authority project in which to install and
43 operate photo speed violation monitoring systems. In selecting a
44 construction or maintenance work area in which to install and operate a
45 photo speed violation monitoring system, the bridge authority shall
46 consider criteria including, but not limited to, the speed data, crash
47 history, and roadway geometry applicable to such construction or mainte-
48 nance work area.

49 2. No photo speed violation monitoring system shall be used in a
50 construction or maintenance work area unless (i) on the day it is to be
51 used it has successfully passed a self-test of its functions; and (ii)
52 it has undergone an annual calibration check performed pursuant to para-
53 graph four of this subdivision. The bridge authority shall install signs
54 giving notice that a photo speed violation monitoring system is in use,
55 in conformance with standards established in the MUTCD.

1 3. Operators of photo speed violation monitoring systems shall have
2 completed training in the procedures for setting up, testing, and oper-
3 ating such systems. Each such operator shall complete and sign a daily
4 set-up log for each such system that the operator operates that (i)
5 states the date and time when, and the location where, the system was
6 set up that day, and (ii) states that such operator successfully
7 performed, and the system passed, the self-tests of such system before
8 producing a recorded image that day. The bridge authority shall retain
9 each such daily log until the later of the date on which the photo speed
10 violation monitoring system to which it applies has been permanently
11 removed from use or the final resolution of all cases involving notices
12 of liability issued based on photographs, microphotographs, video or
13 other recorded images produced by such system.

14 4. Each photo speed violation monitoring system shall undergo an annu-
15 al calibration check performed by an independent calibration laboratory
16 which shall issue a signed certificate of calibration. The bridge
17 authority shall keep each such annual certificate of calibration on file
18 until the final resolution of all cases involving a notice of liability
19 issued during such year which were based on photographs, microphoto-
20 graphs, videotape or other recorded images produced by such photo speed
21 violation monitoring system.

22 5. (i) Such program shall utilize necessary technologies to ensure, to
23 the extent practicable, that photographs, microphotographs, videotape or
24 other recorded images produced by such photo speed violation monitoring
25 systems shall not include images that identify the driver, the passen-
26 gers, or the contents of the vehicle. Provided, however, that no notice
27 of liability issued pursuant to this section shall be dismissed solely
28 because such a photograph, microphotograph, videotape or other recorded
29 image allows for the identification of the driver, the passengers, or
30 the contents of vehicles where the bridge authority shows that it made
31 reasonable efforts to comply with the provisions of this paragraph in
32 such case.

33 (ii) Photographs, microphotographs, videotape or any other recorded
34 image from a photo speed violation monitoring system shall be for the
35 exclusive use of the bridge authority for the purpose of the adjudi-
36 cation of liability imposed pursuant to this section and of the owner
37 receiving a notice of liability pursuant to this section, and shall be
38 destroyed by the bridge authority upon the final resolution of the
39 notice of liability to which such photographs, microphotographs, vide-
40 otape or other recorded images relate, or one year following the date of
41 issuance of such notice of liability, whichever is later. Notwithstand-
42 ing the provisions of any other law, rule or regulation to the contrary,
43 photographs, microphotographs, videotape or any other recorded image
44 from a photo speed violation monitoring system shall not be open to the
45 public, nor subject to civil or criminal process or discovery, nor used
46 by any court or administrative or adjudicatory body in any action or
47 proceeding therein except that which is necessary for the adjudication
48 of a notice of liability issued pursuant to this section, and no public
49 entity or employee, officer or agent thereof shall disclose such infor-
50 mation, except that such photographs, microphotographs, videotape or any
51 other recorded images from such systems:

52 (A) shall be available for inspection and copying and use by the motor
53 vehicle owner and operator for so long as such photographs, microphoto-
54 graphs, videotape or other recorded images are required to be maintained
55 or are maintained by such public entity, employee, officer or agent; and

1 (B) (1) shall be furnished when described in a search warrant issued
2 by a court authorized to issue such a search warrant pursuant to article
3 six hundred ninety of the criminal procedure law or a federal court
4 authorized to issue such a search warrant under federal law, where such
5 search warrant states that there is reasonable cause to believe such
6 information constitutes evidence of, or tends to demonstrate that, a
7 misdemeanor or felony offense was committed in this state or another
8 state, or that a particular person participated in the commission of a
9 misdemeanor or felony offense in this state or another state, provided,
10 however, that if such offense was against the laws of another state, the
11 court shall only issue a warrant if the conduct comprising such offense
12 would, if occurring in this state, constitute a misdemeanor or felony
13 against the laws of this state; and

14 (2) shall be furnished in response to a subpoena duces tecum signed by
15 a judge of competent jurisdiction and issued pursuant to article six
16 hundred ten of the criminal procedure law or a judge or magistrate of a
17 federal court authorized to issue such a subpoena duces tecum under
18 federal law, where the judge finds and the subpoena states that there is
19 reasonable cause to believe such information is relevant and material to
20 the prosecution, or the defense, or the investigation by an authorized
21 law enforcement official, of the alleged commission of a misdemeanor or
22 felony in this state or another state, provided, however, that if such
23 offense was against the laws of another state, such judge or magistrate
24 shall only issue such subpoena if the conduct comprising such offense
25 would, if occurring in this state, constitute a misdemeanor or felony in
26 this state; and

27 (3) may, if lawfully obtained pursuant to this clause and clause (A)
28 of this subparagraph and otherwise admissible, be used in such criminal
29 action or proceeding.

30 (b) The owner of a vehicle shall be liable for a penalty imposed
31 pursuant to this section if such vehicle was used or operated with the
32 permission of the owner, express or implied, within a construction or
33 maintenance work area located at a bridge authority project in violation
34 of paragraph two of subdivision (d) or subdivision (f), or when other
35 speed limits are in effect in violation of subdivision (b) or (g) or
36 paragraph one of subdivision (d) of section eleven hundred eighty of
37 this article, such vehicle was traveling at a speed of more than ten
38 miles per hour above the posted speed limit in effect within such
39 construction or maintenance work area, and such violation is evidenced
40 by information obtained from a photo speed violation monitoring system;
41 provided however that no owner of a vehicle shall be liable for a penal-
42 ty imposed pursuant to this section where the operator of such vehicle
43 has been convicted of the underlying violation of subdivision (b), (d),
44 (f) or (g) of section eleven hundred eighty of this article.

45 (c) For purposes of this section, the following terms shall have the
46 following meanings:

47 1. "manual on uniform traffic control devices" or "MUTCD" shall mean
48 the manual and specifications for a uniform system of traffic control
49 devices maintained by the commissioner of transportation pursuant to
50 section sixteen hundred eighty of this chapter;

51 2. "owner" shall have the meaning provided in article two-B of this
52 chapter;

53 3. "photo speed violation monitoring system" shall mean a vehicle
54 sensor installed to work in conjunction with a speed measuring device
55 which automatically produces two or more photographs, two or more micro-
56 photographs, a videotape or other recorded images of each vehicle at the

1 time it is used or operated in a construction or maintenance work area
2 located at a bridge authority project in violation of subdivision (b),
3 (d), (f) or (g) of section eleven hundred eighty of this article in
4 accordance with the provisions of this section; and

5 4. "bridge authority projects" shall mean the projects referred to in
6 subdivision ten or ten-a of section five hundred twenty-eight of the
7 public authorities law, or as otherwise provided in an applicable inter-
8 agency agreement.

9 (d) A certificate, sworn to or affirmed by a technician employed by
10 the bridge authority or its agent as applicable, or a facsimile thereof,
11 based upon inspection of photographs, microphotographs, videotape or
12 other recorded images produced by a photo speed violation monitoring
13 system, shall be prima facie evidence of the facts contained therein.
14 Any photographs, microphotographs, videotape or other recorded images
15 evidencing such a violation shall include at least two date and time
16 stamped images of the rear of the motor vehicle that include the same
17 stationary object near the motor vehicle to the extent practicable and
18 shall be available for inspection reasonably in advance of and at any
19 proceeding to adjudicate the liability for such violation pursuant to
20 this section.

21 (e) An owner liable for a violation of subdivision (b), (d), (f) or
22 (g) of section eleven hundred eighty of this article pursuant to a
23 program established pursuant to this section shall be liable for mone-
24 tary penalties not to exceed fifty dollars for a first violation, seven-
25 ty-five dollars for a second violation both of which were committed
26 within a period of eighteen months, and one hundred dollars for a third
27 or subsequent violation all of which were committed within a period of
28 eighteen months; provided, however, that an additional penalty not in
29 excess of twenty-five dollars for each violation may be imposed for the
30 failure to respond to a notice of liability within the prescribed time
31 period.

32 (f) An imposition of liability under the program established pursuant
33 to this section shall not be deemed a conviction as an operator and
34 shall not be made part of the operating record of the person upon whom
35 such liability is imposed nor shall it be used for insurance purposes in
36 the provision of motor vehicle insurance coverage.

37 (g) 1. A notice of liability shall be sent by first class mail to each
38 person alleged to be liable as an owner for a violation of subdivision
39 (b), (d), (f) or (g) of section eleven hundred eighty of this article
40 pursuant to this section, within fourteen business days if such owner is
41 a resident of this state and within forty-five business days if such
42 owner is a non-resident. Personal delivery on the owner shall not be
43 required. A manual or automatic record of mailing prepared in the ordi-
44 nary course of business shall be prima facie evidence of the facts
45 contained therein.

46 2. A notice of liability shall contain the name and address of the
47 person alleged to be liable as an owner for a violation of subdivision
48 (b), (d), (f) or (g) of section eleven hundred eighty of this article
49 pursuant to this section, the registration number of the vehicle
50 involved in such violation, the location where such violation took
51 place, the date and time of such violation, the identification number of
52 the camera which recorded the violation or other document locator
53 number, at least two date and time stamped images of the rear of the
54 motor vehicle that include the same stationary object near the motor
55 vehicle to the extent practicable, and the certificate charging the
56 liability.

1 3. The notice of liability shall contain information advising the
2 person charged of the manner and the time in which such person may
3 contest the liability alleged in the notice. Such notice of liability
4 shall also contain a prominent warning to advise the person charged that
5 failure to contest in the manner and time provided shall be deemed an
6 admission of liability and that a default judgment may be entered there-
7 on.

8 4. The notice of liability shall be prepared and mailed by the bridge
9 authority or by any other entity authorized by the bridge authority to
10 prepare and mail such notice of liability.

11 (h) Adjudication of the liability imposed upon owners of this section
12 shall be by a traffic violations bureau established pursuant to section
13 three hundred seventy of the general municipal law where the violation
14 occurred or, if there be none, by a hearing officer designated by the
15 commissioner of motor vehicles.

16 (i) If an owner receives a notice of liability pursuant to this
17 section for any time period during which the vehicle or the number plate
18 or plates of such vehicle was reported to the police department as
19 having been stolen, it shall be a valid defense to an allegation of
20 liability for a violation of subdivision (b), (d), (f) or (g) of section
21 eleven hundred eighty of this article pursuant to this section that the
22 vehicle or the number plate or plates of such vehicle had been reported
23 to the police as stolen prior to the time the violation occurred and had
24 not been recovered by such time. For purposes of asserting the defense
25 provided by this subdivision, it shall be sufficient that a certified
26 copy of the police report on the stolen vehicle or number plate or
27 plates of such vehicle be sent by first class mail to the bridge author-
28 ity.

29 (j) 1. An owner who is a lessor of a vehicle to which a notice of
30 liability was issued pursuant to subdivision (g) of this section shall
31 not be liable for the violation of subdivision (b), (d), (f) or (g) of
32 section eleven hundred eighty of this article pursuant to this section,
33 provided that the owner sends to the bridge authority a copy of the
34 rental, lease or other such contract document covering such vehicle on
35 the date of the violation, with the name and address of the lessee
36 clearly legible, within thirty-seven days after receiving notice from
37 the bridge authority of the date and time of such violation, together
38 with the other information contained in the original notice of liabil-
39 ity. Failure to send such information within such thirty-seven-day time
40 period shall render the owner liable for the penalty prescribed by this
41 section. Where the lessor complies with the provisions of this para-
42 graph, the lessee of such vehicle on the date of such violation shall be
43 deemed to be the owner of such vehicle for purposes of this section,
44 shall be subject to liability for the violation of subdivision (b), (d),
45 (f) or (g) of section eleven hundred eighty of this article pursuant to
46 this section and shall be sent a notice of liability pursuant to subdivi-
47 vision (g) of this section.

48 2. In a city which, by local law, has authorized the adjudication of
49 liability imposed upon owners by this section by a parking violations
50 bureau, an owner who is a lessor of a vehicle to which a notice of
51 liability was issued pursuant to subdivision (g) of this section shall
52 not be liable for the violation of subdivision (b), (d), (f) or (g) of
53 section eleven hundred eighty of this article, provided that:

54 (i) prior to the violation, the lessor has filed with the bureau in
55 accordance with the provisions of section two hundred thirty-nine of
56 this chapter; and

1 (ii) within thirty-seven days after receiving notice from the bridge
2 authority of the date and time of a liability, together with the other
3 information contained in the original notice of liability, the lessor
4 submits to the bridge authority the correct name and address of the
5 lessee of the vehicle identified in the notice of liability at the time
6 of such violation, together with such other additional information
7 contained in the rental, lease or other contract document, as may be
8 reasonably required by the bridge authority pursuant to regulations that
9 may be promulgated for such purpose.

10 3. Failure to comply with this subdivision shall render the owner
11 liable for the penalty prescribed in this section.

12 4. Where the lessor complies with the provisions of this subdivision,
13 the lessee of such vehicle on the date of such violation shall be deemed
14 to be the owner of such vehicle for purposes of this section, shall be
15 subject to liability for such violation pursuant to this section and
16 shall be sent a notice of liability pursuant to subdivision (g) of this
17 section.

18 (k) 1. If the owner liable for a violation of subdivision (b), (d),
19 (f) or (g) of section eleven hundred eighty of this article pursuant to
20 this section was not the operator of the vehicle at the time of the
21 violation, the owner may maintain an action for indemnification against
22 the operator.

23 2. Notwithstanding any other provision of this section, no owner of a
24 vehicle shall be subject to a monetary fine imposed pursuant to this
25 section if the operator of such vehicle was operating such vehicle with-
26 out the consent of the owner at the time such operator operated such
27 vehicle in violation of subdivision (b), (d), (f) or (g) of section
28 eleven hundred eighty of this article. For purposes of this subdivision
29 there shall be a presumption that the operator of such vehicle was oper-
30 ating such vehicle with the consent of the owner at the time such opera-
31 tor operated such vehicle in violation of subdivision (b), (d), (f) or
32 (g) of section eleven hundred eighty of this article.

33 (l) Nothing in this section shall be construed to limit the liability
34 of an operator of a vehicle for any violation of subdivision (b), (d),
35 (f) or (g) of section eleven hundred eighty of this article.

36 (m) It shall be a defense to any prosecution for a violation of subdivi-
37 vision (b), (d), (f) or (g) of section eleven hundred eighty of this
38 article pursuant to this section that such photo speed violation moni-
39 toring system was malfunctioning at the time of the alleged violation.

40 (n) If the chair of either authority adopts a demonstration program
41 pursuant to section 1180-h of this article or this section the respec-
42 tive executive director or chair, as applicable, shall conduct a study
43 and submit a report on or before May first, two thousand twenty-eight
44 and a report on or before May first, two thousand thirty on the results
45 of the use of photo devices to the governor, the temporary president of
46 the senate and the speaker of the assembly. The executive director or
47 chair shall also make such reports available on their public-facing
48 websites, provided that they may provide aggregate data from paragraph
49 one of this subdivision if the executive director or chair finds that
50 publishing specific location data would jeopardize public safety. Such
51 report shall include:

52 1. the locations where and dates when photo speed violation monitoring
53 systems were used;

54 2. the aggregate number, type and severity of crashes, fatalities,
55 injuries and property damage reported within all highway construction or
56 maintenance work areas on controlled-access highways or crossings, to

1 the extent the information is maintained by the executive director,
2 chair or the department of motor vehicles of this state;

3 3. the aggregate number, type and severity of crashes, fatalities,
4 injuries and property damage reported within highway construction or
5 maintenance work areas where photo speed violation monitoring systems
6 were used, to the extent the information is maintained by the executive
7 director, chair or the department of motor vehicles of this state;

8 4. the number of violations recorded within all highway construction
9 or maintenance work areas on controlled-access highways or crossings, in
10 the aggregate on a daily, weekly and monthly basis to the extent the
11 information is maintained by the executive director, chair or the
12 department of motor vehicles of this state;

13 5. the number of violations recorded within each crossing construction
14 or maintenance work area where a photo speed violation monitoring system
15 is used, in the aggregate on a daily, weekly and monthly basis;

16 6. to the extent the information is maintained by the executive direc-
17 tor, chair or the department of motor vehicles of this state, the number
18 of violations recorded within all highway construction or maintenance
19 work areas on controlled-access highways or crossings that were:

20 (i) more than ten but not more than twenty miles per hour over the
21 posted speed limit;

22 (ii) more than twenty but not more than thirty miles per hour over the
23 posted speed limit;

24 (iii) more than thirty but not more than forty miles per hour over the
25 posted speed limit; and

26 (iv) more than forty miles per hour over the posted speed limit;

27 7. the number of violations recorded within each highway construction
28 or maintenance work area where a photo speed violation monitoring system
29 is used that were:

30 (i) more than ten but not more than twenty miles per hour over the
31 posted speed limit;

32 (ii) more than twenty but not more than thirty miles per hour over the
33 posted speed limit;

34 (iii) more than thirty but not more than forty miles per hour over the
35 posted speed limit; and

36 (iv) more than forty miles per hour over the posted speed limit;

37 8. the total number of notices of liability issued for violations
38 recorded by such systems;

39 9. the number of fines and total amount of fines paid after the first
40 notice of liability issued for violations recorded by such systems, to
41 the extent the information is maintained by the executive director,
42 chair or the department of motor vehicles of this state;

43 10. the number of violations adjudicated and the results of such adju-
44 dications including breakdowns of dispositions made for violations
45 recorded by such systems, to the extent the information is maintained by
46 the executive director, chair or the department of motor vehicles of
47 this state;

48 11. the total amount of revenue realized by the state or respective
49 authority in connection with the program;

50 12. the expenses incurred by the state or the respective authority in
51 connection with the program;

52 13. an itemized list of expenditures made by the state and the respec-
53 tive authority on work zone safety projects undertaken in accordance
54 with subdivisions eleven and twelve of section eighteen hundred three of
55 this chapter; and

1 14. the quality of the adjudication process and its results, to the
2 extent the information is maintained by the executive director, chair or
3 the department of motor vehicles of this state.

4 § 4. Subdivisions 11 and 12 of section 1803 of the vehicle and traffic
5 law, as amended by chapter 557 of the laws of 2023, are amended and two
6 new subdivisions 14 and 15 are added to read as follows:

7 11. Where the commissioner of transportation has established a demon-
8 stration program imposing monetary liability on the owner of a vehicle
9 for failure of an operator thereof to comply with subdivision (b), (d),
10 (f) or (g) of section eleven hundred eighty of this chapter in accord-
11 ance with section eleven hundred eighty-e of this chapter, any fine or
12 penalty collected by a court, judge, magistrate or other officer for an
13 imposition of liability which occurs pursuant to such program shall be
14 paid to the state comptroller within the first [~~ten~~ thirty] days of the
15 month following collection, except as otherwise provided in subdivision
16 three of section ninety-nine-a of the state finance law. Every such
17 payment shall be accompanied by a statement in such form and detail as
18 the comptroller shall provide. Notwithstanding the provisions of subdi-
19 vision five of this section, eighty percent of any such fine or penalty
20 imposed for such liability shall be paid to the general fund, and twenty
21 percent of any such fine or penalty shall be paid to the city, town or
22 village in which the violation giving rise to the liability occurred,
23 provided, however, that (a) within a county that has established a traf-
24 fic and parking violations agency pursuant to section three hundred
25 seventy of the general municipal law and such liability is disposed of
26 by such agency, eighty percent of any such fine or penalty imposed for
27 such liability shall be paid to the general fund, and twenty percent of
28 any such fine or penalty shall be paid to the county in which the
29 violation giving rise to the liability occurred; or (b) where collected
30 by a hearing officer appointed by the commissioner, eighty percent of
31 any such fine or penalty imposed for such liability shall be paid to the
32 general fund, and twenty percent shall be deposited in the work zone
33 speed camera administration fund established pursuant to section nine-
34 ty-nine-ss of the state finance law. With respect to the percentage of
35 fines or penalties paid to the general fund, no less than sixty percent
36 shall be dedicated to department of transportation work zone safety
37 projects after deducting the expenses necessary to administer such
38 demonstration program, provided, however, that except as provided pursu-
39 ant to section ninety-nine-ss of the state finance law, such funds
40 provided pursuant to this subdivision shall be payable on the audit and
41 warrant of the comptroller and shall only be used to supplement and not
42 supplant current expenditures of state funds on work zone safety
43 projects. For the purposes of this subdivision, "work zone safety
44 projects" shall apply to work zones under the jurisdiction of the
45 department of transportation and shall include, but not be limited to,
46 inspection and implementation of work zone design, maintenance, traffic
47 plans and markings, worker safety training, contractor outreach,
48 enforcement efforts, radar speed display signs at major active work
49 zones and police presence at major active work zones, as provided in
50 section twenty-two of the transportation law. All fines, penalties and
51 forfeitures paid to a county, city, town or village pursuant to the
52 provisions of this subdivision shall be credited to the general fund of
53 such county, city, town or village, unless a different disposition is
54 prescribed by charter, special law, local law or ordinance.

55 12. Where the chair of the New York state thruway authority has estab-
56 lished a demonstration program imposing monetary liability on the owner

1 of a vehicle for failure of an operator thereof to comply with subdivi-
2 sion (b), (d), (f) or (g) of section eleven hundred eighty of this chap-
3 ter in accordance with section eleven hundred eighty-e of this chapter,
4 any fine or penalty collected by a court, judge, magistrate or other
5 officer for an imposition of liability which occurs pursuant to such
6 program shall be paid to the state comptroller within the first ten days
7 of the month following collection, except as otherwise provided in
8 subdivision three of section ninety-nine-a of the state finance law.
9 Every such payment shall be accompanied by a statement in such form and
10 detail as the comptroller shall provide. Notwithstanding the provisions
11 of subdivision five of this section, eighty percent of any such fine or
12 penalty imposed for such liability shall be paid to the thruway authori-
13 ty, and twenty percent of any such fine or penalty shall be paid to the
14 city, town or village in which the violation giving rise to the liabil-
15 ity occurred, provided, however, that (a) within a county that has
16 established a traffic and parking violations agency pursuant to section
17 three hundred seventy of the general municipal law and such liability is
18 disposed of by such agency, eighty percent of any such fine or penalty
19 imposed for such liability shall be paid to the thruway authority, and
20 twenty percent of any such fine or penalty shall be paid to the county
21 in which the violation giving rise to the liability occurred; or (b)
22 where collected by a hearing officer appointed by the commissioner,
23 eighty percent of any such fine or penalty imposed for such liability
24 shall be paid to the thruway authority, and twenty percent shall be
25 deposited in the work zone speed camera administration fund established
26 pursuant to section ninety-nine-ss of the state finance law. With
27 respect to the percentage of fines or penalties paid to the thruway
28 authority, no less than sixty percent shall be dedicated to thruway
29 authority work zone safety projects after deducting the expenses neces-
30 sary to administer such demonstration program, provided, however, that
31 except as provided pursuant to section ninety-nine-ss of the state
32 finance law, such funds provided pursuant to this subdivision shall be
33 payable on the audit and warrant of the comptroller and shall only be
34 used to supplement and not supplant current expenditures of state funds
35 on work zone safety projects. For the purposes of this subdivision,
36 "work zone safety projects" shall apply to work zones under the juris-
37 diction of the thruway authority and shall include, but not be limited
38 to, inspection and implementation of work zone design, maintenance,
39 traffic plans and markings, worker safety training, contractor outreach,
40 enforcement efforts, radar speed display signs at major active work
41 zones and police presence at major active work zones, as provided in
42 section twenty-two of the transportation law. For the purposes of this
43 subdivision, the term "thruway authority" shall mean the New York state
44 thruway authority, a body corporate and politic constituting a public
45 corporation created and constituted pursuant to title nine of article
46 two of the public authorities law. All fines, penalties and forfeitures
47 paid to a county, city, town or village pursuant to the provisions of
48 this subdivision shall be credited to the general fund of such county,
49 city, town or village, unless a different disposition is prescribed by
50 charter, special law, local law or ordinance.

51 14. Where the Triborough bridge and tunnel authority has established a
52 program imposing monetary liability on the owner of a vehicle for fail-
53 ure of an operator thereof to comply with subdivision (b), (d), (f) or
54 (g) of section eleven hundred eighty of this chapter in accordance with
55 section eleven hundred eighty-h of this chapter, any fine or penalty
56 collected by the New York city parking violations bureau for an imposi-

1 tion of liability which occurs pursuant to such program shall be paid to
2 the state comptroller within the first thirty days of the month follow-
3 ing collection, except as otherwise provided in subdivision three of
4 section ninety-nine-a of the state finance law. Every such payment shall
5 be accompanied by a statement in such form and detail as the comptroller
6 shall provide. Notwithstanding the provisions of subdivision five of
7 this section, eighty percent of any such fine or penalty imposed for
8 such liability shall be paid to the Triborough bridge and tunnel author-
9 ity, and twenty percent of any such fine or penalty shall be paid to the
10 New York city parking violations bureau. With respect to the percentage
11 of fines or penalties paid to the Triborough bridge and tunnel authori-
12 ty, no less than sixty percent shall be dedicated to Triborough bridge
13 and tunnel authority work zone safety projects after deducting the
14 expenses necessary to administer such program, provided, however, that
15 such funds provided pursuant to this subdivision shall be payable on the
16 audit and warrant of the comptroller and shall only be used to supple-
17 ment and not supplant current expenditures of state funds on work zone
18 safety projects. For the purposes of this subdivision, "work zone safety
19 projects" shall apply to work zones under the jurisdiction of the
20 Triborough bridge and tunnel authority and shall include, but not be
21 limited to, inspection and implementation of work zone design, mainte-
22 nance, traffic plans and markings, worker safety training, contractor
23 outreach, enforcement efforts, radar speed display signs at major active
24 work zones and police presence at major active work zones, as provided
25 in section twenty-two of the transportation law. For the purposes of
26 this subdivision, the term "Triborough bridge and tunnel authority"
27 shall mean the New York state Triborough bridge and tunnel authority, a
28 body corporate and politic constituting a public benefit corporation
29 created and constituted pursuant to title three of article three of the
30 public authorities law. All fines, penalties and forfeitures paid to a
31 county, city, town or village pursuant to the provisions of this subdivi-
32 vision shall be credited to the general fund of such county, city, town
33 or village, unless a different disposition is prescribed by charter,
34 special law, local law or ordinance.

35 15. Where the New York state bridge authority has established a
36 program imposing monetary liability on the owner of a vehicle for fail-
37 ure of an operator thereof to comply with subdivision (b), (d), (f) or
38 (g) of section eleven hundred eighty of this chapter in accordance with
39 section eleven hundred eighty-i of this chapter, any fine or penalty
40 collected by a hearing officer, traffic violations bureau, or adminis-
41 trative tribunal, as applicable, for an imposition of liability which
42 occurs pursuant to such program shall be paid to the state comptroller
43 within the first thirty days of the month following collection, except
44 as otherwise provided in subdivision three of section ninety-nine-a of
45 the state finance law. Every such payment shall be accompanied by a
46 statement in such form and detail as the comptroller shall provide.
47 Notwithstanding the provisions of subdivision five of this section,
48 eighty percent of any such fine or penalty imposed for such liability
49 shall be paid to the bridge authority, and twenty percent of any such
50 fine or penalty shall be paid to the city, town or village in which the
51 violation giving rise to the liability occurred, provided, however, that
52 (a) within a county that has established a traffic and parking
53 violations agency pursuant to section three hundred seventy of the
54 general municipal law and such liability is disposed of by such agency,
55 eighty percent of any such fine or penalty imposed for such liability
56 shall be paid to the bridge authority, and twenty percent of any such

1 fine or penalty shall be paid to the county in which the violation
2 giving rise to the liability occurred; or (b) where collected by a hear-
3 ing officer appointed by the commissioner, eighty percent of any such
4 fine or penalty imposed for such liability shall be paid to the bridge
5 authority, and twenty percent shall be deposited in the work zone speed
6 camera administration fund established pursuant to section ninety-nine-
7 ss of the state finance law. With respect to the percentage of fines or
8 penalties paid to the bridge authority, no less than sixty percent shall
9 be dedicated to bridge authority work zone safety projects after deduct-
10 ing the expenses necessary to administer such program, provided, howev-
11 er, that except as provided pursuant to section ninety-nine-ss of the
12 state finance law, such funds provided pursuant to this subdivision
13 shall be payable on the audit and warrant of the comptroller and shall
14 only be used to supplement and not supplant current expenditures of
15 state funds on work zone safety projects. For the purposes of this
16 subdivision, "work zone safety projects" shall apply to work zones under
17 the jurisdiction of the bridge authority and shall include, but not be
18 limited to, inspection and implementation of work zone design, mainte-
19 nance, traffic plans and markings, worker safety training, contractor
20 outreach, enforcement efforts, radar speed display signs at major active
21 work zones and police presence at major active work zones, as provided
22 in section twenty-two of the transportation law. For the purposes of
23 this subdivision, the term "bridge authority" shall mean the New York
24 state bridge authority, a body corporate and politic constituting a
25 public benefit corporation created and constituted pursuant to title two
26 of article three of the public authorities law. All fines, penalties and
27 forfeitures paid to a county, city, town or village pursuant to the
28 provisions of this subdivision shall be credited to the general fund of
29 such county, city, town or village, unless a different disposition is
30 prescribed by charter, special law, local law or ordinance.

31 § 5. The state finance law is amended by adding a new section 99-ss to
32 read as follows:

33 § 99-ss. Work zone speed camera administration fund. 1. There is here-
34 by established in the joint custody of the commissioner of taxation and
35 finance and the comptroller a special fund to be known as the "work zone
36 speed camera administration fund".

37 2. The fund shall consist of fines or penalties collected by the
38 commissioner of motor vehicles for violations of sections eleven hundred
39 eighty-e and eleven hundred eighty-i of the vehicle and traffic law and
40 pursuant to subdivisions eleven, twelve and fifteen of section eighteen
41 hundred three of the vehicle and traffic law.

42 3. Moneys of the fund shall be made available to the department of
43 motor vehicles only for the costs incurred by the department in adjudi-
44 cating liabilities and hearing administrative appeals regarding
45 violations of sections eleven hundred eighty-e and eleven hundred eight-
46 y-i of the vehicle and traffic law.

47 4. The moneys of the fund shall be paid out on the audit and warrant
48 of the comptroller on vouchers certified or approved by the commissioner
49 of motor vehicles. At the end of each year any moneys remaining in the
50 fund shall be retained in the fund and shall not revert to the general
51 fund. The interest and income earned on money in the fund, after
52 deducting any applicable charges, shall be credited to the fund.

53 § 6. Subdivision 2 of section 87 of the public officers law is amended
54 by adding two new paragraphs (v) and (w) to read as follows:

1 (v) are photographs, microphotographs, videotape or other recorded
2 images prepared under authority of section eleven hundred eleven-h of
3 the vehicle and traffic law.

4 (w) are photographs, microphotographs, videotape or other recorded
5 images prepared under authority of section eleven hundred eleven-i of
6 the vehicle and traffic law.

7 § 7. Section 16 of chapter 421 of the laws of 2021 amending the vehi-
8 cle and traffic law and the general municipal law relating to certain
9 notices of liability, is amended to read as follows:

10 § 16. This act shall take effect on the thirtieth day after it shall
11 have become a law; provided, however, that sections twelve, thirteen,
12 fourteen and fifteen of this act shall expire and be deemed repealed [5]
13 9 years after such effective date when upon such date the provisions
14 of such sections shall be deemed repealed; provided that effective imme-
15 diately, the addition, amendment and/or repeal of any rule or regulation
16 necessary for the implementation of this act on its effective date are
17 authorized to be made and completed on or before such effective date;
18 and provided further, that:

19 (a) the amendments to the opening paragraph and paragraph (c) of
20 subdivision 1 of section 1809 of the vehicle and traffic law made by
21 section eight of this act shall not affect the expiration of such
22 section and shall be deemed to expire therewith, when upon such date the
23 provisions of section eight-a of this act shall take effect;

24 (b) the amendments to the opening paragraph and paragraph (c) of
25 subdivision 1 of section 1809 of the vehicle and traffic law made by
26 section eight-a of this act shall not affect the expiration of such
27 section and shall be deemed to expire therewith, when upon such date the
28 provisions of section eight-b of this act shall take effect;

29 (c) the amendments to subdivision 1 of section 1809 of the vehicle and
30 traffic law made by section eight-b of this act shall not affect the
31 expiration of such section and shall be deemed to expire therewith, when
32 upon such date the provisions of section eight-c of this act shall take
33 effect;

34 (d) the amendments to subdivision 1 of section 1809 of the vehicle and
35 traffic law made by section eight-c of this act shall not affect the
36 expiration of such section and shall be deemed to expire therewith, when
37 upon such date the provisions of section eight-d of this act shall take
38 effect;

39 (e) the amendments to subdivision 1 of section 1809 of the vehicle and
40 traffic law made by section eight-d of this act shall not affect the
41 expiration of such section and shall be deemed to expire therewith, when
42 upon such date the provisions of section eight-e of this act shall take
43 effect;

44 (f) the amendments to subdivision 1 of section 1809 of the vehicle and
45 traffic law made by section eight-e of this act shall not affect the
46 expiration of such section and shall be deemed to expire therewith, when
47 upon such date the provisions of section eight-f of this act shall take
48 effect;

49 (g) the amendments to subdivision 1 of section 1809 of the vehicle and
50 traffic law made by section eight-f of this act shall not affect the
51 expiration of such section and shall be deemed to expire therewith, when
52 upon such date the provisions of section eight-g of this act shall take
53 effect; and

54 (h) the amendments to subdivision 1 of section 1809 of the vehicle and
55 traffic law made by section eight-g of this act shall not affect the
56 expiration of such section and shall be deemed to expire therewith, when

1 upon such date the provisions of section eight-h of this act shall take
2 effect.

3 § 8. For the purpose of informing and educating owners of motor vehi-
4 cles in this state, an agency or authority authorized to issue notices
5 of liability pursuant to the provisions of this act shall, during the
6 first thirty-day period in which the photo violation monitoring systems
7 are in operation pursuant to the provisions of this act, issue a written
8 warning in lieu of a notice of liability to all owners of motor vehicles
9 who would be held liable for failure of operators thereof to comply with
10 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of the
11 vehicle and traffic law in accordance with sections eleven hundred
12 eighty-h and eleven hundred eighty-i of the vehicle and traffic law.
13 Provided that agencies and authorities authorized to issue notices of
14 liability pursuant to this act shall evaluate establishing mobile
15 stations for expedited adjudication, customer service, processing of
16 payments for notices of liability and report on its feasibility to the
17 governor, temporary president of the senate, and speaker of the assembly
18 within one year of the effective date of this act.

19 § 9. This act shall take effect immediately; provided however, that:

20 (a) sections one, two, three, four, five and six of this act shall
21 take effect on the thirtieth day after it shall have become a law;

22 (b) sections two and three of this act shall expire and be deemed
23 repealed five years after the effective date of this act.

24 (c) the amendments to section 1180-e of the vehicle and traffic law
25 made by section one of this act shall not affect the repeal of such
26 section and shall be deemed repealed therewith; and

27 (d) the amendments to subdivisions 11 and 12 of section 1803 of the
28 vehicle and traffic law made by section four of this act shall not
29 affect the repeal of such subdivisions and shall be deemed repealed
30 therewith.

31 Effective immediately, the addition, amendment and/or repeal of any
32 rule or regulation necessary for the implementation of this act on its
33 effective date are authorized to be made and completed on or before such
34 effective date.

35 PART R

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

39 11. With intent to cause physical injury to an operator or crew of a
40 passenger commuter ferry as defined in subdivision (n) of section three
41 hundred of the tax law, a train operator, ticket inspector, conductor,
42 signalperson, bus operator, station agent, station cleaner, terminal
43 cleaner, station customer assistant, traffic checker; person whose offi-
44 cial duties include the sale or collection of tickets, passes, vouchers,
45 or other revenue payment media for use on a train, bus, or ferry the
46 collection or handling of revenues therefrom; a person whose official
47 duties include the construction, maintenance, repair, inspection, trou-
48 bleshooting, testing or cleaning of buses or ferries, a transit signal
49 system, elevated or underground subway tracks, transit station or trans-
50 portation structure, including fare equipment, escalators, elevators and
51 other equipment necessary to passenger service, commuter rail tracks or
52 stations, train yard, revenue train in passenger service, a ferry
53 station, or a train or bus station or terminal, or any roadways, walk-
54 ways, tunnels, bridges, tolling facilities or their supporting systems,

1 building or structures; or a supervisor of such personnel, employed by
2 any transit or commuter rail agency, authority or company, public or
3 private, whose operation is authorized or established by New York state
4 or any of its political subdivisions, a city marshal, a school crossing
5 guard appointed pursuant to section two hundred eight-a of the general
6 municipal law, a traffic enforcement officer, traffic enforcement agent,
7 motor vehicle license examiner, motor vehicle representative, highway
8 worker as defined in section one hundred eighteen-a of the vehicle and
9 traffic law, motor carrier investigator as defined in section one
10 hundred eighteen-b of the vehicle and traffic law, motor vehicle inspec-
11 tor as defined in section one hundred eighteen-c of the vehicle and
12 traffic law, prosecutor as defined in subdivision thirty-one of section
13 1.20 of the criminal procedure law, sanitation enforcement agent, New
14 York city sanitation worker, public health sanitarian, New York city
15 public health sanitarian, registered nurse, licensed practical nurse,
16 emergency medical service paramedic, or emergency medical service tech-
17 nician, [~~he or she~~] such person causes physical injury to such operator
18 or crew of a passenger commuter ferry as defined in subdivision (n) of
19 section three hundred of the tax law, train operator, ticket inspector,
20 conductor, signalperson, bus operator, station agent, station cleaner,
21 terminal cleaner, station customer assistant, traffic checker; person
22 whose official duties include the sale or collection of tickets, passes,
23 vouchers or other revenue payment media for use on a train, bus, or
24 ferry or the collection or handling of revenues therefrom; a person
25 whose official duties include the construction, maintenance, repair,
26 inspection, troubleshooting, testing or cleaning of buses or ferries, a
27 transit signal system, elevated or underground subway tracks, transit
28 station or transportation structure, including fare equipment, escala-
29 tors, elevators and other equipment necessary to passenger service,
30 commuter rail tracks or stations, train yard, revenue train in passenger
31 service, a ferry station, or a train or bus station or terminal, or any
32 roadways, walkways, tunnels, bridges, tolling facilities or their
33 supporting systems, buildings or structures; or a supervisor of such
34 personnel, city marshal, school crossing guard appointed pursuant to
35 section two hundred eight-a of the general municipal law, traffic
36 enforcement officer, traffic enforcement agent, motor vehicle license
37 examiner, motor vehicle representative, highway worker as defined in
38 section one hundred eighteen-a of the vehicle and traffic law, motor
39 carrier investigator as defined in section one hundred eighteen-b of the
40 vehicle and traffic law, motor vehicle inspector as defined in section
41 one hundred eighteen-c of the vehicle and traffic law, prosecutor as
42 defined in subdivision thirty-one of section 1.20 of the criminal proce-
43 cedure law, registered nurse, licensed practical nurse, public health
44 sanitarian, New York city public health sanitarian, sanitation enforce-
45 ment agent, New York city sanitation worker, emergency medical service
46 paramedic, or emergency medical service technician, while such employee
47 is performing [~~an assigned duty on, or directly related to,~~ a lawful
48 act related, directly or indirectly, to an employment responsibility,
49 including but not limited to the operation of a train or bus, cleaning
50 of a train or bus station or terminal, assisting customers, checking
51 traffic, the sale or collection of tickets, passes, vouchers, or other
52 revenue media for use on a train, bus, or ferry or maintenance or clean-
53 ing of a train, a bus, a ferry, or bus station or terminal, signal
54 system, elevated or underground subway tracks, transit station or trans-
55 portation structure, including fare equipment, escalators, elevators and
56 other equipment necessary to passenger service, commuter rail tracks or

1 stations, train yard or revenue train in passenger service, a ferry
2 station, or such city marshal, school crossing guard, traffic enforce-
3 ment officer, traffic enforcement agent, motor vehicle license examiner,
4 motor vehicle representative, highway worker as defined in section one
5 hundred eighteen-a of the vehicle and traffic law, motor carrier inves-
6 tigator as defined in section one hundred eighteen-b of the vehicle and
7 traffic law, motor vehicle inspector as defined in section one hundred
8 eighteen-c of the vehicle and traffic law, operator or crew of a passen-
9 ger commuter ferry as defined in subdivision (n) of section three
10 hundred of the tax law, prosecutor as defined in subdivision thirty-one
11 of section 1.20 of the criminal procedure law, registered nurse,
12 licensed practical nurse, public health sanitarian, New York city public
13 health sanitarian, sanitation enforcement agent, New York city sanita-
14 tion worker, emergency medical service paramedic, or emergency medical
15 service technician is performing an assigned duty; or

16 § 2. The vehicle and traffic law is amended by adding three new
17 sections 118-a, 118-b and 118-c to read as follows:

18 § 118-a. Highway worker. Any person employed by or on behalf of the
19 state, a county, city, town, village, a public authority, local authori-
20 ty, public utility company, or an agent or contractor of any such enti-
21 ty, or a flagperson as defined in section one hundred fifteen-b of this
22 article, who has been assigned to perform work on a highway, public
23 highway, roadway, access highway, or qualifying highway, or within the
24 highway right of way. Such work may include, but shall not be limited
25 to, construction, reconstruction, maintenance, improvement, inspection,
26 flagging, utility installation, or the operation of equipment. For
27 purposes of this section, the term "highway right of way" shall mean the
28 entire width between the boundary line of all property which has been
29 purchased, appropriated, or designated by the state, a municipal entity,
30 or a public benefit corporation for highway purposes, all property over
31 which the commissioner of transportation, any municipal entity, or
32 public benefit corporation has assumed jurisdiction for highway
33 purposes, and all property that has become part of a highway system
34 through dedication or use, including any property deemed necessary for
35 the maintenance, construction, reconstruction, or improvement of any
36 highway. Such work may include, but shall not be limited to
37 construction, reconstruction, maintenance, improvement, flagging, utili-
38 ty installation, or the operation of equipment.

39 § 118-b. Motor carrier investigator. Any person employed by the
40 department of transportation who has been assigned to perform investi-
41 gations of any motor carriers regulated by the commissioner of transpor-
42 tation.

43 § 118-c. Motor vehicle inspector. Any person employed by the depart-
44 ment of transportation who has been assigned to perform inspections of
45 any motor vehicles regulated by the commissioner of transportation.

46 § 2-a. The commissioner of motor vehicles shall undertake a public
47 education campaign to alert customers of the changes to 120.05 of the
48 penal law providing for increased penalties for assaulting employees
49 performing various motor vehicle-related public functions, as amended by
50 section one of this act, and may coordinate with county clerks perform-
51 ing similar functions.

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

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

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

12 § 2. This act shall take effect immediately.

13 PART T

14 Section 1. Subdivision 7 of section 2611 of the public authorities
15 law, as amended by section 1 of part NN of chapter 58 of the laws of
16 2019, is amended to read as follows:

17 7. To enter into contracts, leases and subleases and to execute all
18 instruments necessary or convenient for the conduct of authority busi-
19 ness, including agreements with the park district and any state agency
20 which administers, owns or supervises any olympic facility or Belleayre
21 Mountain ski center, as provided in sections twenty-six hundred twelve
22 and twenty-six hundred fourteen of this title~~[, and including contracts
23 or other agreements to plan, prepare for and host the two thousand twen-
24 ty-three World University Games to be held in Lake Placid, New York
25 where such contracts or agreements would obligate the authority to
26 defend, indemnify and/or insure third parties in connection with, aris-
27 ing out of, or relating to such games, such authority to be limited by
28 the amount of any lawful appropriation or other funding such as a
29 performance bond surety, or other collateral instrument for that
30 purpose. With respect to the two thousand twenty-three World University
31 Games, the amount of such appropriation shall be no more than sixteen
32 million dollars].~~ This shall include the power to enter into contracts
33 or other agreements to join reciprocal ski pass programs with other ski
34 areas, where the members of such reciprocal pass program are required to
35 defend and/or indemnify one or more other members of such program for
36 claims or causes of action arising out of, or relating to, such contract
37 or agreement. This power shall be limited by the amount of the authori-
38 ty's discretionary funds, any lawful appropriation, or other funding, up
39 to a limit of two hundred fifty thousand dollars per such claim or cause
40 of action;

41 § 2. This act shall take effect immediately.

42 PART U

43 Section 1. The general business law is amended by adding a new article
44 47 to read as follows:

45 ARTICLE 47

46 ARTIFICIAL INTELLIGENCE COMPANION MODELS

47 Section. 1700. Definitions.

48 1701. Prohibitions and requirements.

49 1702. Notifications.

50 1703. Enforcement.

51 1704. Severability.

1 § 1700. Definitions. As used in this article, the following terms
2 shall have the following meanings:

3 1. "Artificial intelligence", "artificial intelligence technology", or
4 "AI" means a machine-based system that can, for a given set of human-de-
5 defined objectives, make predictions, recommendations, or decisions influ-
6 encing real or virtual environments, and that uses machine- and human-
7 based inputs to perceive real and virtual environments, abstract such
8 perceptions into models through analysis in an automated manner, and use
9 model inference to formulate options for information or action.

10 2. "Generative artificial intelligence" means a class of AI models
11 that emulate the structure and characteristics of input data or training
12 data to generate derived synthetic content, including, but not limited
13 to, images, videos, audio, text, and other digital content.

14 3. "AI model" means a component of an information system that imple-
15 ments artificial intelligence technology and uses computational, statis-
16 tical, or machine-learning techniques to produce outputs from a given
17 set of inputs.

18 4. "AI companion" means a system using artificial intelligence, gener-
19 ative artificial intelligence, and/or emotional recognition algorithms
20 to simulate human-like interpersonal interactions, by retaining informa-
21 tion on prior interactions and user preference, asking questions,
22 providing advice, or engaging in simulated conversation. Human-like
23 interpersonal interactions shall include, but shall not be limited to,
24 romantic, platonic, familial, adversarial, professional, official, ther-
25 apeutic, or stranger interactions that are between a user and a
26 fictional or non-fictional character or group of characters. AI compan-
27 ion shall not include any system used by a business entity solely for
28 customer service or to strictly provide users with information about
29 available commercial services or products provided by such entity,
30 customer account information, or other information strictly related to
31 its customer service.

32 5. "Operator" means any person, partnership, association, firm, or
33 business entity, or any member, affiliate, subsidiary or beneficial
34 owner of any partnership, association, firm, or business entity who
35 operates or provides an AI companion.

36 6. "Person" means any natural person.

37 7. "Emotional recognition algorithms" means artificial intelligence
38 that detects and interprets human emotional signals in text (using
39 natural language processing and sentiment analysis), audio (using voice
40 emotion AI), video (using facial movement analysis, gait analysis, or
41 physiological signals), or a combination thereof.

42 8. "User" means any person who uses an AI companion within the state
43 and who is not an operator or agent or affiliate of the operator of the
44 AI companion.

45 § 1701. Prohibitions and requirements. It shall be unlawful for any
46 operator to operate or provide an AI companion to a user unless such AI
47 companion contains a protocol for addressing possible suicidal ideation
48 or self-harm expressed by a user to the AI companion, that includes but
49 is not limited to:

50 1. detection of user expressions of possible suicidal ideation or
51 self-harm;

52 2. ceasing a user's access to an AI companion for at least twenty-four
53 hours upon detection of such user's expressions of possible suicidal
54 ideation or self-harm; and

55 3. a notification to the user that refers them to crisis service
56 providers such as a suicide hotline, crisis text line, or other appro-

1 priate crisis services upon detection of such user's expressions of
2 possible suicidal ideation or self-harm and when the notification may be
3 beneficial to a user's well-being.

4 § 1702. Notifications. The owner, licensee or operator of a genera-
5 tive artificial intelligence system shall clearly and conspicuously
6 display a warning on the system's user interface that is reasonably
7 calculated to consistently and at all times disclose to the user that
8 they are communicating with a computer and not a human and that the
9 outputs of the generative artificial intelligence system may be inaccur-
10 rate and/or inappropriate.

11 § 1703. Enforcement. 1. Any person aggrieved by a violation of
12 section seventeen hundred one or seventeen hundred two of this article
13 may bring an action in a court of competent jurisdiction for damages,
14 equitable relief, and such other remedies as the court may deem appro-
15 priate.

16 2. Where the owner, licensee or operator of a generative artificial
17 intelligence system fails to provide the warning required in section
18 seventeen hundred two of this article, such owner, licensee or operator
19 shall be assessed a civil penalty of the greater of five thousand
20 dollars or up to one hundred dollars per instance and per day of failed
21 notification. Each calendar year during which a violation continues
22 shall constitute a separate violation for the purpose of this subdivi-
23 sion.

24 § 1704. Severability. If any clause, sentence, paragraph, subdivision,
25 section or part of this act shall be adjudged by any court of competent
26 jurisdiction to be invalid, such judgment shall not affect, impair, or
27 invalidate the remainder thereof, but shall be confined in its operation
28 to the clause, sentence, paragraph, subdivision, section or part thereof
29 directly involved in the controversy in which such judgment shall have
30 been rendered. It is hereby declared to be the intent of the legislature
31 that this act would have been enacted even if such invalid provisions
32 had not been included herein.

33 § 2. This act shall take effect on the one hundred eightieth day after
34 it shall have become a law.

35 PART V

36 Intentionally Omitted

37 PART W

38 Section 1. Subdivisions 2 and 3 of section 527 of the general business
39 law, as added by chapter 267 of the laws of 2020, are amended to read as
40 follows:

41 2. [~~"Automatic renewal offer terms" means the following clear and~~
42 ~~conspicuous disclosures:~~

43 ~~a. that the subscription or purchasing agreement will continue until~~
44 ~~the consumer cancels;~~

45 ~~b. the description of the cancellation policy that applies to the~~
46 ~~offer;~~

47 ~~c. the recurring charges that will be charged to the consumer's credit~~
48 ~~or debit card or payment account with a third party as part of the auto-~~
49 ~~matic renewal plan or arrangement, and that the amount of the charge may~~
50 ~~change, if that is the case, and the amount to which the charge will~~
51 ~~change, if known;~~

1 ~~d. the length of the automatic renewal term or that the service is~~
2 ~~continuous, unless the length of the term is chosen by the consumer, and~~
3 ~~e. the minimum purchase obligation, if any] "Knowing" means that a
4 person, with respect to information:~~

5 a. has actual knowledge of the information;

6 b. acts in deliberate ignorance of the truth or falsity of the infor-
7 mation; or

8 c. acts in reckless disregard of the truth or falsity of the informa-
9 tion.

10 3. "Clear and conspicuous" means [~~in larger type than the surrounding~~
11 ~~text, or in contrasting type, font, or color to the surrounding text of~~
12 ~~the same size, or set off from the surrounding text of the same size by~~
13 ~~symbols or other marks, in a manner that clearly calls attention to the~~
14 ~~language. In the case of an audio disclosure, "clear and conspicuous"~~
15 ~~means in a volume and cadence sufficient to be readily audible and~~
16 ~~understandable] that a required disclosure is easily noticeable (i.e.,
17 difficult to miss) and easily understandable by ordinary consumers,
18 including in all of the following ways:~~

19 a. In any communication that is solely visual or solely audible, the
20 disclosure must be made through the same means through which the commu-
21 nication is presented. In any communication made through both visual and
22 audible means, such as a television advertisement, the disclosure must
23 be presented simultaneously in both the visual and audible portions of
24 the communication even if the representation requiring the disclosure is
25 made in only one means;

26 b. A visual disclosure, by its size, contrast, location, the length of
27 time it appears, and other characteristics, must stand out from any
28 accompanying text or other visual elements so that it is easily noticed,
29 read, and understood;

30 c. An audible disclosure, including by telephone or streaming video,
31 must be delivered in a volume, speed, and cadence sufficient for ordi-
32 nary consumers to easily hear and understand it;

33 d. In any communication using the internet, mobile application, or
34 software, the disclosure must be unavoidable;

35 e. The disclosure must use diction and syntax understandable to ordi-
36 nary consumers and must appear in each language in which the represen-
37 tation that requires the disclosure appears;

38 f. The disclosure must comply with these requirements in each medium
39 through which it is received, including all electronic devices and face-
40 to-face communications;

41 g. The disclosure must not be contradicted or mitigated by, or incon-
42 sistent with, anything else in the communication; and

43 h. When the representation or sales practice targets a specific audi-
44 ence, such as children, older adults, or the terminally ill, "ordinary
45 consumers" includes members of that group.

46 § 2. Section 527-a of the general business law, as added by chapter
47 267 of the laws of 2020, subdivisions 3 and 8 as amended by chapter 728
48 of the laws of 2023, is amended to read as follows:

49 § 527-a. Unlawful practices. 1. It shall be unlawful for any business
50 making an automatic renewal or continuous service offer to a consumer in
51 this state to [~~do any of the following~~]:

52 a. fail to present to the consumer, in a clear and conspicuous manner,
53 the material terms of any automatic renewal offer [~~terms~~] or continuous
54 service offer [~~terms in a clear and conspicuous manner~~], including but
55 not limited to a description of the product or service subject to
56 renewal, the amount of the costs that will be charged, the frequency of

1 charges, and the deadline by date or frequency by which the consumer
2 must act to prevent or stop further charges, before consent to the
3 [~~subscription or purchasing agreement is fulfilled~~] offer or billing
4 information has been requested and in visual proximity, or in the case
5 of an offer conveyed by voice, in temporal proximity, to the request for
6 consent to the offer. If the offer also includes a free gift or [~~trial~~]
7 the price is temporary, the offer shall include a clear and conspicuous
8 explanation of how and when the price will change and the price or prices
9 that will subsequently be charged [~~after the trial ends or the manner~~
10 ~~in which the subscription or purchasing agreement pricing will change~~
11 ~~upon conclusion of the trial~~] to the consumer;

12 b. charge the consumer's credit or debit card or the consumer's
13 account with a third party for an automatic renewal or continuous
14 service, or for any previously undisclosed increased price, relating to
15 an automatic renewal or continuous service offer to which the consumer
16 previously consented, without first obtaining the consumer's express
17 affirmative consent to [~~the agreement containing~~] the changes in price,
18 automatic renewal offer terms or continuous service offer terms, includ-
19 ing the terms of an automatic renewal offer or continuous service offer
20 that is made at a promotional or discounted price for a limited period
21 of time; [~~or~~]

22 c. fail to provide an acknowledgment [~~that includes the automatic~~
23 ~~renewal or continuous service offer terms~~], cancellation policy, [~~and~~]
24 information regarding how to cancel, and the terms of the automatic
25 renewal, continuous service offer, or increased price, at or promptly
26 following acceptance in a manner [~~that is~~] capable of being retained by
27 the consumer. If the offer includes a free gift or trial[, ~~the business~~
28 ~~shall also disclose in the acknowledgment how to cancel and allow the~~
29 ~~consumer to cancel before the consumer pays for the goods or services.~~]
30 for a period of more than a month followed by an upcoming automatic
31 renewal or continuous service charge to such consumer's account, the
32 business shall provide such acknowledgement at least three days before,
33 but not more than twenty-one days before, the cancellation deadline for
34 such automatic renewal or continuous service charge. If the offer
35 includes a free gift or trial for a period less than a month but more
36 than three days, followed by an upcoming automatic renewal or continuous
37 service charges to the consumer's account, the business shall provide
38 such acknowledgement at least three days before the cancellation dead-
39 line or continuous service charge. Such acknowledgement notice shall
40 include instructions on how to cancel and allow the consumer to cancel
41 before the consumer pays for the automatic renewal or continuous service
42 charge. Such acknowledgment includes:

43 (i) a clear and conspicuous disclosure to the consumer of the mech-
44 anism by which the automatic renewal or continuous service offer may be
45 cancelled, provided that any cancellation mechanism must be at least as
46 easy to access and use as the mechanism by which the consumer provided
47 consent; and

48 (ii) contact information for the business, including a toll-free tele-
49 phone number, email address, and web address, if a website is main-
50 tained;

51 d. fail to provide the consumer with the option to cancel at any time,
52 at minimum through any and all mediums that the business uses to sell,
53 offer or market its services to potential customers, and any medium by
54 which consumers may accept an automatic renewal, continuous service
55 offer, or any price increase, provided further that:

1 (i) where a direct connection to a live or automated process for
2 cancelling the service through the toll-free number is provided to the
3 consumer, such option shall at minimum always be available during normal
4 business hours, and if a consumer leaves a voicemail with a business
5 requesting cancellation, the business shall, within one business day,
6 process the requested cancellation;

7 (ii) an option to cancel through a business email address is always
8 provided to the consumer, including an immediately accessible termi-
9 nation email formatted and provided by the business that a consumer can
10 send to the business without additional information; and

11 (iii) a "cancel" button or link shall be clearly and conspicuously
12 displayed on the business website, including but not limited to a
13 display on the account, profile or settings pages of the website;

14 e. impose unreasonable or unlawful conditions upon, refuse to acknowl-
15 edge, obstruct or delay cancellation requested or attempts to request
16 cancellation by a consumer;

17 ~~[2. A business that makes an automatic renewal offer or continuous~~
18 ~~service offer shall provide a toll-free telephone number, electronic~~
19 ~~mail address, a postal address only when the seller directly bills the~~
20 ~~consumer, or another cost-effective, timely, and easy-to-use mechanism~~
21 ~~for cancellation that shall be described in the acknowledgment specified~~
22 ~~in paragraph c of subdivision one of this section.~~

23 ~~3. a. In addition to the requirements of subdivision two of this~~
24 ~~section, a consumer who accepts an automatic renewal or continuous~~
25 ~~service offer online shall be allowed to terminate the automatic renewal~~
26 ~~or continuous service exclusively online, which may include a termi-~~
27 ~~nation email formatted and provided by the business that a consumer can~~
28 ~~send to the business without additional information.~~

29 ~~b. A business that allows a consumer to accept an automatic renewal or~~
30 ~~continuous service offer for an initial paid term of one year or longer,~~
31 ~~provided that such automatic renewal or continuous service renews for a~~
32 ~~paid term of six months or longer, shall] f. fail to notify [such] a~~
33 ~~consumer of [such upcoming] an automatic renewal or continuous service~~
34 ~~charge [to such consumer's account] for an automatic renewal or contin-~~
35 ~~uous service offer with an initial paid term of one year or longer at~~
36 ~~least fifteen days before, but not more than forty-five days before, the~~
37 ~~[cancellation deadline for such] date of the automatic renewal[. Such~~
38 ~~notice shall include instructions on how to cancel such renewal charge.~~

39 ~~c. The provisions of paragraph b of this subdivision shall not apply~~
40 ~~to any business, or subsidiary or affiliate thereof, regulated by the~~
41 ~~public service commission or the federal communications commission.~~

42 ~~4. In the case of a material change in the terms of the automatic~~
43 ~~renewal or continuous service offer that has been accepted by a consumer~~
44 ~~in this state, the business shall] in the manner selected by the consum-~~
45 ~~er, including text, email, app notification or any other notification~~
46 ~~channel offered by the business. Such notice shall include instructions~~
47 ~~on how to cancel such renewal charge; or~~

48 g. fail to provide [the] a consumer who has accepted an automatic
49 renewal or continuous service offer with a clear and conspicuous notice
50 of [the] any material change [and provide information regarding how to
51 cancel in a manner that is capable of being retained by the consumer.

52 ~~5. The requirements of this article shall apply only prior to the~~
53 ~~completion of the initial order for the automatic renewal or continuous~~
54 ~~service, except as follows:~~

55 ~~a. The requirement in paragraph c of subdivision one of this section~~
56 ~~may be fulfilled after completion of the initial order.~~

~~b. The requirement in subdivision four of this section shall be fulfilled prior to implementation of the material change.~~

~~6.] to the terms of the automatic renewal or continuous service offer, including any previously undisclosed price increases, at least five business days prior to the date of the change, in the same manner as required by paragraph f of this subdivision. In the case of a change in the fee charged under an existing automatic renewal or continuous service offer that has been accepted by a consumer, the business shall provide, no less than seven days and no more than thirty days before the fee change takes effect, the consumer with both of the following: (i) a clear and conspicuous notice of the fee change; and (ii) information regarding how to cancel such automatic renewal or continuous service in a manner that is capable of being retained by the consumer.~~

~~1-a. Notwithstanding anything to the contrary, at minimum, a business that makes an automatic renewal offer or continuous service offer shall at all times provide a cost-effective, timely, and easy-to-use mechanism for cancellation that shall be described in the acknowledgments specified in paragraph c of subdivision one of this section. For cancellation of consent obtained in person, in addition to offering cancellation, where practical, via an in-person method similar to that the consumer used to consent, the business shall at least offer cancellation through an online mechanism or over a telephone number.~~

~~2. In any case in which a business sends any goods, wares, merchandise, or products to a consumer, under a continuous service agreement or automatic renewal of a purchase, without first obtaining the consumer's affirmative consent, the goods, wares, merchandise, or products shall for all purposes be deemed an unconditional gift to the consumer, who may use or dispose of the same in any manner [he or she] such consumer sees fit without any obligation whatsoever on the consumer's part to the business, including, but not limited to, bearing the cost of, or responsibility for, shipping any goods, wares, merchandise, or products to the business.~~

~~7.] 3. Whenever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding the court may make allowances to the attorney general as provided in section eighty-three hundred three of the civil practice law and rules, and direct restitution. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not more than one hundred dollars for a single violation and not more than five hundred dollars for multiple violations resulting from a single act or incident. A knowing violation of this section shall be punishable by a civil penalty of not more than five hundred dollars for a single violation and not more than one thousand dollars for multiple violations resulting from a single act or incident. No business shall be deemed to have violated the provisions of this section if such business~~

1 shows, by a preponderance of the evidence, that the violation was not
2 intentional and resulted from a bona fide error made notwithstanding the
3 maintenance of procedures reasonably adopted to avoid such error.

4 ~~[8-]~~ 4. The following are exempt from the requirements of this arti-
5 cle:

6 a. any service provided by a business or its affiliate where either
7 the business or its affiliate is doing business pursuant to a franchise
8 issued by a political subdivision of the state;

9 b. any entity, or subsidiary or affiliate thereof, regulated by the
10 department of financial services;

11 c. security system alarm operators;

12 d. banks, bank holding companies, or the subsidiary or affiliate of
13 either, or credit unions or other financial institutions, licensed under
14 state or federal law; and

15 e. sellers and administrators of a service contract, as defined pursu-
16 ant to section seven thousand nine hundred two of the insurance law.

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

19 PART X

20 Section 1. Section 349-a of the general business law is renumbered
21 349-h and a new section 349-a is added to read as follows:

22 § 349-a. Pricing. 1. As used in this section, the following terms
23 shall have the following meanings:

24 (a) "Algorithm" means a computational process that uses a set of rules
25 to define a sequence of operations.

26 (b) "Clear and conspicuous disclosure" means disclosure in the same
27 medium as, and provided on, at, or near and contemporaneous with every
28 advertisement, display, image, offer or announcement of a price for
29 which notice is required, using lettering and wording that is easily
30 visible and understandable to the average consumer.

31 (c) "Consumer" means a natural person who is seeking or solicited to
32 purchase, lease or receive a good or service for personal, family or
33 household use.

34 (d) "Consumer data" means any data that identifies or could reasonably
35 be linked, directly or indirectly, with a specific natural person or
36 device, excluding location data.

37 (e) "Dynamic pricing" means pricing that fluctuates dependent on
38 conditions.

39 (f) "Personalized algorithmic pricing" means dynamic pricing derived
40 from or set by an algorithm that uses consumer data as defined in this
41 section, which may vary among individual consumers or consumer popu-
42 lations, provided, however, that personalized algorithmic pricing shall
43 not include reduction in price based on promotional offers, loyalty
44 program benefits, or other temporary discounts for the retention of
45 existing customers.

46 (g) "Person" means any natural person, firm, organization, partner-
47 ship, association, corporation, or any other entity domiciled or doing
48 business in New York state.

49 2. It shall constitute a deceptive act or practice in violation of
50 section three hundred forty-nine of this article for any person to know-
51 ingly advertise, promote, label or publish a statement, display, image,
52 offer or announcement of personalized algorithmic pricing using consumer
53 data specific to a particular individual without a clear and conspicuous
54 disclosure that states:

1 "THIS PRICE WAS SET BY AN ALGORITHM USING YOUR PERSONAL DATA".

2 § 2. Subdivision 3 of section 396 of the general business law is
3 renumbered subdivision 4 and a new subdivision 3 is added to read as
4 follows:

5 3. a. For purposes of this subdivision, "protected class data" means
6 information about an individual person or groups of people that direct-
7 ly, in combination, or by implication identifies a characteristic that
8 is legally protected from discrimination under the laws of this state or
9 under federal law, including but not limited to ethnicity, national
10 origin, age, disability, sex, sexual orientation, gender identity and
11 expression, pregnancy outcomes and reproductive health care.

12 b. No person, firm, partnership, association or corporation, or agent
13 or employee thereof, shall use protected class data in setting a price
14 for, offering, marketing, or selling any good or service if the use of
15 that data has the effect of withholding or denying a person, to whom the
16 protected class data pertains to, any of the accommodations, advantages,
17 utility, or privileges accorded to others who do not share the charac-
18 teristics of such protected class data.

19 c. Nothing in this subdivision shall apply to:

20 (i) any insurance policy offerings enumerated under section one thou-
21 sand one hundred thirteen of the insurance law, including policies
22 procured by a duly licensed excess line broker pursuant to section two
23 thousand one hundred eighteen of the insurance law;

24 (ii) An entity subject to the federal Fair Credit Reporting Act (15
25 U.S. Code § 1681) when processing information in compliance with such
26 act or its implementing;

27 (iii) An entity subject to the Gramm-Leach-Bliley Act (Public Law No.
28 106-102) processing information in compliance with such act or its
29 implementing regulations;

30 (iv) pricing associated with membership-based programs offering exclu-
31 sive benefits, services, or discounts related to customer affiliation
32 with an organization or group, provided that such program is not prima-
33 riarily engaged in the sale of goods or services to the general public at
34 retail; or

35 (v) pricing necessary for compliance with local, state or federal law.

36 § 3. Paragraph d of subdivision 4 of section 396 of the general busi-
37 ness law, as added by chapter 689 of the laws of 2022 and as renumbered
38 by section two of this act, is amended to read as follows:

39 d. In addition to any other remedies provided in this section, any
40 person aggrieved by a violation of subdivision three of this section may
41 file an action in accordance with section two hundred ninety-seven of
42 the executive law. Nothing in this section shall in any way limit rights
43 or remedies which are otherwise available under law to the attorney
44 general or any other person authorized to bring an action under this
45 section.

46 § 3-a. Section 396 of the general business law is amended by adding a
47 new subdivision 5 to read as follows:

48 5. A online retailer that also functions as a marketplace for the sale
49 of goods to consumers in this state, with total annual revenue exceeding
50 one billion dollars, may not alter the initially published price estab-
51 lished through dynamic pricing listed on any product more than once in a
52 single calendar day. Once price for a good is established, it must be
53 retained for the entirety of the calendar day regardless of location or
54 purchasing behavior of the consumer. Nothing in this subdivision shall
55 apply to auction-based listings, provided such listings are promoted as

1 such. For the purposes of this section, "dynamic pricing" shall have the
2 same meaning as section three hundred forty-nine-a of this chapter.

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

5 PART Y

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

8 ARTICLE 14-B

9 BUY-NOW-PAY-LATER LENDERS

10 Section 735. Short title.

11 736. Definitions.

12 737. License.

13 738. Conditions precedent to issuing a license; procedure where
14 application is denied.

15 739. License provisions and posting.

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

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

19 742. Superintendent authorized to examine.

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

21 744. Acts prohibited.

22 745. Limitation on charges.

23 746. Consumer protections.

24 747. Authority of superintendent.

25 748. Penalties.

26 749. Severability.

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

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

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

33 2. "Buy-now-pay-later loan" means closed-end credit provided to a
34 consumer in connection with such consumer's particular purchase of goods
35 and/or services, payable in four or fewer installments without interest,
36 other than a motor vehicle as defined under section one hundred twenty-
37 five of the vehicle and traffic law. A "buy-now-pay-later loan" does not
38 include credit where the creditor is the seller of such goods and/or
39 services, unless it is credit pursuant to an agreement whereby, at a
40 consumer's request, the creditor purchases a specific good and/or
41 service from a seller and resells such specific good and/or service to
42 such consumer on closed-end credit.

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

52 4. "Exempt organization" means any banking organization or foreign
53 banking corporation licensed by the superintendent or the comptroller of
54 the currency to transact business in this state or originating buy-now-

1 pay-later loans from a branch in this state subject to article five-C of
2 this chapter, licensed lender licensed by the superintendent under arti-
3 cle nine of this chapter, national bank, federal savings bank, federal
4 savings and loan association, federal credit union, or state depository
5 institution or state credit union as defined in 12 U.S.C. §§ 1813(c)(5)
6 and 1752(6) respectively.

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

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

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

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

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

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

24 5. In connection with an application for a license, the applicant
25 shall submit an affidavit of financial solvency, including financial
26 statements, noting such capitalization requirements and access to such
27 credit or such other affirmation or information as may be prescribed by
28 the regulations of the superintendent. The applicant shall also submit
29 policies and procedures for the underwriting standards utilized in
30 extending buy-now-pay-later loans to consumers.

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

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

52 3. The superintendent shall promulgate rules and regulations setting
53 capital requirements to ensure the solvency and financial integrity of
54 licensees and their ongoing operations, taking into account the risks,
55 volume of business, complexity, and other relevant factors regarding
56 such licensees. Further, the superintendent may promulgate rules and

1 regulations prescribing a methodology to calculate capital requirements
2 with respect to licensees or categories thereof.

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

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

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

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

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

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

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

44 5. As used in this section, the term "control" means the possession,
45 directly or indirectly, of the power to direct or cause the direction of
46 the management and policies of a licensee, whether through the ownership
47 of voting stock of such licensee, the ownership of voting stock of any
48 person which possesses such power or otherwise. Control shall be
49 presumed to exist if any person, directly or indirectly, owns, controls
50 or holds with power to vote ten per centum or more of the voting stock
51 of any licensee or of any person which owns, controls or holds with
52 power to vote ten per centum or more of the voting stock of any licen-
53 see, but no person shall be deemed to control a licensee solely by
54 reason of being an officer or director of such licensee or person. The
55 superintendent may in the superintendent's discretion, upon the applica-
56 tion of a licensee or any person who, directly or indirectly, owns,

1 controls or holds with power to vote or seeks to own, control or hold
2 with power to vote any voting stock of such licensee, determine whether
3 or not the ownership, control or holding of such voting stock consti-
4 tutes or would constitute control of such licensee for purposes of this
5 section.

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

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

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

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

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

21 3. Every license issued under this article shall remain in force and
22 effect until the same shall have been surrendered, revoked or suspended,
23 in accordance with the provisions of this article, but the superinten-
24 dent shall have authority to reinstate suspended licenses or to issue a
25 new license to a licensee whose license has been revoked if no fact or
26 condition then exists which clearly would have warranted the superinten-
27 dent's refusal to issue such license.

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

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

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

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

55 2. The superintendent shall have the power to make such examinations
56 of the books, records, accounts and documents used in the business of

1 any licensee as the superintendent shall deem necessary to determine
2 whether any such licensee has violated any of the provisions of this
3 chapter or any other applicable law or to secure information lawfully
4 required by the superintendent.

5 § 743. Licensee's books and records; reports. 1. A buy-now-pay-later
6 lender shall keep and use in its business such books, accounts and
7 records as will enable the superintendent to determine whether such
8 buy-now-pay-later lender is complying with the provisions of this arti-
9 cle and with the rules and regulations promulgated by the superintendent
10 thereunder. Every buy-now-pay-later lender shall preserve such books,
11 accounts and records for at least six years after making the final entry
12 in respect to any buy-now-pay-later loan recorded therein; provided,
13 however, the preservation of photographic or digital reproductions ther-
14 eof or records in photographic or digital form shall constitute compli-
15 ance with this requirement.

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

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

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

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

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

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

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

43 (e) make any false statement or make any omission of a material fact
44 in connection with any information or reports filed with a governmental
45 agency or in connection with any investigation conducted by the super-
46 intendent or another governmental agency.

47 § 745. Limitation on charges. 1. Subject to applicable federal law, no
48 buy-now-pay-later lender shall charge, contract for, or otherwise
49 receive from a consumer any interest, discount, or other consideration
50 in connection with a buy-now-pay-later loan.

51 2. The superintendent shall establish a standard amount or percentage
52 for total maximum charge or fee in connection with late payment,
53 default, any fee in connection with a buy-now-pay-later loan, or any
54 other violation of the buy-now-pay-later loan agreement that a buy-now-
55 pay-later lender can charge a consumer. Such fee or charge shall not be

1 collected more than once for a single such late payment, default, or
2 other violation of the buy-now-pay-later loan agreement.

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

5 § 746. Consumer protections. 1. A buy-now-pay-later lender shall
6 disclose or cause to be disclosed to consumers the terms of buy-now-pay-
7 later loans, including the cost, such as fees, repayment schedule, the
8 means by which a consumer may dispute billing practices, whether the
9 transaction will or will not be reported to a credit reporting agency,
10 and other material conditions, in a clear and conspicuous manner.
11 Disclosures shall comply with applicable federal regulations, including
12 but not limited to regulation Z of title I of the Consumer Credit
13 Protection Act.

14 2. Subject to regulations to be promulgated by the superintendent, a
15 buy-now-pay-later lender shall, before providing or causing to be
16 provided a buy-now-pay-later loan to a consumer, perform reasonable
17 risk-based underwriting. A buy-now-pay-later lender shall disclose or
18 cause to be disclosed the factors considered in its underwriting proc-
19 ess, in a clear and conspicuous manner, to the consumer. A buy-now-pay-
20 later lender shall maintain or cause to be maintained policies and
21 procedures for reasonable underwriting standards that may be reviewed by
22 the superintendent. No buy-now-pay-later lender shall collect, evaluate,
23 report, or maintain in the file on a borrower the credit worthiness,
24 credit standing, or credit capacity of members of the borrower's social
25 network for purposes of determining the credit worthiness of the borrow-
26 er; the average credit worthiness, credit standing, or credit capacity
27 of members of the borrower's social network; or any group score that is
28 not the borrower's own credit worthiness, credit standing, or credit
29 capacity.

30 3. A buy-now-pay-later lender shall maintain or cause to be maintained
31 policies and procedures for maintaining accurate data that may be
32 reported to credit reporting agencies.

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

44 5. A buy-now-pay-later lender shall resolve or cause to be resolved
45 disputes in a manner that is fair and transparent to consumers. A buy-
46 now-pay-later lender shall create or cause to be created a readily
47 available and prominently disclosed method for consumers to bring a
48 dispute to the buy-now-pay-later lender. A buy-now-pay-later lender
49 shall maintain policies and procedures for handling consumer disputes.
50 The superintendent may promulgate rules and regulations regarding treat-
51 ment of unauthorized use, so that consumers are liable for use of buy-
52 now-pay-later loans in their name only under circumstances where such
53 liability would be fair and reasonable. A buy-now-pay-later lender shall
54 apply to buy-now-pay-later loans the dispute rights and unauthorized
55 charges requirements that apply to credit cards under the Truth in Lend-
56 ing Act, 15 U.S.C. § 1643, 1666, 1666a, 1666i, regardless of whether

1 such law applies to buy-now-pay-later loans or whether the buy-now-pay-
2 later lender offers a credit card within the scope of such law.

3 6. A buy-now-pay-later lender may use, sell, or share the data of a
4 consumer, other than in connection with the making of a particular buy-
5 now-pay-later loan to the consumer, only with the consumer's consent. A
6 buy-now-pay-later lender shall disclose or cause to be disclosed to a
7 consumer in a clear and conspicuous manner how such consumer's data may
8 be used, shared, or sold by the buy-now-pay-later lender before obtain-
9 ing such consumer's consent and also shall disclose or cause to be
10 disclosed to such consumer in a clear and conspicuous manner how such
11 consumer may subsequently withdraw consent to such use, sharing, or
12 sale. The superintendent, in their discretion, may by regulation prohib-
13 it certain uses of consumer data. A buy-now-pay-later lender shall main-
14 tain policies and procedures regarding its use, sale, and sharing of
15 consumers' data.

16 7. Any buy-now-pay-later loan made by a person not licensed under this
17 article, other than an exempt organization, shall be void, and such
18 person shall have no right to collect or receive any principal, interest
19 or charge whatsoever.

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

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

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

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

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

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

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

1 2. Without limiting any power granted to the superintendent under any
2 other provision of this chapter, the superintendent may, in a proceeding
3 after notice and a hearing require a buy-now-pay-later lender, whether
4 or not a licensee, to pay to the people of this state a penalty for any
5 violation of this chapter, any rule or regulation promulgated there-
6 under, any final or temporary order issued pursuant to section thirty-
7 nine of this chapter, any condition imposed in writing by the super-
8 intendent in connection with the grant of any application or request, or
9 any written agreement entered into with the superintendent, and for
10 knowingly making any incorrect statement of a material fact in any
11 application, report or statement filed pursuant to this article, or
12 knowingly omitting to state any material fact necessary to give the
13 superintendent any information lawfully required by the superintendent
14 or refusing to permit any lawful investigation or examination. As to any
15 buy-now-pay-later lender that is not a licensee or an exempt organiza-
16 tion, the superintendent is authorized to impose a penalty in the same
17 amount authorized in section forty-four of this chapter for a violation
18 of this chapter by any person licensed, certified, registered, author-
19 ized, chartered, accredited, incorporated or otherwise approved by the
20 superintendent under this chapter.

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

25 § 749. Severability. If any provision of this article or the applica-
26 tion thereof to any person or circumstances is held to be invalid, such
27 invalidity shall not affect other provisions or applications of this
28 article which can be given effect without the invalid provision or
29 application, and to this end the provisions of this article are severa-
30 ble.

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

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

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

43 10. All reports of examinations and investigations, correspondence and
44 memoranda concerning or arising out of such examination and investi-
45 gations, including any duly authenticated copy or copies thereof in the
46 possession of any banking organization, bank holding company or any
47 subsidiary thereof (as such terms "bank holding company" and "subsid-
48 iary" are defined in article three-A of this chapter), any corporation
49 or any other entity affiliated with a banking organization within the
50 meaning of subdivision six of this section and any non-banking subsid-
51 iary of a corporation or any other entity which is an affiliate of a
52 banking organization within the meaning of subdivision six-a of this
53 section, foreign banking corporation, licensed lender, licensed buy-now-
54 pay-later lender, licensed cashier of checks, licensed mortgage banker,
55 registered mortgage broker, licensed mortgage loan originator, licensed
56 sales finance company, registered mortgage loan servicer, licensed

1 student loan servicer, licensed insurance premium finance agency,
2 licensed transmitter of money, licensed budget planner, any other person
3 or entity subject to supervision under this chapter, or the department,
4 shall be confidential communications, shall not be subject to subpoena
5 and shall not be made public unless, in the judgment of the superinten-
6 dent, the ends of justice and the public advantage will be subserved by
7 the publication thereof, in which event the superintendent may publish
8 or authorize the publication of a copy of any such report or any part
9 thereof in such manner as may be deemed proper or unless such laws
10 specifically authorize such disclosure. For the purposes of this subdi-
11 vision, "reports of examinations and investigations, and any correspond-
12 ence and memoranda concerning or arising out of such examinations and
13 investigations", includes any such materials of a bank, insurance or
14 securities regulatory agency or any unit of the federal government or
15 that of this state any other state or that of any foreign government
16 which are considered confidential by such agency or unit and which are
17 in the possession of the department or which are otherwise confidential
18 materials that have been shared by the department with any such agency
19 or unit and are in the possession of such agency or unit.

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

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

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

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

43 § 39. Orders of superintendent. 1. To appear and explain an apparent
44 violation. Whenever it shall appear to the superintendent that any bank-
45 ing organization, bank holding company, registered mortgage broker,
46 licensed mortgage banker, licensed student loan servicer, registered
47 mortgage loan servicer, licensed mortgage loan originator, licensed
48 lender, licensed buy-now-pay-later lender, licensed cashier of checks,
49 licensed sales finance company, licensed insurance premium finance agen-
50 cy, licensed transmitter of money, licensed budget planner, out-of-state
51 state bank that maintains a branch or branches or representative or
52 other offices in this state, or foreign banking corporation licensed by
53 the superintendent to do business or maintain a representative office in
54 this state has violated any law or regulation, [~~he or she~~] the super-
55 intendent may, in [~~his or her~~] the superintendent's discretion, issue an
56 order describing such apparent violation and requiring such banking

1 organization, bank holding company, registered mortgage broker, licensed
2 mortgage banker, licensed student loan servicer, licensed mortgage loan
3 originator, licensed lender, licensed buy-now-pay-later lender, licensed
4 cashier of checks, licensed sales finance company, licensed insurance
5 premium finance agency, licensed transmitter of money, licensed budget
6 planner, out-of-state state bank that maintains a branch or branches or
7 representative or other offices in this state, or foreign banking corpo-
8 ration to appear before [~~him or her~~] the superintendent, at a time and
9 place fixed in said order, to present an explanation of such apparent
10 violation.

11 2. To discontinue unauthorized or unsafe and unsound practices. When-
12 ever it shall appear to the superintendent that any banking organiza-
13 tion, bank holding company, registered mortgage broker, licensed mort-
14 gage banker, licensed student loan servicer, registered mortgage loan
15 servicer, licensed mortgage loan originator, licensed lender, licensed
16 buy-now-pay-later lender, licensed cashier of checks, licensed sales
17 finance company, licensed insurance premium finance agency, licensed
18 transmitter of money, licensed budget planner, out-of-state state bank
19 that maintains a branch or branches or representative or other offices
20 in this state, or foreign banking corporation licensed by the super-
21 intendent to do business in this state is conducting business in an
22 unauthorized or unsafe and unsound manner, [~~he or she~~] the superinten-
23 dent may, in [~~his or her~~] the superintendent's discretion, issue an
24 order directing the discontinuance of such unauthorized or unsafe and
25 unsound practices, and fixing a time and place at which such banking
26 organization, bank holding company, registered mortgage broker, licensed
27 mortgage banker, licensed student loan servicer, registered mortgage
28 loan servicer, licensed mortgage loan originator, licensed lender,
29 licensed buy-now-pay-later lender, licensed cashier of checks, licensed
30 sales finance company, licensed insurance premium finance agency,
31 licensed transmitter of money, licensed budget planner, out-of-state
32 state bank that maintains a branch or branches or representative or
33 other offices in this state, or foreign banking corporation may volun-
34 tarily appear before [~~him or her~~] the superintendent to present any
35 explanation in defense of the practices directed in said order to be
36 discontinued.

37 3. To make good impairment of capital or to ensure compliance with
38 financial requirements. Whenever it shall appear to the superintendent
39 that the capital or capital stock of any banking organization, bank
40 holding company or any subsidiary thereof which is organized, licensed
41 or registered pursuant to this chapter, is impaired, or the financial
42 requirements imposed by subdivision one of section two hundred two-b of
43 this chapter or any regulation of the superintendent on any branch or
44 agency of a foreign banking corporation or the financial requirements
45 imposed by this chapter or any regulation of the superintendent on any
46 licensed lender, licensed buy-now-pay-later lender, registered mortgage
47 broker, licensed mortgage banker, licensed student loan servicer,
48 licensed cashier of checks, licensed sales finance company, licensed
49 insurance premium finance agency, licensed transmitter of money,
50 licensed budget planner or private banker are not satisfied, the super-
51 intendent may, in the superintendent's discretion, issue an order
52 directing that such banking organization, bank holding company, branch
53 or agency of a foreign banking corporation, registered mortgage broker,
54 licensed mortgage banker, licensed student loan servicer, licensed lend-
55 er, licensed buy-now-pay-later lender, licensed cashier of checks,
56 licensed sales finance company, licensed insurance premium finance agen-

1 cy, licensed transmitter of money, licensed budget planner, or private
2 banker make good such deficiency forthwith or within a time specified in
3 such order.

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

17 5. To keep books and accounts as prescribed. Whenever it shall appear
18 to the superintendent that any banking organization, bank holding compa-
19 ny, registered mortgage broker, licensed mortgage banker, licensed
20 student loan servicer, registered mortgage loan servicer, licensed mort-
21 gage loan originator, licensed lender, licensed buy-now-pay-later lend-
22 er, licensed cashier of checks, licensed sales finance company, licensed
23 insurance premium finance agency, licensed transmitter of money,
24 licensed budget planner, agency or branch of a foreign banking corpo-
25 ration licensed by the superintendent to do business in this state, does
26 not keep its books and accounts in such manner as to enable [~~him or her~~]
27 the superintendent to readily ascertain its true condition, [~~he or she~~]
28 the superintendent may, in [~~his or her~~] the superintendent's discretion,
29 issue an order requiring such banking organization, bank holding compa-
30 ny, registered mortgage broker, licensed mortgage banker, licensed
31 student loan servicer, registered mortgage loan servicer, licensed mort-
32 gage loan originator, licensed lender, licensed buy-now-pay-later lend-
33 er, licensed cashier of checks, licensed sales finance company, licensed
34 insurance premium finance agency, licensed transmitter of money,
35 licensed budget planner, or foreign banking corporation, or the officers
36 or agents thereof, or any of them, to open and keep such books or
37 accounts as [~~he or she~~] the superintendent may, in [~~his or her~~] the
38 superintendent's discretion, determine and prescribe for the purpose of
39 keeping accurate and convenient records of its transactions and
40 accounts.

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

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

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

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

53 2. The name and location of every licensed lender, licensed buy-now-
54 pay-later lender and licensed cashier of checks, and the name, location,
55 amount of capital stock or permanent capital and amount of surplus of
56 every corporation and private banker and the minimum assets required of

1 every branch of a foreign banking corporation authorized to commence
2 business, and the date of authorization or licensing.

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

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

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

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

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

17 5. The name of every banking organization, licensed lender, licensed
18 casher of checks, licensed buy-now-pay-later lender and foreign corpo-
19 ration which has applied for leave to change its place or one of its
20 places of business and the places from and to which the change is
21 proposed to be made; the name of every banking organization which has
22 applied to change the designation of its principal office to a branch
23 office and to change the designation of one of its branch offices to its
24 principal office, and the location of the principal office which is
25 proposed to be redesignated as a branch office and of the branch office
26 which is proposed to be redesignated as the principal office.

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

29 6. The name of every banking organization, licensed lender, licensed
30 casher of checks, licensed buy-now-pay-later lender and foreign corpo-
31 ration authorized to change its place or one of its places of business
32 and the date when and the places from and to which the change is author-
33 ized to be made; the name of every banking organization authorized to
34 change the designation of its principal office to a branch office and to
35 change the designation of a branch office to its principal office, the
36 location of the redesignated principal office and of the redesignated
37 branch office, and the date of such change.

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

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

55 § 12-a. Section 340 of the banking law, as amended by chapter 22 of
56 the laws of 1990, is amended to read as follows:

1 § 340. Doing business without license prohibited. No person or other
2 entity shall engage in the business of making loans in the principal
3 amount of twenty-five thousand dollars or less for any loan to an indi-
4 vidual for personal, family, household, or investment purposes and in a
5 principal amount of fifty thousand dollars or less for business and
6 commercial loans, and charge, contract for, or receive a greater rate of
7 interest than the lender would be permitted by law to charge if [~~he~~]
8 they were not a licensee hereunder except as authorized by this article
9 and without first obtaining a license from the superintendent.

10 For the purposes of this section, a person or entity shall be consid-
11 ered as engaging in the business of making loans in New York, and
12 subject to the licensing and other requirements of this article, if it
13 solicits loans in the amounts prescribed by this section within this
14 state and, in connection with such solicitation, makes loans to individ-
15 uals then resident in this state, except that no person or entity shall
16 be considered as engaging in the business of making loans in this state
17 on the basis of isolated, incidental or occasional transactions which
18 otherwise meet the requirements of this section.

19 For the purposes of this section, providing closed-end credit to a
20 consumer in New York in connection with the purchase of goods and/or
21 services or operating a platform, software, or system with which a
22 consumer interacts and the primary purpose of which is to allow third
23 parties to offer closed-end credit to a consumer, other than a motor
24 vehicle as defined under section one hundred twenty-five of the vehicle
25 and traffic law or a buy-now-pay-later loan, as defined in article four-
26 teen-b of this chapter, shall be considered as engaging in the business
27 of making loans in New York and subject to the licensing and other
28 requirements of this article.

29 Nothing in this article shall apply to licensed collateral loan
30 brokers.

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

45 PART Z

46 Section 1. Section 2911 of the insurance law is amended by adding a
47 new subsection (d) to read as follows:

48 (d) (1) Not later than July first of each year, a pharmacy benefit
49 manager required to be licensed under this article shall publish a
50 report on its website which contains, for the immediately preceding
51 calendar year, the following information:

52 (A) the aggregated dollar amount of rebates, fees, price protection
53 payments and any other payments the pharmacy benefit manager received
54 from drug manufacturers through a rebate contract;

1 (B) the portions of the amount in subparagraph (A) of this paragraph
2 which were:

- 3 (i) passed on to health plans; or
- 4 (ii) retained by the pharmacy benefit manager; and

5 (C) for each rebate contract in effect during the reporting period:

- 6 (i) the names of the contracting parties;
- 7 (ii) the execution date and the term of the contract, including exten-
8 sions;
- 9 (iii) the name of the drugs and the associated national drug codes
10 covered by the rebate contract, and for each drug:

11 (I) a summary of the contract terms regarding formulary placement,
12 formulary exclusion, or prior authorization requirements or step edits,
13 of any drugs considered to compete with each drug;

14 (II) a summary of all terms requiring or incentivizing volume or
15 market share for each drug, including base rebate amounts, bundled
16 rebates and incremental rebates, stated separately, and price conces-
17 sion, stated separately for each drug; and

18 (III) the total number of prescriptions filled and units dispensed for
19 which a rebate, discount, price concession or other consideration was
20 received by the pharmacy benefit manager for each drug;

21 (iv) the rebate percentage and dollar amount retained by the pharmacy
22 benefit manager for every rebate, discount, price concession or other
23 consideration under each rebate contract; and

24 (v) the dollar amount of any other compensation paid by a drug
25 manufacturer to a pharmacy benefit manager for services including
26 distribution management services, data or data services, marketing or
27 promotional services, research programs, or other ancillary services,
28 under each rebate contract.

29 (D) For the purposes of this subsection, the term "rebate contract"
30 means any agreement entered into by a pharmacy benefit manager with any
31 drug manufacturer or agent or affiliate of a drug manufacturer that
32 determines any rebate, discount, administrative or other fee, price
33 concession, or other consideration related to the dispensing of
34 prescription drugs for a health plan.

35 (E) A copy of the report required by this subsection shall be filed
36 with the superintendent and with the department of health no later than
37 July first each year.

38 § 2. Severability. If any provision of this act, or any application of
39 any provision of this act, is held to be invalid, that shall not affect
40 the validity or effectiveness of any other provision of this act, or of
41 any other application of any provision of this act.

42 § 3. This act shall take effect on the one hundred eightieth day after
43 it shall have become a law.

44 PART AA

45 Intentionally Omitted

46 PART BB

47 Intentionally Omitted

48 PART CC

1 Intentionally Omitted

2 PART DD

3 Intentionally Omitted

4 PART EE

5 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
6 of the laws of 1968 constituting the New York state urban development
7 corporation act, as amended by section 1 of part Z of chapter 58 of the
8 laws of 2024, is amended to read as follows:

9 3. The provisions of this section shall expire, notwithstanding any
10 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
11 the laws of 1996 or of any other law, on July 1, [~~2025~~] 2026.

12 § 2. This act shall take effect immediately.

13 PART FF

14 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
15 New York state urban development corporation act, relating to the powers
16 of the New York state urban development corporation to make loans, as
17 amended by section 1 of part AA of chapter 58 of the laws of 2024, is
18 amended to read as follows:

19 § 2. This act shall take effect immediately provided, however, that
20 section one of this act shall expire on July 1, [~~2025~~] 2026, at which
21 time the provisions of subdivision 26 of section 5 of the New York state
22 urban development corporation act shall be deemed repealed; provided,
23 however, that neither the expiration nor the repeal of such subdivision
24 as provided for herein shall be deemed to affect or impair in any manner
25 any loan made pursuant to the authority of such subdivision prior to
26 such expiration and repeal.

27 § 2. This act shall take effect immediately.

28 PART GG

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

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

36 § 2. The dormitory authority of the state of New York shall provide a
37 report providing information regarding any project undertaken pursuant
38 to a design and construction management agreement, as authorized by part
39 BB of chapter 58 of the laws of 2012, between the dormitory authority of
40 the state of New York and the department of environmental conservation
41 and/or the office of parks, recreation and historic preservation to the
42 governor, the temporary president of the senate and speaker of the
43 assembly. Such report shall include but not be limited to a description
44 of each such project, the project identification number of each such
45 project, if applicable, the projected date of completion, the status of
46 the project, the total cost or projected cost of each such project, and

1 the location, including the names of any county, town, village or city,
2 where each such project is located or proposed. In addition, such a
3 report shall be provided to the aforementioned parties by the first day
4 of March of each year that the authority to enter into such agreements
5 pursuant to part BB of chapter 58 of the laws of 2012 is in effect.

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

8 PART HH

9 Intentionally Omitted

10 PART II

11 Intentionally Omitted

12 PART JJ

13 Intentionally Omitted

14 PART KK

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

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

23 § 2. This act shall take effect immediately.

24 PART LL

25 Section 1. Section 214 of the state finance law, as amended by section
26 1 of part P of chapter 59 of the laws of 2007, is amended to read as
27 follows:

28 § 214. Establishment and purpose; linked deposit program authori-
29 zation. The excelsior linked deposit program is hereby created. The
30 purpose of the program is to encourage and assist eligible businesses
31 within the state to undertake eligible projects that will materially
32 contribute to improving their performance and competitiveness. The comp-
33 troller is hereby authorized to use any moneys of the state the comp-
34 troller is authorized to invest pursuant to section ninety-eight-a of
35 this chapter as linked deposits for the program. Not more than [~~four~~
36 ~~hundred sixty million~~] one billion dollars of such moneys shall be on
37 deposit pursuant to the program at any given time. The commissioner of
38 taxation and finance is hereby authorized to use funds in the linked
39 deposit program fund established pursuant to section ninety-two-v of
40 this chapter as linked deposits for the program. [~~Not more than one~~
41 ~~hundred million dollars from the linked deposit program fund shall be on~~
42 ~~deposit pursuant to the program at any given time.~~]

43 § 2. This act shall take effect immediately.

1

PART MM

2 Section 1. Paragraph (d) of subdivision 6 of section 163 of the state
3 finance law, as amended by chapter 110 of the laws of 2024, is amended
4 to read as follows:

5 (d) state agencies may purchase commodities or services from those
6 certified pursuant to article fifteen-A of the executive law and article
7 three of the veterans' services law in an amount not exceeding [~~seven~~]
8 one million five hundred [~~fifty~~] thousand dollars without a formal
9 competitive process; and

10 § 1-a. Subdivision 6-d of section 163 of the state finance law, as
11 amended by section 28 of part PP of chapter 56 of the laws of 2022, is
12 amended to read as follows:

13 6-d. Pursuant to the authority provided in subdivision six of this
14 section, state agencies shall report annually on a fiscal year basis by
15 July first of the ensuing year to the director of the division of minor-
16 ity and women-owned business development the total number and total
17 value of contracts awarded to businesses certified pursuant to article
18 fifteen-A of the executive law, and with respect to contracts awarded to
19 businesses certified pursuant to article three of the veterans' services
20 law such information shall be reported to the division of service-dis-
21 abled veteran-owned business enterprises for inclusion in their respec-
22 tive annual reports. Provided that state agencies shall additionally
23 report on contracts entered into using the authority provided under
24 paragraph (d) of subdivision six of this section, which shall include,
25 but not be limited to, the percentage of the total dollar value of
26 contracts awarded to minority and women-owned business entities and
27 service-disabled veteran-owned business entities relative to the previ-
28 ous fiscal year's total awards for all commodities and services
29 purchases, a comparison of the percentage of purchases awarded pursuant
30 to such paragraph during the fiscal year relative to the percentage of
31 such purchases awarded in the previous fiscal year, a comparison of the
32 participation rate and total dollar value of awards to minority and
33 women-owned business enterprises and service-disabled veteran-owned
34 businesses using the expanded authority under such paragraph relative to
35 such participation rate and total dollar value of awards pursuant to the
36 previous authorization levels, the length of time between completion of
37 the contract and the date in which the business enterprise received the
38 full expenditure of funds agreed upon in the contract or relevant amend-
39 ment, and a description of each contract awarded to a minority or
40 women-owned business entity or service-disabled veteran-owned business
41 entity pursuant to such paragraph, including the list of qualified
42 bidders and the total cost of each project.

43 § 2. Subparagraph (i) of paragraph (b) of subdivision 3, and paragraph
44 (a) of subdivision 8 of section 2879 of the public authorities law, as
45 amended by chapter 96 of the laws of 2019, are amended to read as
46 follows:

47 (i) for the selection of such contractors on a competitive basis, and
48 provisions relating to the circumstances under which the board may by
49 resolution waive competition, including, notwithstanding any other
50 provision of law requiring competition, the purchase of goods or
51 services from small business concerns those certified as minority or
52 women-owned business enterprises, or goods or technology that are recy-
53 cled or remanufactured, in an amount not to exceed five hundred thousand
54 dollars without a formal competitive process, provided that the environ-
55 mental facilities corporation, the battery park city authority, the New

1 York state housing finance agency constituted under article three of the
2 private housing finance law, and the Hudson river park trust as consti-
3 tuted under the Hudson river park act may by resolution waive competi-
4 tion for the purchase of goods or services in the city of New York from
5 those certified as minority or women-owned business enterprises or
6 service-disabled veteran-owned businesses, in an amount not to exceed
7 one million five hundred thousand dollars without a formal competitive
8 process;

9 (a) Each corporation shall annually submit its report on procurement
10 contracts to the division of the budget and copies thereof to the
11 department of audit and control, the department of economic development,
12 the senate finance committee and the assembly ways and means committee.
13 Such report shall include the total number and total dollar value of
14 contracts awarded to certified minority and women-owned business enter-
15 prises pursuant to subparagraph (i) of paragraph (b) of subdivision
16 three of this section. Provided that the environmental facilities corpo-
17 ration, the battery park city authority, the New York state housing
18 finance agency, and the Hudson river park trust shall additionally
19 report on contracts entered into using the expanded authority provided
20 under subparagraph (i) of paragraph (b) of subdivision three of this
21 section, which shall include, but not be limited to, the percentage of
22 the total dollar value of contracts awarded to minority and women-owned
23 business entities and service-disabled veteran-owned business entities
24 relative to the previous fiscal year's total awards for all goods and
25 services purchases, a comparison of the percentage of goods and services
26 purchases awarded pursuant to such subparagraph during the fiscal year
27 relative to the percentage of such purchases awarded in the previous
28 fiscal year, a comparison of the participation rate and total dollar
29 value of awards to minority and women-owned business enterprises and
30 service-disabled veteran-owned businesses using the authority granted
31 under such subparagraph relative to such participation rate and total
32 dollar value of awards pursuant to the previous authorization levels,
33 the length of time between completion of the contract and the date in
34 which the business enterprise received the full expenditure of funds
35 agreed upon in the contract or relevant amendment, and a description of
36 each contract awarded to a minority or women-owned business entity or
37 service-disabled veteran-owned business entity pursuant to such subpar-
38 agraph, including the list of qualified bidders and the total cost of
39 each project.

40 § 3. This act shall take effect immediately; provided, however, that
41 the amendments to section 163 of the state finance law made by sections
42 one and one-a of this act shall not affect the repeal of such section
43 and shall be deemed repealed therewith.

44 PART NN

45 Intentionally Omitted

46 PART OO

47 Section 1. Section 321 of the agriculture and markets law, as amended
48 by chapter 158 of the laws of 2018, is amended to read as follows:

49 § 321. Statement of legislative findings and intent. It is hereby
50 found and declared that agricultural lands are irreplaceable state
51 assets. In an effort to maintain the economic viability, and environ-

1 mental and landscape preservation values associated with agriculture,
2 the state must explore ways to sustain the state's valuable farm economy
3 [~~and to protect~~] by protecting farm operations and the associated land
4 base [~~associated with it~~] and supporting local and regional food
5 systems. External pressures on farm stability such as population growth
6 [~~in non-metropolitan areas~~], climate change, lack of access to afforda-
7 ble farmland, and public infrastructure development pose a significant
8 threat to farm operations, yet are the pressures over which farmers have
9 the least control. Local initiatives in agricultural protection policy,
10 facilitated by the agricultural districts program established in article
11 twenty-five-AA of this chapter, have proved effective as a basic step in
12 addressing these pressures. In an effort to encourage further develop-
13 ment of agricultural and farmland protection programs, and to recognize
14 both the crucial role that local government plays in developing these
15 strategies, plus the state constitutional directive to the legislature
16 to provide for the protection of agricultural lands, it is therefore
17 declared the policy of the state to promote local initiatives for agri-
18 cultural and farmland protection.

19 § 2. Subdivision 1 of section 322 of the agriculture and markets law,
20 as amended by chapter 158 of the laws of 2018, is amended to read as
21 follows:

22 1. "Agricultural and farmland protection" means [~~the preservation~~]
23 local government initiatives to: preserve, [~~conservation~~] conserve,
24 [~~management~~] manage or [~~improvement of~~] improve lands which are part of
25 viable farming operations, for the purpose of encouraging such lands to
26 remain in agricultural production[~~. Such preservation efforts include~~]
27 including the use of farmland protection conservation easements [~~and~~
28 ~~purchase of development rights.~~]; and activities which support local and
29 regional food systems.

30 § 3. Subdivisions 6 and 7 of section 322 of the agriculture and
31 markets law, as added by chapter 158 of the laws of 2018, are amended to
32 read as follows:

33 6. "Farmer-purchaser farmland protection agreement" means preemptive
34 purchase rights or other provisions that are part of or linked to a
35 farmland protection conservation easement providing the easement holder
36 the preferential right to purchase protected farmland at its agricul-
37 tural use value in the event the landowner intends to sell such farmland
38 to a purchaser who does not intend to maintain the land in [~~commercial~~]
39 agricultural production and who does not have the requisite farming
40 experience and farming income to demonstrate, in a manner acceptable to
41 the department, a good faith plan to maintain the land in [~~commercial~~]
42 agricultural production. The purpose of such provisions is to ensure
43 that farmer-purchasers who would maintain protected farmland in [~~commer-~~
44 ~~cial~~] agricultural production can afford such farmland that might other-
45 wise be sold at a higher price to other purchasers.

46 7. "Agricultural use value" means the fair market value of a property
47 that is restricted by an easement to its productive [~~commercial~~] agri-
48 cultural use value rather than the highest and/or best potential use
49 value for residential or other non-agricultural purposes.

50 § 4. Section 322 of the agriculture and markets law is amended by
51 adding three new subdivisions 8, 9 and 10 to read as follows:

52 8. "Local and regional food systems" means a collaborative network
53 that integrates sustainable production, processing, distribution, and
54 consumption of human food, and the associated management of wastes orig-
55 inating from within this network, in order to enhance the environmental,
56 economic, and social health of a particular area.

1 9. "Local food supply chain" means all processes involved in the local
2 movement of human foods from the farm to the consumer, including market-
3 ing, markets, distribution, aggregation, processing, packaging, purchas-
4 ing, preparation, resource recovery, and waste disposal.

5 10. "Urban agriculture" means the production, processing, distrib-
6 ution, and marketing of food within urban, suburban, and peri-urban
7 (i.e., on the perimeter of urban areas) areas for commercial, non-com-
8 mercial, educational, or not-for-profit purposes.

9 § 5. Section 324 of the agriculture and markets law, as added by chap-
10 ter 797 of the laws of 1992 and paragraph (c) of subdivision 1 as
11 amended by chapter 248 of the laws of 2015, is amended to read as
12 follows:

13 § 324. County agricultural and farmland protection plans. 1. County
14 agricultural and farmland protection boards may develop plans, in coop-
15 eration with the local soil and water conservation district and soil
16 conservation service, which shall include, but not be limited to:

17 (a) the location of any land or areas proposed to be protected;

18 (b) an analysis of the following factors concerning any areas and
19 lands proposed to be protected:

20 (i) value to the agricultural economy of the county;

21 (ii) open space value;

22 (iii) consequences of possible conversion; [and]

23 (iv) level of conversion pressure on the lands or areas proposed to be
24 protected; and

25 (v) the degree to which the lands or areas proposed to be protected
26 serve as a buffer for a significant public resource; and

27 (c) a description of the activities, programs and strategies, includ-
28 ing efforts to support the successful transfer of agricultural land from
29 existing owners to new owners and operators, especially new and begin-
30 ning farmers, intended to be used by the county to promote continued
31 agricultural use, and to sustain a resilient local food supply chain
32 within local and regional food systems, which may include but not be
33 limited to revisions to the county's comprehensive plan pursuant to
34 section two hundred thirty-nine-d or two hundred thirty-nine-i of the
35 general municipal law[-]; and

36 (d) identification of potential funding sources for each of the activ-
37 ities, programs and strategies identified in the plan, which shall
38 include public and private sources.

39 2. The county agricultural and farmland protection board shall conduct
40 at least one public hearing for public input regarding such agricultural
41 and farmland protection plan, and shall thereafter submit such plan to
42 the county legislative body for its approval.

43 3. The county agricultural protection plan must be submitted by the
44 county to the commissioner for approval.

45 4. (a) Subject to the availability of funds, state assistance payments
46 shall be made available for counties to conduct agricultural and farm-
47 land protection planning activities. State assistance payments for plan-
48 ning shall not exceed one hundred fifty thousand dollars to each county
49 or three hundred thousand dollars to two such counties applying jointly,
50 and shall not exceed seventy-five percent of the cost of preparing an
51 agricultural and farmland protection plan.

52 (b) A county which has an approved agricultural and farmland
53 protection plan may after sixty months from the date of such approval by
54 the commissioner apply for additional state assistance payments for
55 planning activities related to the updating of their current plan or
56 development of a new agricultural and farmland protection plan. Such

1 additional state assistance payments shall not exceed one hundred fifty
2 thousand dollars to each county whether applying individually or if two
3 or more counties are applying jointly, and shall not exceed seventy-five
4 percent of the cost of preparing an agricultural and farmland protection
5 plan.

6 (c) A county or two or more counties acting jointly shall apply for
7 state assistance payments for agricultural and farmland protection plan-
8 ning activities in such manner as the commissioner may prescribe.

9 § 6. Section 324-a of the agriculture and markets law, as added by
10 chapter 527 of the laws of 2005 and paragraph (c) of subdivision 1 as
11 amended by chapter 248 of the laws of 2015, is amended to read as
12 follows:

13 § 324-a. Municipal agricultural and farmland protection plans. 1.
14 Municipalities may develop agricultural and farmland protection plans,
15 in cooperation with cooperative extension and other organizations,
16 including local farmers. These plans shall include, but not be limited
17 to:

18 (a) the location of any land or areas proposed to be protected;

19 (b) an analysis of the following factors concerning any areas and
20 lands proposed to be protected:

21 (i) value to the agricultural economy of the municipality;

22 (ii) open space value;

23 (iii) consequences of possible conversion; **[and]**

24 (iv) level of conversion pressure on the lands or areas proposed to be
25 protected; and

26 (v) the degree to which the lands or areas proposed to be protected
27 serve as a buffer for a significant public resource; and

28 (c) a description of activities, programs and strategies, including
29 efforts to support the successful transfer of agricultural land from
30 existing owners to new owners and operators, especially new and begin-
31 ning farmers, intended to be used by the municipality to promote contin-
32 ued agricultural use, and to sustain a resilient local food supply chain
33 within local and regional food systems, which may include but not be
34 limited to revisions to the municipality's comprehensive plan pursuant
35 to section two hundred seventy-two-a of the town law, section twenty-
36 eight-a of the general city law, or section 7-722 of the village law as
37 appropriate~~+~~; and

38 (d) identification of potential funding sources for each of the
39 activities, programs and strategies identified in the plan, which shall
40 include public and private sources.

41 2. The municipality shall conduct at least one public hearing for
42 public input regarding such agricultural and farmland protection plan,
43 and shall thereafter submit such plan to the municipal legislative body
44 and the county agricultural farmland protection board for approval if
45 such board exists in the county where the municipality is located.

46 3. The municipal agricultural and farmland protection plan must be
47 submitted by the municipality to the commissioner for approval.

48 4. (a) Subject to the availability of funds, state assistance payments
49 shall be made available for municipalities to conduct agricultural and
50 farmland protection planning activities. State assistance payments for
51 planning activities shall not exceed one hundred fifty thousand dollars
52 to each municipality other than a county whether applying individually
53 or if two or more municipalities are applying jointly, and shall not
54 exceed seventy-five percent of the cost of preparing an agricultural and
55 farmland protection plan. State assistance payments for planning activ-
56 ities conducted by the city of New York shall not exceed three hundred

1 thousand dollars, and shall not exceed seventy-five percent of the cost
2 of preparing an agricultural and farmland protection plan.

3 (b) A municipality which has an approved agricultural and farmland
4 protection plan may after sixty months from the date of such approval by
5 the commissioner apply for additional state assistance payments for
6 planning activities related to the updating of their current plan or
7 development of a new agricultural and farmland protection plan. Such
8 additional state assistance payments shall not exceed one hundred fifty
9 thousand dollars to each municipality other than a county whether apply-
10 ing individually or if two or more municipalities are applying jointly,
11 and shall not exceed seventy-five percent of the cost of preparing an
12 agricultural and farmland protection plan. State assistance payments to
13 the city of New York for planning activities to update an agricultural
14 and farmland protection plan shall not exceed three hundred thousand
15 dollars, and shall not exceed seventy-five percent of the cost of
16 preparing an agricultural and farmland protection plan.

17 (c) A municipality or two or more municipalities acting jointly shall
18 apply for state assistance payments for agricultural and farmland
19 protection planning activities in such manner as the commissioner may
20 prescribe.

21 § 7. Section 325 of the agriculture and markets law, as amended by
22 chapter 413 of the laws of 1996, subdivision 1 as amended, paragraph (c)
23 of subdivision 2 as added, and paragraphs (d) and (e) of subdivision 2
24 as relettered by chapter 150 of the laws of 2013, subdivision 2 as
25 amended by chapter 93 of the laws of 2010, paragraphs (b) and (d) of
26 subdivision 2 as amended by chapter 234 of the laws of 2010, paragraph
27 (f) of subdivision 2 as added by chapter 355 of the laws of 2014, and
28 paragraph (g) of subdivision 2 as added by chapter 158 of the laws of
29 2018, is amended to read as follows:

30 § 325. [~~Agricultural~~] State assistance payments for agricultural and
31 farmland protection projects. 1. Subject to the availability of funds,
32 a program is hereby established to finance through state assistance
33 payments the state share of the costs of locally-led agricultural and
34 farmland protection [~~activities~~] projects. [~~State assistance payments~~
35 ~~for planning activities shall not exceed fifty thousand dollars to each~~
36 ~~county agricultural and farmland protection board or one hundred thou-~~
37 ~~sand dollars to two such boards applying jointly, and shall not exceed~~
38 ~~fifty percent of the cost of preparing an agricultural and farmland~~
39 ~~protection plan. State assistance payments for planning activities shall~~
40 ~~not exceed twenty-five thousand dollars to each municipality other than~~
41 ~~a county or fifty thousand dollars to two such municipalities applying~~
42 ~~jointly, and shall not exceed seventy five percent of the cost of~~
43 ~~preparing an agricultural and farmland protection plan. A county which~~
44 ~~has an approved farmland protection plan may after one hundred twenty~~
45 ~~months from the date of such approval by the commissioner apply for~~
46 ~~additional state assistance payments for planning activities related to~~
47 ~~the updating of their current plan or development of a new farmland~~
48 ~~protection plan. Such additional state assistance payments shall not~~
49 ~~exceed fifty thousand dollars to each county agricultural and farmland~~
50 ~~protection board or one hundred thousand dollars to two such boards~~
51 ~~applying jointly, and shall not exceed fifty percent of the cost of~~
52 ~~preparing an agricultural and farmland protection plan. State assistance~~
53 ~~payments for implementation of approved agricultural and farmland~~
54 ~~protection plans may fund up to seventy-five percent of the cost of~~
55 ~~implementing the county plan or portion of the plan for which state~~
56 ~~assistance payments are requested. State assistance payments to such~~

~~counties shall not exceed seventy five percent of the cost of implementing the local plan or portion of the plan for which state assistance has been requested. Such maximum shall be increased by a percentage equal to the percentage of the total eligible costs for such specified projects that are contributed by the owner of the agricultural land for which the project is being funded, provided, however, that in no event shall the total of such state assistance payments exceed eighty seven and one half percent of such eligible costs for any specified project.]~~

2. (a) ~~[A county agricultural and farmland protection board, two such boards acting jointly, a municipality or two such municipalities acting jointly shall make application to the commissioner in such manner as the commissioner may prescribe. Application for state assistance payments for planning activities may be made at any time after the county agricultural and farmland protection board has formed and has elected a chairperson.]~~ A county [~~agricultural and farmland protection board~~] may make application for state assistance payments for plan implementation at any time after the commissioner has approved a county agricultural and farmland protection plan pursuant to section three hundred twenty-four of this article. Application made jointly by two [~~county agricultural and farmland protection boards~~] or more counties may be made after such agricultural and farmland protection plan is approved by each county pursuant to the provisions of section three hundred twenty-four of this article. State assistance payments to such counties shall not exceed seventy-five percent of the cost of implementing the county agricultural and farmland protection plan or portion of the plan for which state assistance has been requested. Such maximum shall be increased by a percentage equal to the percentage of the total eligible costs for agricultural and farmland protection projects that are contributed by the owner of the agricultural land for which the project is being funded; provided, however, that in no event shall the total of such state assistance payments exceed eighty-seven and one-half percent of such eligible costs for any agricultural and farmland protection project. The commissioner may require such information or additional planning as [~~he or she deems~~] they deem necessary to evaluate such a request for state assistance.

(b) Within a county, a municipality which has in place a local agricultural and farmland protection plan may apply and shall be eligible for [~~agricultural protection~~] state assistance payments to implement its plan, or a portion of its plan, provided the proposed project is endorsed for funding by the agricultural and farmland protection board for the county in which the municipality is located [~~and that any~~]. Any plan developed on or after January first, two thousand six [~~complies~~] must comply with section three hundred twenty-four-a of this article. State assistance payments to such municipalities shall not exceed seventy-five percent of the cost of implementing the local plan or portion of the plan for which state assistance has been requested. Such maximum shall be increased by a percentage equal to the percentage of the total eligible costs for [~~such specified~~] agricultural and farmland protection projects that are contributed by the owner of the agricultural land for which the project is being funded; provided, however, that in no event shall the total of such state assistance payments exceed eighty-seven and one-half percent of such eligible costs for any [~~specified~~] agricultural and farmland protection project. The commissioner may require such information or additional planning as [~~he or she deems~~] they deem necessary to evaluate such a request for state assistance.

1 (c) A soil and water conservation district may apply and shall be
2 eligible for agricultural protection state assistance payments to imple-
3 ment a county or municipal agricultural and farmland protection plan
4 approved by the commissioner provided that the proposed project is
5 endorsed for funding by the county agricultural and farmland protection
6 board for the county in which the proposed project is located. A soil
7 and water conservation district, two such soil and water conservation
8 districts acting jointly, a soil and water conservation district and a
9 municipality acting jointly, or a soil and water conservation district
10 and a not-for-profit conservation organization acting jointly shall make
11 application to the commissioner in such manner as the commissioner may
12 prescribe. The proposed project must also be endorsed for funding by the
13 municipality in which the proposed project is located if the soil and
14 water conservation district is seeking agricultural protection state
15 assistance payments to implement an approved municipal agricultural and
16 farmland protection plan. Any soil and water conservation district
17 proposing a project located within the city of New York must have its
18 project endorsed for funding by the city council or by any board so
19 delegated by its city council. State assistance payments to such soil
20 and water conservation districts shall not exceed seventy-five percent
21 of the cost of implementing the local plan or portion of the plan for
22 which state assistance has been requested. Such maximum shall be
23 increased by a percentage equal to the percentage of the total eligible
24 costs for [~~such specified~~] agricultural and farmland protection
25 projects that are contributed by the owner of the agricultural land for which the
26 project is being funded; provided, however, that in no event shall the
27 total of such state assistance payments exceed eighty-seven and one-half
28 percent of such eligible costs for any [~~specified~~] agricultural and
29 farmland protection project. The commissioner may require such informa-
30 tion or additional planning as [~~he or she deems~~] they deem necessary to
31 evaluate such a request for state assistance.

32 (d) A not-for-profit conservation organization may apply and shall be
33 eligible for agricultural protection state assistance payments to imple-
34 ment a county or municipal agricultural and farmland protection plan
35 approved by the commissioner provided that the proposed project is
36 endorsed for funding by the [~~county agricultural and farmland protection~~
37 ~~board~~] legislative body for the [~~county~~] municipality in which the
38 proposed project is located[~~. The proposed project must also be endorsed~~
39 ~~for funding by the municipality in which the proposed project is~~
40 ~~located~~] if the not-for-profit conservation organization is seeking
41 [~~agricultural protection state assistance payments to implement~~
42 ~~payments for an agricultural and farmland protection project consistent~~
43 ~~with~~] an approved municipal agricultural and farmland protection plan.
44 Any not-for-profit conservation organization proposing a project located
45 within the city of New York must have its project endorsed for funding
46 by the city council or by any board so delegated by its city council.
47 State assistance payments to such not-for-profit organizations shall not
48 exceed seventy-five percent of the cost of implementing the [~~local plan~~
49 ~~or portion of the plan~~] agricultural and farmland protection project for
50 which state assistance has been requested. Such maximum shall be
51 increased by a percentage equal to the percentage of the total eligible
52 costs for [~~such specified~~] agricultural and farmland protection
53 projects that are contributed by the owner of the agricultural land for which the
54 project is being funded; provided, however, that in no event shall the
55 total of such state assistance payments exceed eighty-seven and one-half
56 percent of such eligible costs for any [~~specified~~] agricultural and

1 farmland protection project. The commissioner may require such informa-
2 tion or additional planning as [~~he or she deems~~] they deem necessary to
3 evaluate such a request for state assistance.

4 (e) In evaluating applications for funding, the commissioner shall
5 give priority to projects intended to preserve viable agricultural land
6 as defined in section three hundred one of this chapter; that are in
7 areas facing significant development pressure; and that serve as a buff-
8 er for a significant natural public resource containing important
9 ecosystem or habitat characteristics.

10 (f) In evaluating applications for funding, the commissioner shall
11 consider whether future physical climate risk due to sea level rise,
12 and/or storm surges and/or flooding, based on available data predicting
13 the likelihood of future extreme weather events, including hazard risk
14 analysis data if applicable, has been considered.

15 (g) In evaluating applications for funding, projects for protecting
16 agricultural land that include farmer-purchaser farmland protection
17 agreements are eligible for state assistance payments.

18 3. Upon receipt of a request for state assistance, the commissioner
19 shall review the request, consult with the advisory council on agricul-
20 ture and, within ninety days from the receipt of a complete application,
21 shall make a determination as to whether or not such projects shall
22 receive state assistance.

23 § 8. Subdivisions 2 and 6 of section 325-a of the agriculture and
24 markets law, as added by chapter 268 of the laws of 2008, are amended to
25 read as follows:

26 2. Awards of state assistance payments shall be made on a competitive
27 basis through a request for proposal process which shall set forth the
28 standards for the selection process, the required proposal format, the
29 costs which are eligible for funding, reporting requirements, and such
30 other provisions as the commissioner may deem necessary, proper or
31 desirable to achieve the purposes of this section. Applications for
32 state assistance payments for activities to assist counties and munici-
33 palties outside the city of New York must be endorsed by the agricul-
34 tural and farmland protection board for the county or counties in which
35 the funded activities would be implemented. Any application associated
36 with activities occurring within the city of New York must be endorsed
37 for funding by the city council or by any board so delegated by its city
38 council.

39 6. State assistance payments awarded pursuant to this section shall
40 not exceed [~~fifty~~] seventy-five thousand dollars to any applicant in any
41 fiscal year[~~, and shall not exceed five hundred thousand dollars to all~~
42 ~~applicants in any fiscal year~~].

43 § 9. The agriculture and markets law is amended by adding two new
44 sections 325-b and 325-c to read as follows:

45 § 325-b. State assistance payments to counties. 1. Subject to the
46 availability of funds, a program is hereby established for the purpose
47 of awarding state assistance payments to counties to implement activ-
48 ities of their approved agricultural and farmland protection plans other
49 than agricultural and farmland protection projects funded pursuant to
50 section three hundred twenty-five of this article. State assistance
51 payments to such counties shall not exceed seventy-five percent of the
52 cost of implementing the activities for which state assistance has been
53 requested. The commissioner may require such information deemed neces-
54 sary to evaluate such a request for state assistance. Eligible activ-
55 ities shall include, but not be limited to:

1 (a) audit a municipality's land use and subdivision regulations,
2 zoning, or site plan requirements to assess potential hardship or unrea-
3 sonable restrictions to agricultural land and farm operations;

4 (b) audit a municipality's zoning to assess opportunities and chal-
5 lenges to recruiting and retaining agriculture support service provid-
6 ers;

7 (c) incorporate local and regional food system planning into existing
8 emergency management and disaster plans of county and municipal govern-
9 ments;

10 (d) compile and disseminate planning guide or guides that help identi-
11 fy existing and emerging constraints for urban agriculture and suggested
12 strategies for municipalities to encourage and sustain urban agricul-
13 ture;

14 (e) compile and disseminate planning guide or guides in support of
15 agricultural economic development, such as opportunities to incorporate
16 agricultural tourism or other value-added enterprises to farm operations
17 in a manner compatible with agricultural land use; and

18 (f) compile and disseminate planning guide(s) that help identify
19 emerging land use conflicts with agriculture and suggested strategies
20 for municipalities to avoid or mitigate potential harm to local farm
21 operations.

22 § 325-c. State assistance payments for agricultural and farmland
23 protection capacity building initiatives. 1. Subject to the availability
24 of funds, state assistance payments may be awarded to counties, munici-
25 palities, soil and water conservation districts, and not-for-profit
26 conservation organizations to increase staff capacity to accelerate
27 locally-led agricultural and farmland protection projects. State
28 assistance payments may provide up to one hundred percent of the cost of
29 each awarded staff capacity initiative. The commissioner may require
30 such information as such commissioner deems necessary to evaluate such a
31 request for state assistance. Any county, municipality, soil and water
32 conservation district, or not-for-profit conservation organization which
33 has previously received state assistance from an award from this program
34 may, after one hundred twenty months from the date of the final payment
35 associated with such prior award, apply for additional state assistance
36 payments for agricultural and farmland protection capacity building.

37 2. Subject to the availability of funds, state assistance payments may
38 be awarded to recently established not-for-profit conservation organiza-
39 tions to specifically carry out locally led agricultural and farmland
40 protection projects. State assistance payments may provide up to one
41 hundred percent of qualified five-year start-up costs for such not-for-
42 profit conservation organizations. The commissioner may require such
43 information as they deem necessary to evaluate such a request for state
44 assistance.

45 § 10. This act shall take effect immediately.

46 PART PP

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

50 11. "Tire service" means any person or business [~~in New York state~~]
51 who sells or installs new tires for use on any vehicle and any person or
52 business who engages in the retail sale of new motor vehicles. [~~A person~~
53 ~~who is not the end point of sale and any governmental agency or poli-~~
54 ~~tical subdivision are excluded from this term] The United States of~~

America and any of its agencies and instrumentalities, and New York state and any of its agencies, instrumentalities, public corporations, or political subdivisions are excluded from this term.

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

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

Until December thirty-first, two thousand ~~[twenty-five]~~ twenty-seven, post written notice in a prominent location, which must be at least eight and one-half inches by fourteen inches in size and contain the following language:

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

1. Until December thirty-first, two thousand ~~[twenty-five]~~ twenty-seven, a waste tire management and recycling fee of two dollars and fifty cents shall be charged on each new tire sold. The fee shall be paid by the purchaser to the tire service at the time the new tire or new motor vehicle is purchased; provided, however, that the fee shall be paid by a purchaser to a tire service upon installation of new tires unless the purchaser can demonstrate that the fee was previously paid to the seller.

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

(a) recapped or resold tires[+]

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

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

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

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

(b) The tire service shall be entitled to retain an allowance of twenty-five cents per tire from fees collected.

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

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

(a) Until December thirty-first, two thousand ~~[twenty-five]~~ twenty-seven, any additional waste tire management and recycling costs of the

1 tire service in excess of the amount authorized to be retained pursuant
2 to paragraph (b) of subdivision two of this section may be included in
3 the published selling price of the new tire, or charged as a separate
4 per-tire charge on each new tire sold. When such costs are charged as a
5 separate per-tire charge: (i) such charge shall be stated as an invoice
6 item separate and distinct from the selling price of the tire; (ii) the
7 invoice shall state that the charge is imposed at the sole discretion of
8 the tire service; and (iii) the amount of such charge shall reflect the
9 actual cost to the tire service for the management and recycling of
10 waste tires accepted by the tire service pursuant to section 27-1905 of
11 this title, provided however, that in no event shall such charge exceed
12 two dollars and fifty cents on each new tire sold.

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

14 PART QQ

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

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

21 § 2. This act shall take effect immediately.

22 PART RR

23 Section 1. Section 27-1301 of the environmental conservation law is
24 amended by adding five new subdivisions 7-a, 8, 9, 10 and 11 to read as
25 follows:

26 7-a. "Municipality" means a city, county, town, village, public bene-
27 fit corporation or school district, or an improvement district within a
28 city, county, town, or village, or an Indian tribe residing within the
29 state, or any combination thereof.

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

39 9. "Natural resources" means land, fish, wildlife, biota, air, water,
40 ground water, drinking water supplies, and other such resources belong-
41 ing to, managed by, held in trust by, appertaining to, or otherwise
42 controlled by the state or a municipality.

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

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

48 (a) any person who currently owns or operates a site or any portion
49 thereof;

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

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

1 (d) any person who transported any hazardous waste to a site selected
2 by such person;
3 (e) any person who disposed of any hazardous waste at a site;
4 (f) any person who arranged for:
5 (i) the transportation of any hazardous waste to a site; or
6 (ii) the disposal of any hazardous waste at a site; and
7 (g) any other person who is responsible according to the applicable
8 principles of statutory or common law liability pursuant to subdivision
9 four of section 27-1313 of this title and/or the Comprehensive Environ-
10 mental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §
11 9601 et seq.

12 § 2. Paragraph b of subdivision 2 of section 27-1305 of the environ-
13 mental conservation law, as amended by section 3 of part E of chapter 1
14 of the laws of 2003, is amended and a new paragraph b-1 is added to read
15 as follows:

16 b. The department shall, as part of the registry, assess and, based
17 upon new information received, reassess by March thirty-first of each
18 year, in cooperation with the department of health, the relative need
19 for action at each site to remedy environmental and health problems
20 resulting from the presence of hazardous wastes at such sites including
21 in such assessment whether sites shall be prioritized under paragraph b
22 of subdivision five of section 27-1313 of this title due to site
23 location in an area identified as a disadvantaged community pursuant to
24 subdivision five of section 75-0101 of this chapter; provided, however,
25 that if at the time of such assessment or reassessment, the department
26 has not placed a site in classification 1 or 2, as described in subpara-
27 graphs one and two of this paragraph, and such site is the subject of
28 negotiations for, or implementation of, a brownfield site cleanup agree-
29 ment pursuant to title fourteen of this article, obligating the person
30 subject to such agreement to, at a minimum, eliminate or mitigate all
31 significant threats to the public health and environment posed by the
32 hazardous waste pursuant to such agreement, the department shall defer
33 its assessment or reassessment during the period such person is engaged
34 in good faith negotiations to enter into such an agreement and, follow-
35 ing its execution, is in compliance with the terms of such agreement,
36 and shall assess or reassess such site upon completion of remediation to
37 the department's satisfaction. In making its assessments, the department
38 shall place every site in one of the following classifications:

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

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

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

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

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

49 b-1. The department shall prioritize remedial programs at sites placed
50 in classification 1 or 2, as described in subparagraphs one and two of
51 paragraph b of this subdivision, that are located in disadvantaged
52 communities as identified pursuant to subdivision five of section
53 75-0101 of this chapter, consistent with the protection of public health
54 and the environment.

1 § 3. Paragraph b of subdivision 5 of section 27-1313 of the environ-
2 mental conservation law, as amended by chapter 857 of the laws of 1982,
3 is amended to read as follows:

4 b. In the event that the commissioner has found that hazardous wastes
5 at a site constitute a significant threat to the environment, but after
6 a reasonable attempt to determine who may be responsible is either
7 unable to determine who may be responsible, or is unable to locate a
8 person who may be responsible, the department may develop and implement
9 an inactive hazardous waste disposal site remedial program for such
10 site. The department shall prioritize implementation of remedial
11 programs at sites located in disadvantaged communities as identified
12 pursuant to subdivision five of section 75-0101 of this chapter. The
13 commissioner shall make every effort, in accordance with the require-
14 ments for notice, hearing and review provided for in this title, to
15 secure appropriate relief from any person subsequently identified or
16 located who is responsible for the disposal of hazardous waste at such
17 site, including, but not limited to, development and implementation of
18 an inactive hazardous waste disposal site remedial program, payment of
19 the cost of such a program, recovery of any reasonable expenses incurred
20 by the state, money damages and penalties.

21 § 4. Section 27-1315 of the environmental conservation law, as amended
22 by section 7 of part E of chapter 1 of the laws of 2003 and subdivision
23 1 as amended by section 50 of part D of chapter 60 of the laws of 2012,
24 is amended to read as follows:

25 § 27-1315. Rules and regulations.

26 1. The commissioner shall have the power to promulgate rules and regu-
27 lations necessary and appropriate to carry out the purposes of this
28 title. [~~Any regulations shall include provisions which establish the~~
29 ~~procedures for a hearing pursuant to subdivision four of section 27-1313~~
30 ~~of this title and shall ensure a division of functions between the~~
31 ~~commissioner, the staff who present the case, and any hearing officers~~
32 ~~appointed.] In addition, any regulations shall set forth findings to be
33 based on a factual record, which must be made before the commissioner
34 determines that a significant threat to the environment exists.~~

35 2. Any regulations concerning a hearing pursuant to subdivision four
36 of section 27-1313 of this title shall include provisions which estab-
37 lish the procedures for such hearing and shall ensure a division of
38 functions between the commissioner, the staff who present the case, and
39 any hearing officers appointed.

40 3. Such rules and regulations of the department as shall be in effect
41 on the effective date of this subdivision that shall have been promul-
42 gated to carry out the purposes of this title shall be deemed to be
43 revised, as of the effective date of this subdivision, to include the
44 definition of "hazardous waste" as it appears in section 27-1301 of this
45 title.

46 § 5. Subdivision 2 of section 27-1323 of the environmental conserva-
47 tion law, as added by section 9 of part E of chapter 1 of the laws of
48 2003, is amended to read as follows:

49 2. Municipal exemption. (a) For the purposes of this title no municipi-
50 ality or public corporation shall incur any liability from any statuto-
51 ry claims of the state as an owner or operator of a site, or a person
52 responsible for the disposal of a hazardous waste at such site, if such
53 public corporation acquired such site involuntarily, and such public
54 corporation retained such site without participating in the development
55 of such site as a responsible person.

1 (b) This exemption shall not apply to any municipality or public
2 corporation that has caused or contributed to the release or threatened
3 release of a hazardous waste from or onto the site, or to any public
4 corporation that generated, transported, or disposed of, arranged for,
5 or that caused the generation, transportation, or disposal of hazardous
6 waste, from or onto the site, except where such municipality's liability
7 arises out of PFAS contamination resulting from the use of firefighting
8 foam containing PFAS and such use was at that time mandated by state or
9 federal law, and such contamination was not through gross negligence or
10 willful or intentional misconduct. For purposes of this paragraph, PFAS
11 shall mean PFAS chemicals, as such term is defined in paragraph f of
12 subdivision one of section three hundred ninety-one-u of the general
13 business law, as added by chapter eighty-eight of the laws of two thou-
14 sand twenty.

15 (c) When used in this section:

16 (1) "Public corporation" means a public corporation as defined in
17 section sixty-five of the general construction law, a local public
18 authority, supervisory district, improvement district within a county,
19 city, town, or village, or Indian nation or tribe recognized by the
20 state or the United States with a reservation wholly or partly within
21 the boundaries of New York state, or any combination thereof.

22 (2) "Involuntary acquisition of ownership or control" includes but is
23 not limited to the following:

24 (i) Acquisitions by a public corporation in its sovereign capacity,
25 including but not limited to acquisitions pursuant to abandonment
26 proceedings or bequest;

27 (ii) Acquisitions by a public corporation, or its agent, acting as a
28 conservator or receiver pursuant to a clear and direct statutory mandate
29 or regulatory authority;

30 (iii) Acquisitions of assets through foreclosure and its equivalents,
31 or otherwise, by a public corporation in the course of administering a
32 loan, loan guarantee, tax lien, or tax forbearance agreement, or loan
33 insurance program; or

34 (iv) Acquisitions by a public corporation pursuant to seizure, injunc-
35 tion, condemnation, or forfeiture authority; provided that such owner-
36 ship or control is not retained primarily for investment purposes.

37 (d) For the purpose of this section, the terms "foreclosure" and
38 "foreclose" mean, respectively, acquiring or to acquire a brownfield
39 site through:

40 (1) purchase at sale under a judgment or decree, power of sale, or
41 non-judicial foreclosure sale;

42 (2) a deed in lieu of foreclosure, or similar conveyance, or abandon-
43 ment from a person or trustee;

44 (3) conveyance pursuant to an extension of credit or tax forbearance
45 previously contracted; or

46 (4) any other formal or informal manner by which a person acquires,
47 for subsequent disposition, title to or possession of a site in order to
48 protect the security interest of the public corporation or lender.

49 (e) "Participating in development" means the carrying out, or causing
50 or permitting the carrying out, of any above-grade improvements to the
51 site or any other environmental investigation or remediation, except for
52 those improvements which are part of a site remedial program pursuant to
53 this article or in furtherance of site safety, such as fencing or light-
54 ing, but does not include licensing, regulatory oversight, or the mere
55 capacity to regulate or influence, or the unexercised right to control

1 the operation of the property. For purposes of this section, participat-
2 ing in development does not include:

3 (1) having the capacity to influence management of a site;

4 (2) having the unexercised right to control or to regulate the site or
5 operations thereof;

6 (3) holding, abandoning, or releasing a security interest or tax lien
7 on such site;

8 (4) including a condition relating to environmental compliance in a
9 contract, permit, license, or security agreement;

10 (5) monitoring or enforcing the terms and conditions of an agreement
11 or tax forbearance agreement;

12 (6) monitoring or undertaking one or more inspections of a site
13 including, but not limited to, boring test wells;

14 (7) exercising other remedies available under applicable laws;

15 (8) licensing, permitting, or granting permits, certificates of occu-
16 pancy and variances as allowed by law and/or regulation;

17 (9) applying for or participating in federal or state statutory
18 programs or benefits; or

19 (10) declining to take any of the actions described in subparagraphs
20 one through nine of this paragraph.

21 (f) Any public corporation that has taken possession of a site shall
22 notify the department of any release of hazardous waste within ten days
23 of obtaining actual knowledge of such release, unless a shorter notice
24 period is required under any other provision of law, in which case the
25 shorter notice period controls. Failure to notify the department within
26 the ten day or shorter notification period shall result in the loss of
27 the exemption set forth in this section.

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

30 § 27-1325. Financial responsibility provisions.

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

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

43 3. In any case where the responsible person is in bankruptcy, reorgan-
44 ization, or arrangement pursuant to the Federal Bankruptcy Code or
45 where, with reasonable diligence, jurisdiction in any state or federal
46 court within the state cannot be obtained over a responsible person
47 likely to be solvent at the time of judgment, any claim arising from
48 conduct for which evidence of financial responsibility shall be provided
49 under this section may be asserted directly against the guarantor
50 providing such evidence of financial responsibility. In the case of any
51 action pursuant to this subdivision, such guarantor shall be entitled to
52 invoke all rights and defenses which would have been available to the
53 responsible person if any action had been brought against the responsi-
54 ble person by the claimant and which would have been available to the
55 guarantor if an action had been brought against the guarantor by the
56 responsible person.

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

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

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

16 § 27-1327. Recovery of response costs and natural resource damages.

17 1. Each responsible person shall be strictly liable, jointly and severally, for all response costs and for all natural resource damages resulting from the disposal of hazardous waste at an inactive hazardous waste disposal site. The commissioner may commence an action in a court of competent jurisdiction to recover the response costs and/or natural resource damages. The commissioner shall prioritize securing relief or other action at sites placed in classification 1 or 2, as described in subparagraphs one and two of paragraph b of subdivision two of section 27-1305 of this title, that are located in disadvantaged communities as identified pursuant to subdivision five of section 75-0101 of this chapter. Notwithstanding any provisions of this subdivision to the contrary, the commissioner shall have the authority to approve expenditures from the hazardous waste remedial fund to finance a share of the overall site response costs in instances where the commissioner in their sole discretion determines that such action is in the public interest, is consistent with the National Contingency Plan, would expedite effective remedial actions, and would minimize litigation. The absence of any such financing expenditures shall not be subject to administrative or judicial review.

36 2. A determination or assessment of natural resource damages for the purposes of this section made or adopted by the commissioner in accordance with any applicable regulations promulgated under section 27-1315 of this title or under section 9651(c) of title 42 of the United States Code, after giving consideration to the National Contingency Plan as defined by 42 U.S.C. 9601(31), shall have the force and effect of a rebuttable presumption on behalf of the commissioner in any judicial proceeding.

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

47 4. All amounts received to satisfy liability for natural resource damages shall be credited to the department's natural resource damages fund and first used to assess, restore, rehabilitate, and replace the natural resources at the site for which the damages were assessed, to the extent practicable. Any amounts that would otherwise be allocated to assessment, restoration, rehabilitation, and replacement at the site where assessment, restoration, rehabilitation or replacement is not practicable shall be used exclusively to pay or reimburse costs of acquiring the equivalent of the affected natural resources. The measure

1 of compensation for injury to, destruction of, or loss of natural
2 resources is the cost of:

3 (a) restoration or rehabilitation of the injured natural resources to
4 a condition where they can provide the level of services available had
5 the disposal of hazardous waste not occurred; or

6 (b) the replacement and/or acquisition of equivalent natural
7 resources capable of providing such services.

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

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

15 (b) upon which the disposal of hazardous wastes occurred, except that
16 the state shall not have a lien against real property of a volunteer as
17 such term is defined in paragraph (b) of subdivision one of section
18 27-1405 of this article that is the subject of a brownfield cleanup
19 under title fourteen of this article that is being undertaken or has
20 been completed by a volunteer, provided that the volunteer is in full
21 compliance with the requirements of this chapter with respect thereto,
22 does not impede the performance of a response action or natural resource
23 restoration, rehabilitation, or replacement, and is not engaging with
24 the department in bad faith with respect to such response costs and/or
25 natural resource damages.

26 6. An environmental lien shall attach when:

27 (a) response costs are incurred by the state and/or a judicial judg-
28 ment of liability for natural resource damages is entered;

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

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

39 7. (a) An environmental lien shall continue against the real property
40 until:

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

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

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

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

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

54 (i) a legally enforceable agreement satisfactory to the commissioner
55 has been executed relating to the response costs and/or natural resource
56 damages that are the subject of the lien or reimbursing the state for

1 such response costs and/or natural resource damages; or an owner or
2 operator of the site subject to the lien agrees to perform remedial
3 work, site management, or other in-kind services of sufficient value to
4 the commissioner; or

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

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

12 9. A notice of environmental lien shall state:

13 (a) that the lienor is the state of New York;

14 (b) the name of the record owner of the real property on which the
15 environmental lien has attached;

16 (c) the real property subject to the lien, with a description thereof
17 sufficient for identification;

18 (d) that the real property described in the notice is the property
19 upon which a disposal of hazardous wastes occurred and that response
20 costs have been incurred by the lienor and/or that natural resource
21 damages have been judicially determined to be due to the lienor as a
22 result of such disposal;

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

26 (f) that an environmental lien has attached to the described real
27 property.

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

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

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

48 12. Amounts received by the administrator to satisfy all or part of an
49 environmental lien for response costs shall be deposited in the depart-
50 ment's hazardous waste remedial fund, and amounts received to satisfy
51 all or part of an environmental lien for natural resource damages shall
52 be deposited in the department's natural resource damages fund.

53 13. (a) An owner or operator of an inactive hazardous waste disposal
54 site whose liability under this title and/or 42 U.S.C. § 9607 et seq.
55 arises solely from being considered an owner or operator of such site
56 shall not be liable as long as it can demonstrate that one or more of

1 the defenses in paragraph (a) of subdivision four of section 27-1323 of
2 this title or 42 U.S.C. §9607(b) and (d) applies, and the owner or oper-
3 ator does not impede the performance of a response action or natural
4 resource restoration.

5 (b) If there are unrecovered response costs incurred by the department
6 at an inactive hazardous waste disposal site for which an owner or oper-
7 ator of the site is not liable by reason of paragraph (a) of this subdivi-
8 vision, and if each of the conditions described in paragraph (c) of this
9 subdivision is met, the department shall have a lien on the facility for
10 the incremental increases in the fair market value of the site due to
11 the response action being carried out by the department above the fair
12 market value of the site that existed before the response action was
13 initiated, or may by agreement with the owner or operator, obtain from
14 the owner or operator a lien on any other property or other assurance of
15 payment satisfactory to the department, for the unrecovered response
16 costs.

17 (c) The conditions referred to in paragraph (b) of this subdivision
18 are the following:

19 (i) A response action is carried out at the inactive hazardous waste
20 disposal site for which there are unrecovered costs of the department.

21 (ii) The response action increases the fair market value of the site
22 above the fair market value of the site that existed before the response
23 action was initiated.

24 (d) A lien under paragraph (b) of this subdivision:

25 (i) shall be in an amount not to exceed the increase in fair market
26 value of the property attributable to the response action at the time of
27 a sale or other disposition of the property;

28 (ii) shall arise at the time at which costs are first incurred by the
29 department with respect to a response action at the site;

30 (iii) shall be subject to the requirements of subdivisions seven,
31 eight, and nine of this section; and

32 (iv) shall continue until the earlier of:

33 (A) satisfaction of the lien by sale or other means; or

34 (B) recovery of all response costs incurred at the site.

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

37 § 27-1329. Abatement actions.

38 1. Maintenance, jurisdiction, etc. (a) When the commissioner deter-
39 mines that there may be an imminent danger to the health or welfare of
40 the people of the state or the environment, or an actual or threatened
41 release of a hazardous substance from an inactive hazardous waste
42 disposal site resulting in, or likely to result in, irreversible or
43 irreparable damage to natural resources, the commissioner may request
44 the attorney general to secure such relief as may be necessary to abate
45 such danger, threat or damage, and to grant such relief as the public
46 interest and the equities of the case may require. The commissioner may
47 also take other action under this section including, but not limited to,
48 issuing such orders as may be necessary to protect public health and
49 welfare and the environment.

50 (b) An abatement action may not be taken against a person who estab-
51 lishes to the satisfaction of the commissioner, and in the timeframe set
52 forth by the commissioner to do so, that their liability arises solely
53 as a result of such person's ownership or operation of or involvement
54 with the site, the site was acquired by such person after the disposal
55 or placement of the hazardous waste on, in, or at such site, that at
56 the time such person acquired the site, such person did not know and had

1 no reason to know as established to the satisfaction of the commissioner
2 within the meaning of subparagraph (i) of paragraph (b) of subdivision
3 four of section 27-1323 of this title that any hazardous waste which
4 is the subject of the abatement action was disposed of on, in, or at
5 the site, and such person exercises and has exercised appropriate care
6 with respect to contamination found at the site by taking reasonable
7 steps to:

8 (i) stop any continuing release;

9 (ii) prevent any threatened future release; and

10 (iii) prevent or limit human, environmental, or natural resource
11 exposure to any previously released hazardous waste.

12 The protection granted by this paragraph shall not be available where,
13 in the sole discretion of the commissioner, it could prejudice the
14 relief necessary to abate the danger, threat, or damage.

15 2. Fines; reimbursement. (a) Any person who, without sufficient cause,
16 fails or refuses to comply with any order of the commissioner under
17 subdivision one of this section may, in an action brought in the appro-
18 priate court of competent jurisdiction to enforce such order, be fined
19 not more than thirty-seven thousand five hundred dollars for each day in
20 which such violation occurs or such failure to comply continues.

21 (b) (i) Any person who receives and complies with the terms of any
22 order issued under subdivision one of this section may, within sixty
23 days after completion of the required action, petition the commissioner
24 for reimbursement from the hazardous waste remedial fund pursuant to
25 section ninety-seven-b of the state finance law for the reasonable costs
26 of such action, plus interest. Any interest payable under this subpara-
27 graph shall accrue on the amounts expended from the date of expenditure
28 at the same rate as specified for interest on investments of the hazard-
29 ous substance superfund established under subchapter A of chapter 98 of
30 title 26 of the federal comprehensive environmental response, compen-
31 sation, and liability act.

32 (ii) If the commissioner refuses to grant all or part of a petition
33 made under this paragraph, the petitioner may within thirty days of
34 receipt of such refusal file an action against the department pursuant
35 to article seventy-eight of the civil practice law and rules.

36 (iii) Except as provided in subparagraph (iv) of this paragraph, to
37 obtain reimbursement, the petitioner shall establish by a preponderance
38 of the evidence that such petitioner is not liable for response costs
39 under section 27-1313 of this title and that costs for which such peti-
40 tioner seeks reimbursement are reasonable in light of the action
41 required by the relevant order.

42 (iv) A petitioner under subparagraph (i) of this paragraph may also
43 recover its reasonable costs of response to the extent that such peti-
44 tioner can demonstrate, on the administrative record, that the commis-
45 sioner's decision in selecting the response action ordered was arbitrary
46 and capricious or was otherwise not in accordance with law. Reimburse-
47 ment awarded under this subparagraph shall include all reasonable
48 response costs incurred by the petitioner pursuant to the portions of
49 the order found to be arbitrary and capricious or otherwise not in
50 accordance with law.

51 (v) Reimbursement awarded by a court under subparagraph (iii) or (iv)
52 of this paragraph may include appropriate costs, fees, and other
53 expenses in accordance with section eighty-six hundred one of the civil
54 practice law and rules.

55 § 9. Subdivisions 1 and 4 of section 97-b of the state finance law,
56 subdivision 1 as amended by section 3 of part AA of chapter 58 of the

1 laws of 2018 and subdivision 4 as amended by chapter 38 of the laws of
2 1985, are amended to read as follows:

3 1. There is hereby established in the custody of the state comptroller
4 a nonlapsing revolving fund to be known as the "hazardous waste remedial
5 fund", which shall consist of a "site investigation and construction
6 account", an "industry fee transfer account", an "environmental restora-
7 tion project account", a "hazardous waste cleanup account", and a
8 "hazardous waste remediation oversight and assistance account".

9 4. ~~[No]~~ With respect to moneys in the hazardous waste cleanup account,
10 no moneys shall be available from the fund pursuant to paragraph (a) of
11 subdivision three of this section unless the commissioner of environ-
12 mental conservation finds that all reasonable efforts to secure volun-
13 tary agreement to pay the costs of necessary remedial actions from
14 owners or operators of inactive hazardous waste sites or other responsi-
15 ble persons have been made except where the commissioner of environ-
16 mental conservation has made findings pursuant to paragraph b of subdivi-
17 sion three of section 27-1313 of the environmental conservation law
18 ~~[or where]~~; the commissioner of health has declared a condition danger-
19 ous to life or health and made findings pursuant to paragraph (b) of
20 subdivision three of section one thousand three hundred eighty-nine-b of
21 the public health law; the commissioner of health or the commissioner of
22 environmental conservation has determined that immediate action in the
23 form of a remedial investigation and/or an interim remedial measure is
24 necessary to abate an imminent danger or a significant threat to the
25 health or welfare of the people of the state or the environment posed by
26 hazardous waste at an inactive hazardous waste disposal site; or the
27 site is owned by the state or the state is a responsible person.

28 § 10. Paragraphs (a) and (j) of subdivision 3 of section 97-b of the
29 state finance law, paragraph (a) as amended by section 4 of part I of
30 chapter 1 of the laws of 2003 and paragraph (j) as amended by section 5
31 of part T of chapter 57 of the laws of 2017, are amended and a new para-
32 graph (k) is added to read as follows:

33 (a) inactive hazardous waste disposal site remedial programs pursuant
34 to section 27-1313 of the environmental conservation law and section
35 thirteen hundred eighty-nine-b of the public health law, including sites
36 that are owned by the state;

37 (j) with respect to moneys in the hazardous waste remediation over-
38 sight and assistance account, technical assistance grants pursuant to
39 titles thirteen and fourteen of article twenty-seven of the environ-
40 mental conservation law; and

41 (k) with respect to moneys in the hazardous waste remediation over-
42 sight and assistance account, oversight expenditures for ensuring the
43 continued maintenance and operation of engineering controls pursuant to
44 subdivision seven of section 27-1415 of the environmental conservation
45 law; provided that any such expenditures shall not relieve any person
46 otherwise responsible for continued maintenance and operation of such
47 engineering controls from any responsibility or liability with respect
48 to such engineering controls.

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

52 3. The maximum amount of bonds that may be issued for the purpose of
53 financing hazardous waste site remediation projects and environmental
54 restoration projects authorized by this section shall not exceed ~~[two]~~
55 three billion ~~[two]~~ four hundred fifty million dollars ~~[and shall not~~
56 ~~exceed one hundred million dollars for appropriations enacted for any~~

1 ~~state fiscal year~~], provided that the bonds not issued for such appro-
2 priations may be issued pursuant to reappropriation in subsequent fiscal
3 years. No bonds shall be issued for the repayment of any new appropri-
4 ation enacted after March thirty-first, two thousand ~~[twenty-six]~~ thir-
5 ty-six for hazardous waste site remediation projects authorized by this
6 section. Amounts authorized to be issued by this section shall be exclu-
7 sive of bonds issued to fund any debt service reserve funds, pay costs
8 of issuance of such bonds, and bonds or notes issued to refund or other-
9 wise repay bonds or notes previously issued. Such bonds and notes of the
10 corporation shall not be a debt of the state, and the state shall not be
11 liable thereon, nor shall they be payable out of any funds other than
12 those appropriated by this state to the corporation for debt service and
13 related expenses pursuant to any service contracts executed pursuant to
14 subdivision one of this section, and such bonds and notes shall contain
15 on the face thereof a statement to such effect.

16 § 12. This act shall take effect immediately.

17

PART SS

18 Section 1. Subdivision 1 of section 391-u of the general business law,
19 as added by chapter 88 of the laws of 2020, is amended by adding a new
20 paragraph (h) to read as follows:

21 (h) "Intentionally added" shall have the same meaning as "inten-
22 tionally added chemical" in subdivision four of section 37-0121 of the
23 environmental conservation law.

24 § 2. Paragraph (b) of subdivision 4 of section 391-u of the general
25 business law, as added by chapter 88 of the laws of 2020, is amended to
26 read as follows:

27 (b) A manufacturer that ~~[produces, sells, or distributes]~~ at any time
28 produced, sold, or distributed a class B firefighting foam prohibited
29 under subdivision three of this section shall recall ~~[the]~~ all of such
30 product~~[, which includes]~~ sold or distributed, regardless of when it was
31 sold or distributed, whether prior to, on, or after the effective date
32 of chapter eighty-eight of the laws of two thousand twenty. Such recall
33 shall include collection, transport, treatment, storage, and safe
34 disposal~~[, after the implementation date of the restrictions set forth~~
35 ~~in subdivision three of this section]~~ of PFAS chemicals through or by a
36 method approved by the department of environmental conservation and
37 ~~[reimburse]~~ reimbursement of the retailer or any other purchaser for the
38 product. All such recalls shall occur within two years of the effective
39 date of the chapter of the laws of two thousand twenty-five which
40 amended this paragraph.

41 § 3. Subdivision 5 of section 391-u of the general business law, as
42 added by chapter 88 of the laws of 2020, is amended by adding a new
43 paragraph (c) to read as follows:

44 (c) (i) Beginning January first, two thousand twenty-eight, a manufac-
45 turer or other person that sells firefighting personal protective equip-
46 ment to a person, local government, or state agency shall not manufac-
47 ture, knowingly sell, offer for sale, distribute for sale or distribute
48 for use in the state any firefighting personal protective equipment
49 containing intentionally added PFAS chemicals; and

50 (ii) Beginning January first, two thousand thirty, no such person
51 shall manufacture, knowingly sell, offer for sale, distribute for sale
52 or distribute for use in the state any firefighting personal protective
53 equipment containing perfluoroalkyl or polyfluoroalkyl substances at or
54 above a level that the department of environmental conservation shall

1 establish in regulation which is the lowest level that can feasibly be
2 achieved, provided that the department of environmental conservation
3 shall review such level at least every five years to determine whether
4 it should be lowered.

5 § 4. This act shall take effect immediately.

6 PART TT

7 Section 1. This act enacts into law major components of legislation
8 necessary for related land acquisition for conservation purposes. Each
9 component is wholly contained within a Subpart identified as Subparts A
10 through B. The effective date for each particular provision contained
11 within such Subpart is set forth in the last section of such Subpart.
12 Any provision in any section contained within a Subpart, including the
13 effective date of the Subpart, which makes a reference to a section "of
14 this act", when used in connection with that particular component, shall
15 be deemed to mean and refer to the corresponding section of the Subpart
16 in which it is found. Section three of this act sets forth the general
17 effective date of this act.

18 SUBPART A

19 Section 1. Subdivision 1 of section 3-0305 of the environmental
20 conservation law, as added by chapter 727 of the laws of 1978, is
21 amended to read as follows:

22 1. The commissioner when moneys therefor have been appropriated by
23 the legislature or are otherwise available, may acquire any real proper-
24 ty which [~~he~~] such commissioner deems necessary for any of the purposes
25 or functions of the department, by purchase or as provided in the
26 eminent domain procedure law. Title to such real property shall be
27 taken in the name of and be vested in the people of the state of New
28 York. No real property, except conservation easements, shall be so
29 acquired by purchase unless the title thereto is approved by the attor-
30 ney general. The attorney general may approve any title where the attor-
31 ney general has determined that the current owner can convey marketable
32 title to the real property. The attorney general may accept a title
33 policy from any reputable title company licensed by the state of New
34 York naming the people of the state of New York as insured, with such
35 policy to cover any title defects which would otherwise render the title
36 unmarketable. The terms "property" or "real property" as used in this
37 section shall mean "real property" as defined by section one hundred
38 three of the eminent domain procedure law.

39 § 2. Subdivision 1 of section 3.17 of the parks, recreation and
40 historic preservation law, as amended by chapter 727 of the laws of
41 1978, is amended to read as follows:

42 1. Notwithstanding any other provision of law, the commissioner may
43 acquire such property as may be necessary for the purposes and functions
44 of the office, within the amounts appropriated or available therefore.
45 Such property may be acquired pursuant to the provisions of the eminent
46 domain procedure law, or by purchase, lease, exchange, grant, condemna-
47 tion, gift, devise, bequest, or by any other lawful means. No real prop-
48 erty shall be so acquired unless the title thereto is approved by the
49 attorney general. The attorney general may approve any title where the
50 attorney general has determined that the current owner can convey mark-
51 etable title to the real property. The attorney general may accept a
52 title policy from any reputable title company licensed by the state of

1 New York naming the people of the state of New York as insured, with
 2 such policy to cover any title defects which would otherwise render the
 3 title unmarketable. Notwithstanding the provisions of section eleven of
 4 the state finance law, the commissioner may accept a conditional grant,
 5 gift, devise or bequest with the approval of the director of the budget.
 6 Title to real property which is acquired shall be taken in the name of
 7 and be vested in the people of the state of New York.

8 § 3. Section 63 of the executive law is amended by adding a new subdivi-
 9 sion 18 to read as follows:

10 18. Be authorized to approve land acquisitions made by the state for
 11 conservation purposes, in accordance with the provisions of subdivision
 12 one of section 3-0305 of the environmental conservation law and subdivi-
 13 sion one of section 3.17 of the parks, recreation and historic preserva-
 14 tion law.

15 § 4. This act shall take effect immediately.

16 SUBPART B

17 Section 1. Section 1405 of the tax law is amended by adding a new
 18 subdivision (c) to read as follows:

19 (c) Conveyances of real property for open space, parks, or historic
 20 preservation purposes to any not-for-profit tax exempt corporation oper-
 21 ated for conservation, environmental, parks or historic preservation
 22 purposes shall be exempt from payment of additional taxes imposed pursu-
 23 ant to section fourteen hundred two-A of this article.

24 § 2. This act shall take effect immediately.

25 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
 26 sion, section, subpart or part of this act shall be adjudged by any
 27 court of competent jurisdiction to be invalid, such judgment shall not
 28 affect, impair, or invalidate the remainder thereof, but shall be
 29 confined in its operation to the clause, sentence, paragraph, subdivi-
 30 sion, section, subpart or part thereof directly involved in the contro-
 31 versy in which such judgment shall have been rendered. It is hereby
 32 declared to be the intent of the legislature that this act would have
 33 been enacted even if such invalid provisions had not been included here-
 34 in.

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

38 PART UU

39 Section 1. Subdivision 7 of section 13-0331 of the environmental
 40 conservation law, as amended by chapter 243 of the laws of 2022, is
 41 amended to read as follows:

42 7. The department may, until December thirty-first, two thousand
 43 [~~twenty-four~~] twenty-seven, fix by regulation measures for the manage-
 44 ment of crabs of any kind including horseshoe crabs (*Limulus* sp.),
 45 including minimum and maximum size limits, catch and possession limits,
 46 open and closed seasons including lunar closures, closed areas,
 47 restrictions on the manner of taking and landing including a prohibition
 48 on the harvest of crabs in amplexus, requirements for permits and eligi-
 49 bility therefor, recordkeeping requirements, requirements on the amount
 50 and type of fishing effort and gear, and requirements relating to trans-
 51 portation, possession and sale, provided that such regulations are no
 52 less restrictive than requirements set forth in this chapter and

1 provided further that such regulations are consistent with the compli-
 2 ance requirements of applicable fishery management plans adopted by the
 3 Atlantic States Marine Fisheries Commission and with applicable
 4 provisions of fishery management plans adopted pursuant to the Federal
 5 Fishery Conservation and Management Act (16 U.S.C. § 1800 et seq.).

6 § 2. Subdivisions 1, 7 and 8 of section 13-0331 of the environmental
 7 conservation law, subdivision 1 as amended by chapter 447 of the laws of
 8 2017, subdivision 7 as amended by section one of this act, and subdivi-
 9 sion 8 as amended by chapter 21 of the laws of 2018, are amended to read
 10 as follows:

11 1. No person shall take crabs [~~, including horseshoe crabs (Limulus~~
 12 ~~sp.)~~] for commercial purposes without first obtaining a permit from the
 13 department. For purposes of this subdivision, a presumption of "commer-
 14 cial purposes" shall be made wherein one takes or lands more than fifty
 15 crabs in any one day or sells or barter or offers for sale or barter
 16 any crabs [~~he or she~~] such person has taken. Permits shall be issued to
 17 individuals only but may be endorsed for use on a vessel, in which case
 18 it shall cover all persons on board such vessel.

19 7. The department may, until December thirty-first, two thousand twen-
 20 ty-seven, fix by regulation measures for the management of crabs of any
 21 kind [~~including~~], excluding horseshoe crabs (Limulus sp.), including
 22 minimum and maximum size limits, catch and possession limits, open and
 23 closed seasons including lunar closures, closed areas, restrictions on
 24 the manner of taking and landing including a prohibition on the harvest
 25 of crabs in amplexus, requirements for permits and eligibility therefor,
 26 recordkeeping requirements, requirements on the amount and type of fish-
 27 ing effort and gear, and requirements relating to transportation,
 28 possession and sale, provided that such regulations are no less restric-
 29 tive than requirements set forth in this chapter and provided further
 30 that such regulations are consistent with the compliance requirements of
 31 applicable fishery management plans adopted by the Atlantic States
 32 Marine Fisheries Commission and with applicable provisions of fishery
 33 management plans adopted pursuant to the Federal Fishery Conservation
 34 and Management Act (16 U.S.C. § 1800 et seq.).

35 8. [~~The department shall, when adopting regulation measures for the~~
 36 ~~management of~~] No person shall take horseshoe crabs (Limulus sp.)
 37 [~~pursuant to subdivision seven of this section, consult with any town,~~
 38 ~~village or county that requests any municipal property be subject to a~~
 39 ~~harvest closure~~], including for commercial or biomedical purposes, from
 40 the waters of this state. Provided however that this section shall not
 41 apply to the taking of horseshoe crabs (Limulus sp.) for bona fide
 42 scientific or educational purposes including, but not limited to, public
 43 or not-for-profit zoos and aquaria, as determined by the commissioner
 44 pursuant to rules and regulations.

45 § 3. This act shall take effect immediately; provided, however, that
 46 the provisions of section two of this act shall take effect January 1,
 47 2026.

48

PART VV

49 Section 1. Expenditures of moneys by the New York state energy
 50 research and development authority for services and expenses of the
 51 energy research, development and demonstration program, including
 52 grants, the energy policy and planning program, and the Fuel NY program
 53 shall be subject to the provisions of this section. Notwithstanding the
 54 provisions of subdivision 4-a of section 18-a of the public service law,

1 all moneys committed or expended in an amount not to exceed \$35,725,000
2 shall be reimbursed by assessment against gas corporations, as defined
3 in subdivision 11 of section 2 of the public service law and electric
4 corporations as defined in subdivision 13 of section 2 of the public
5 service law, where such gas corporations and electric corporations have
6 gross revenues from intrastate utility operations in excess of \$500,000
7 in the preceding calendar year, and the total amount assessed shall be
8 allocated to each electric corporation and gas corporation in proportion
9 to its intrastate electricity and gas revenues in the calendar year
10 2023. Such amounts shall be excluded from the general assessment
11 provisions of subdivision 2 of section 18-a of the public service law.
12 The chair of the public service commission shall bill such gas and/or
13 electric corporations for such amounts on or before August 10, 2025 and
14 such amounts shall be paid to the New York state energy research and
15 development authority on or before September 10, 2025. Upon receipt,
16 the New York state energy research and development authority shall
17 deposit such funds in the energy research and development operating fund
18 established pursuant to section 1859 of the public authorities law. The
19 New York state energy research and development authority is authorized
20 and directed to: (1) transfer up to \$4,000,000 to the state general fund
21 for climate change related services and expenses of the department of
22 environmental conservation from the funds received; (2) utilize up to
23 \$6,000,000 to supplement EmPower Plus Program administered by the
24 authority, provided however, the authority may instead utilize any
25 portion of such funds for developing a master plan for responsible
26 advanced nuclear development that shall at minimum include analysis of
27 economic, environmental, public health impacts of nuclear development;
28 and (3) commencing in 2016, provide to the chair of the public service
29 commission and the director of the budget and the chairs and secretaries
30 of the legislative fiscal committees, on or before August first of each
31 year, an itemized record, certified by the president and chief executive
32 officer of the authority, or such chief executive officer's designee,
33 detailing any and all expenditures and commitments ascribable to moneys
34 received as a result of this assessment by the chair of the department
35 of public service pursuant to section 18-a of the public service law.
36 This itemized record shall include an itemized breakdown of the programs
37 being funded by this section and the amount committed to each program.
38 The authority shall not commit for any expenditure, any moneys derived
39 from the assessment provided for in this section, until the chair of
40 such authority shall have submitted, and the director of the budget
41 shall have approved, a comprehensive financial plan encompassing all
42 moneys available to and all anticipated commitments and expenditures by
43 such authority from any source for the operations of such authority.
44 Copies of the approved comprehensive financial plan shall be immediately
45 submitted by the chair to the chairs and secretaries of the legislative
46 fiscal committees. Any such amount not committed by such authority to
47 contracts or contracts to be awarded or otherwise expended by the
48 authority during the fiscal year shall be refunded by such authority on
49 a pro-rata basis to such gas and/or electric corporations, in a manner
50 to be determined by the department of public service, and any refund
51 amounts must be explicitly lined out in the itemized record described
52 above.

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

1 Section 1. Section 103 of the abandoned property law is amended by
2 adding a new subdivision (j) to read as follows:

3 (j) "Energy services company" or "ESCO" shall mean an entity eligible
4 to sell energy services to end-use customers using the transmission or
5 distribution system of a utility.

6 § 2. Subdivision (f) of section 103 of the abandoned property law, as
7 amended by chapter 498 of the laws of 1944 and relettered by chapter 908
8 of the laws of 1974, is amended to read as follows:

9 (f) "Utility services" means gas, electricity or steam supplied by a
10 gas, electric, gas and electric or district steam corporation or an
11 energy services company, telephone, telegraph or other service furnished
12 by a telephone, telegraph or telegraph and telephone corporation, water
13 supplied by a waterworks corporation, or appliances, equipment, instal-
14 lations, fixtures or appurtenances rented by any such corporation or
15 company.

16 § 3. Section 400 of the abandoned property law, the opening paragraph
17 of subdivision 1 as amended by chapter 498 of the laws of 1944, para-
18 graphs (a) and (b) of subdivision 1 as amended by chapter 78 of the laws
19 of 1976, and paragraph (c) of subdivision 1 as amended by chapter 833 of
20 the laws of 1963, is amended to read as follows:

21 § 400. Unclaimed deposits and refunds for utility services. 1. The
22 following unclaimed moneys held or owing by a gas corporation, an elec-
23 tric corporation, a gas and electric corporation, a district steam
24 corporation, an energy services company, a telegraph corporation, a
25 telephone corporation, a telegraph and telephone corporation, or a
26 waterworks corporation, shall be deemed abandoned property:

27 (a) Any deposit made by a consumer or subscriber with such a corpo-
28 ration or company to secure the payment for utility services furnished
29 by such corporation or company, or the amount of such deposit after
30 deducting any sums due to such corporation or company by such consumer
31 or subscriber, together with any interest due thereon, which shall have
32 remained unclaimed by the person or persons appearing to be entitled
33 thereto for two years after the termination of the utility services to
34 secure the payment of which such deposit was made, or, if during such
35 two year period utility services are furnished by such corporation or
36 company to such consumer or subscriber and such deposit is held by such
37 corporation or company to secure payment therefor, for two years after
38 the termination of such utility services.

39 (b) Any amount paid by a consumer or subscriber to such a corporation
40 or company in advance or in anticipation of utility services furnished
41 or to be furnished by such corporation or company which in fact is not
42 furnished, after deducting any sums due to such corporation or company
43 by such consumer or subscriber for utility services in fact furnished,
44 which shall have remained unclaimed by the person or persons appearing
45 to be entitled thereto for two years after the termination of the utili-
46 ty services for which such amount was paid in advance or in antic-
47 ipation, or, if during such period utility services are furnished by
48 such corporation or company to such consumer or subscriber and such
49 amount is applied to the payment in advance or in anticipation of such
50 utility services, for two years after the termination of such utility
51 services.

52 (c) The amount of any refund of excess or increased rates or charges
53 heretofore or hereafter collected by any such corporation or company for
54 utility services lawfully furnished by such corporation or company which
55 has been or shall hereafter lawfully be ordered refunded to a consumer
56 or other person or persons entitled thereto, together with any interest

1 due thereon, less any lawful deductions, which shall have remained
2 unclaimed by the person or persons entitled thereto for two years from
3 the date it became payable in accordance with the final determination or
4 order providing for such refund.

5 2. Any such abandoned property held or owing by such a corporation or
6 company to which the right to receive the same is established to the
7 satisfaction of such corporation or company shall cease to be deemed
8 abandoned.

9 § 4. Subdivision 1 of section 402 of the abandoned property law, as
10 amended by section 11 of part A of chapter 61 of the laws of 2011, is
11 amended to read as follows:

12 1. Every such corporation or company shall cause to be published, on
13 or before the first day of September in each year, a notice entitled:
14 "NOTICE OF CERTAIN UNCLAIMED PROPERTY HELD BY (name of corporation or
15 company)."

16 § 5. Paragraph (a) of subdivision 3 of section 402 of the abandoned
17 property law is amended to read as follows:

18 (a) that a report of unclaimed amounts of money or other property held
19 or owing by it has been made to the state comptroller and that a list of
20 the names of the person or persons appearing from the records of such
21 corporation or company to be entitled thereto is on file and open to
22 public inspection at its principal office or place of business in any
23 city, village or county where any such abandoned property is payable;

24 § 6. Subdivision 4 of section 402 of the abandoned property law is
25 amended to read as follows:

26 4. Such corporation or company shall file with the state comptroller
27 on or before the tenth day of September in each year proof by affidavit
28 of such publication.

29 § 7. Section 403 of the abandoned property law, as amended by section
30 12 of part A of chapter 61 of the laws of 2011, is amended to read as
31 follows:

32 § 403. Payment of abandoned property. 1. In such succeeding month of
33 October, and on or before the tenth day thereof, every such corporation
34 or company shall pay to the state comptroller all property which, as of
35 the first day of July next preceding, was deemed abandoned pursuant to
36 section four hundred of this article, held or owing by such corporation
37 or company.

38 2. Such payment shall be accompanied by a true and accurate report
39 setting forth such information as the state comptroller may require
40 relating to such abandoned property including:

41 (a) as to abandoned property specified in paragraphs (a) and (b) of
42 subdivision one of section four hundred of this article:

43 (i) the name and last known address of each depositor or subscriber
44 appearing from the records of such corporation or company to be entitled
45 to receive any such abandoned property;

46 (ii) the date when the deposit was made or amount paid;

47 (iii) the amount of such deposit or payment;

48 (iv) the date when utility services furnished to such consumer or
49 subscriber ceased;

50 (v) any sums due and unpaid to the corporation or company by such
51 consumer or subscriber, with interest thereon from the date of termi-
52 nation of service;

53 (vi) the amount of interest due upon such deposit or payment on any
54 balance thereof that has remained with such corporation or company and
55 not been credited to such consumer's or subscriber's account;

56 (vii) the amount of such abandoned property; and

1 (viii) such other identifying information as the state comptroller may
2 require.

3 (b) as to abandoned property specified in paragraph (c) of subdivision
4 one of section four hundred of this article:

5 (i) the name and last known address of each person appearing from the
6 records of such corporation or company to be entitled to receive the
7 same;

8 (ii) the amount appearing from such records to be due each such
9 person;

10 (iii) the date payment became due; and

11 (iv) such other identifying information as the state comptroller may
12 require.

13 3. Such report shall be in such form and the abandoned property listed
14 shall be classified in such manner as the state comptroller may
15 prescribe. Names of persons entitled to such abandoned property appear-
16 ing in such report shall be listed in alphabetical order within each
17 such classification.

18 § 8. This act shall take effect immediately.

19 PART XX

20 Section 1. Expenditures of moneys appropriated to the department of
21 agriculture and markets from the special revenue funds-other/state oper-
22 ations, miscellaneous special revenue fund-339, public service account
23 shall be subject to the provisions of this section. Notwithstanding any
24 other provision of law to the contrary, direct and indirect expenses
25 relating to the department of agriculture and markets' participation in
26 general ratemaking proceedings pursuant to section 65 of the public
27 service law or certification proceedings or permits issued pursuant to
28 article 7, 8, or 10 of the public service law, shall be deemed expenses
29 of the department of public service within the meaning of section 18-a
30 of the public service law.

31 § 2. Expenditures of moneys appropriated to the department of state
32 from the special revenue funds-other/state operations, miscellaneous
33 special revenue fund-339, public service account shall be subject to the
34 provisions of this section. Notwithstanding any other provision of law
35 to the contrary, direct and indirect expenses relating to the activities
36 of the department of state's utility intervention unit pursuant to
37 subdivision 4 of section 94-a of the executive law, including, but not
38 limited to participation in general ratemaking proceedings pursuant to
39 section 65 of the public service law or certification proceedings or
40 permits issued pursuant to article 7, 8, or 10 of the public service
41 law, shall be deemed expenses of the department of public service within
42 the meaning of section 18-a of the public service law.

43 § 3. Expenditures of moneys appropriated to the office of parks,
44 recreation and historic preservation from the special revenue funds-
45 other/state operations, miscellaneous special revenue fund-339, public
46 service account shall be subject to the provisions of this section.
47 Notwithstanding any other provision of law to the contrary, direct and
48 indirect expenses relating to the office of parks, recreation and
49 historic preservation's participation in general ratemaking proceedings
50 pursuant to section 65 of the public service law or certification
51 proceedings or permits issued pursuant to article 7, 8, or 10 of the
52 public service law, shall be deemed expenses of the department of public
53 service within the meaning of section 18-a of the public service law.

1 § 4. Expenditures of moneys appropriated to the department of environ-
2 mental conservation from the special revenue funds-other/state oper-
3 ations, environmental conservation special revenue fund-301, utility
4 environmental regulation account shall be subject to the provisions of
5 this section. Notwithstanding any other provision of law to the contra-
6 ry, direct and indirect expenses relating to the department of environ-
7 mental conservation's participation in state energy policy proceedings,
8 or certification proceedings or permits issued pursuant to article 7, 8,
9 or 10 of the public service law, shall be deemed expenses of the depart-
10 ment of public service within the meaning of section 18-a of the public
11 service law.

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

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

21 § 6-a. Subdivision 12 of section 66 of the public service law is
22 amended by adding a new paragraph (m) to read as follows:

23 (m) The commission shall not approve any rate increase which allows a
24 utility to recover the following operating expenses: (i) its direct or
25 indirect costs in excess of one hundred thousand dollars associated with
26 its attendance in, participation in, preparation for, or appeal of any
27 rate proceeding conducted before the commission. Such costs shall
28 include, but need not be limited to, attorneys' fees, fees to engage
29 expert witnesses or consultants, the portion of employee salaries asso-
30 ciated with such attendance, participation, preparation or appeal of a
31 rate proceeding and related costs identified by the commission; or (ii)
32 employee or executive salaries in excess of the current salary of the
33 governor of New York as provided for by a joint resolution of the legis-
34 lature at the time of the utility's initial filing with the commission.

35 § 7. This act shall take effect immediately; provided, however, that
36 sections one, two, three, four, five, and six of this act shall be
37 deemed to have been in full force and effect on and after April 1, 2025
38 and shall expire and be deemed repealed April 1, 2026; provided further,
39 however, that section six-a of this act shall take effect on the one
40 hundred eightieth day after it shall have become a law.

41

PART YY

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

45 a. Failure to comply with any provision of this article shall subject
46 an excavator or an operator to a civil penalty of up to [~~two thousand~~
47 ~~five hundred~~] five thousand dollars for the first violation and up to an
48 additional [~~ten~~] twenty thousand dollars for each succeeding violation
49 that occurs within a twelve month period.

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

53 c. An action to recover a penalty under this article may be brought in
54 the supreme court in the judicial district in which the violation was

1 alleged to have occurred which shall be commenced and prosecuted by the
 2 attorney general. The public service commission shall, pursuant to
 3 section one hundred nineteen-b of the public service law, forward to the
 4 attorney general its determination of the amount of the penalty for
 5 violations or rules and regulations adopted to implement the require-
 6 ments of this article. Upon receipt of such determination, the attorney
 7 general may commence an action to recover such penalty. All moneys
 8 recovered in any such action, together with the costs thereof, and all
 9 moneys recovered as the result of any such public service commission
 10 determination shall be provided for or paid [into] as a supplement to
 11 any existing monies dedicated to the [state treasury to the credit of
 12 the general fund] existing energy affordability program administered by
 13 the public service commission to the energy burden level at or below six
 14 percent of household income for residential low-income ratepayers of
 15 electric, gas, and combination gas and electric corporations regulated
 16 by the public service commission, who qualify for the energy affordabil-
 17 ity program administered by the public service commission for the
 18 purposes of supplying ratepayers who can provide documentation of
 19 eligibility to electric, gas, and combination gas and electric corpo-
 20 rations for the home energy assistance program under section ninety-sev-
 21 en of the social services law, medicaid, temporary assistance for needy
 22 families, supplemental security income, supplemental nutrition assist-
 23 ance program, lifeline, social security disability insurance and any
 24 other income-based assistance program identified by the public service
 25 commission that allows low-income ratepayers to qualify for on bill
 26 credits from the energy affordability program.

27 § 3. Intentionally omitted.

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

33 PART ZZ

34 Section 1. Subdivision (a) of section 314 of the tax law, as amended
 35 by chapter 190 of the laws of 1990, is amended to read as follows:

36 (a) General.--Except in accordance with proper judicial order or as
 37 otherwise provided by law, it shall be unlawful for any tax commission-
 38 er, any officer or employee of the department of taxation and finance,
 39 or any person who, pursuant to this section, is permitted to inspect any
 40 return, or to whom any information contained in any return is furnished,
 41 or any person engaged or retained by such department on an independent
 42 contract basis, or any person who in any manner may acquire knowledge of
 43 the contents of a return filed pursuant to this article, to divulge or
 44 make known in any manner the amount of income or gross receipts or any
 45 particulars set forth or disclosed in any return under this article. The
 46 officers charged with the custody of such returns shall not be required
 47 to produce any of them or evidence of anything contained in them in any
 48 action or proceeding in any court, except on behalf of the state or the
 49 commissioner of taxation and finance in an action or proceeding under
 50 the provisions of this chapter or in any other action or proceeding
 51 involving the collection of a tax due under this chapter to which the
 52 state or the commissioner is a party or a claimant, or on behalf of any
 53 party to any action or proceeding under the provisions of this article
 54 when the returns or facts shown thereby are directly involved in such

1 action or proceeding, in any of which events the court may require the
2 production of, and may admit in evidence, so much of said returns or of
3 the facts shown thereby as are pertinent to the action or proceeding and
4 no more. The commissioner may, nevertheless, publish a copy or a summary
5 of any determination or decision rendered after the formal hearing
6 provided for in this chapter. Nothing herein shall be construed to
7 prohibit the delivery to a petroleum business or its duly authorized
8 representative of a copy of any return filed by it, nor to prohibit the
9 publication of statistics so classified as to prevent the identification
10 of particular returns and the items thereof, or the disclosure of data
11 other than taxpayer identity information from a return or returns of one
12 or more petroleum or fossil fuel businesses to the department of envi-
13 ronmental conservation or the New York state energy research and devel-
14 opment authority for the purpose of implementing the climate leadership
15 and community protection act, chapter one hundred six of the laws of two
16 thousand nineteen, promulgation of regulations thereunder, and achieve-
17 ment of the statewide greenhouse gas emission limits, as defined and
18 established in article seventy-five of the environmental conservation
19 law, or the publication of delinquent lists showing the names of petro-
20 leum businesses who have failed to pay their taxes at the time and in
21 the manner provided by section three hundred eight of this article
22 together with any relevant information which in the opinion of the
23 commissioner may assist in the collection of such delinquent taxes; or
24 the inspection by the attorney general or other legal representatives of
25 the state of the return of any petroleum business which shall bring
26 action to set aside or review the tax based thereon, or against whom an
27 action or proceeding under this chapter has been recommended by the
28 commissioner or the attorney general or has been instituted; or the
29 inspection of the returns of any petroleum business by the comptroller
30 or duly designated officer or employee of the state department of audit
31 and control, for purposes of the audit of a refund of any tax paid by
32 such petroleum business under this article. Provided, further, nothing
33 herein shall be construed to prohibit the disclosure of taxpayer identi-
34 ty information, including name, mailing address and taxpayer identifying
35 number (social security account number, or such other number as has been
36 assigned by the secretary of the United States treasury or [~~his~~] such
37 secretary's delegate, or by the commissioner of taxation and finance),
38 with respect to persons who are registered as residual petroleum product
39 or aviation fuel businesses under this article or as distributors of
40 motor fuel or diesel motor fuel or kero-jet fuel only for the purpose of
41 article twelve-A of this chapter or this article, whose registration as
42 a residual petroleum product business or as such distributor has been
43 cancelled or suspended pursuant to this article or such article twelve-A
44 or whose application for registration as a residual petroleum product
45 business or as such distributor has been refused pursuant to this arti-
46 cle or such article twelve-A. In addition, the commissioner may disclose
47 the fact that a person is not registered as a residual petroleum busi-
48 ness under this article or as a distributor of motor fuel, diesel motor
49 fuel or kero-jet fuel only under article twelve-A of this chapter.
50 Information disclosed pursuant to this subdivision shall not, by itself,
51 be construed as proof of compliance or noncompliance with the provisions
52 of this chapter.

53 § 2. This act shall take effect immediately.

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 404-ii to read as follows:

3 § 404-ii. Distinctive plates for gold star families. 1. Any gold star
4 family recipient or the spouse of a gold star family recipient residing
5 in this state shall, upon request, be issued a license plate bearing the
6 words "gold star family". If a distinctive plate is issued to a gold
7 star family recipient pursuant to this section, additional distinctive
8 plates may be issued for every vehicle registered in the name of the
9 gold star family recipient residing in this state or the spouse of such
10 gold star family recipient. For purposes of this section, a member of a
11 gold star family shall include but not be limited to a resident of this
12 state who is a gold star parent as defined in section twenty-six of the
13 veterans' services law, the spouse or domestic partner, or the biolog-
14 ical, step, or legally adopted minor child of a veteran whose death
15 qualified the parent for an annuity. Application for said license plate
16 shall be filed with the commissioner in such form and detail as the
17 commissioner shall prescribe.

18 2. The distinctive plate authorized herein shall be issued upon proof,
19 satisfactory to the commissioner, that the applicant or the spouse of
20 the applicant is a gold star family recipient.

21 3. A distinctive plate issued pursuant to this section shall be issued
22 in the same manner as other number plates upon payment of the regular
23 registration fee prescribed by section four hundred one of this article,
24 provided, however, that no service charge shall be charged for such
25 plate, as well as no bond requirement to offset costs associated with
26 the production of such license plate.

27 § 2. This act shall take effect on the one hundred eightieth day after
28 it shall have become a law.

29 PART BBB

30 Section 1. Legislative intent. Pursuant to 2 U.S.C. § 2131, every
31 state is invited to provide and furnish to the United States Capitol two
32 statues, in marble or bronze, of deceased persons who were distinguished
33 and prominent citizens of the state for placement in the National Statu-
34 ary Hall Collection. New York is currently represented in the National
35 Statuary Hall Collection at the United States Capitol by Robert R.
36 Livingston and George Clinton, statues which were placed there in the
37 1870s.

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

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

52 § 2. Commission. (a) A commission is hereby established to replace the
53 statue of Robert R. Livingston with a statue of Harriet Tubman in the
54 National Statuary Hall of the United States Capitol. The commission

1 shall consist of the following appointees: the Governor, or a designee,
2 the Temporary President of the Senate, or a designee, the Speaker of the
3 Assembly, or a designee, the Executive director of the council on the
4 arts, or a designee, and the Commissioner of the office of general
5 services, or a designee.

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

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

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

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

22

PART CCC

23 Section 1. Legislative findings and intent. The legislature hereby
24 finds that children are an inherently vulnerable population, and that
25 marketing food and beverages high in saturated fatty acids, trans-fatty
26 acids, and free sugars in a targeted and persistent manner to this group
27 is inconsistent with this state's efforts to curb the disastrous health
28 outcomes that follow the overconsumption of these products which include
29 but are not limited to increased rates of malnutrition, undernutrition,
30 micronutrient deficiencies, obesity, and other diet-related illnesses.
31 Such marketing is inherently misleading, aggressive, and pervasive as
32 children often lack the same ability to resist the rewarding cues
33 presented in unhealthy food marketing as adults. New York has a strong
34 and substantial interest in protecting our children from negative health
35 consequences and remain aligned with the goals of the Convention on the
36 Rights of the Child which ensures access to nutritious foods and freedom
37 from exploitation of all kinds. Additionally, the power of the state is
38 at its greatest when protecting the health and welfare of its citizens,
39 especially those most vulnerable. Thus, the legislature finds that
40 unfair and deceptive marketing targeted at children can mislead and
41 manipulate children into lifelong habits, and that such unfair and
42 deceptive advertising should be regulated accordingly.

43 § 2. Section 350-a of the general business law is amended by adding
44 two new subdivisions 4 and 5 to read as follows:

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

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

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

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

7 (a) Subject matter;

8 (b) Visual content;

9 (c) Use of bright colors and animated characters or child-oriented
10 activities and incentives;

11 (d) Music or other audio content;

12 (e) Age of models;

13 (f) Presence of child celebrities or celebrities who appeal to chil-
14 dren;

15 (g) Language including claims, buzzwords, sayings, and/or phrases that
16 are trending such as common colloquial words specific to the age group;

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

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

22 (j) Medium by which the advertisement is communicated, including, but
23 not limited to, social media, or television/commercial advertising; and

24 (k) Other similar factors including price, products that offer conven-
25 ience in financial savings, and saving time such as easy-to-make or
26 purchase meals.

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

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

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

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

1 § 5. Severability. If any part or provision of this act or its appli-
2 cation to a person is held invalid, the invalidity of that part,
3 provision or application does not affect other parts, provisions or
4 applications of this act that can be given effect without the invalid
5 provision or application.

6 § 6. This act shall take effect on the thirtieth day after it shall
7 have become a law.

8 PART DDD

9 Section 1. The agriculture and markets law is amended by adding a new
10 section 501 to read as follows:

11 § 501. Sanitary retail food store grant program. 1. Legislative
12 intent. The legislature hereby finds, determines, and declares that
13 retail food stores located in New York should maintain proper sanitary
14 conditions to ensure the health and safety of all patrons. Preserving
15 stores that are unable to meet proper sanitary conditions, and are
16 located in areas where low-income people have limited access to affor-
17 dable and nutritious food, is in the best interest of those communi-
18 ties and the state. The legislature hereby declares that in order to ensure
19 the health and safety of its citizens, and preserve retail food stores
20 located in food deserts, the department shall, in cooperation with the
21 empire state development corporation, create a sanitary retail food
22 store grant program.

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

25 (a) "Potentially hazardous foods" means any foods that can support the
26 rapid growth of disease-causing bacteria, including but not limited to
27 the following: meat, poultry, seafood, eggs, pre-sliced or cooked vege-
28 tables, dairy, sliced fruit and cooked rice;

29 (b) "Critical deficiencies" means factors that are leading causes of
30 foodborne illnesses, including but not limited to the following:

31 (i) insect, rodent, bird, or vermin activity likely to result in prod-
32 uct contamination;

33 (ii) contact surfaces are unclean or not properly sanitized, such as
34 food contact equipment, utensils, or conveyances for handling potential-
35 ly hazardous foods;

36 (iii) inadequate employee handwashing facilities;

37 (iv) lack of proper equipment for cleaning and sanitizing surfaces
38 where any potentially hazardous foods are prepared, stored and sold; and

39 (v) potentially hazardous foods that are not stored at safe temper-
40 atures.

41 (c) "Food desert" shall have the same meaning as section two hundred
42 sixty of this chapter.

43 3. Sanitary retail food store grant program. Subject to appropriation,
44 the commissioner, in conjunction with the commissioner of the empire
45 state development corporation, shall establish a sanitary retail food
46 store grant program to ensure that retail food stores that are unable to
47 sustain the costs to immediately correct critical deficiencies, are
48 located in food deserts, and would otherwise be unable to stay in opera-
49 tion due to their inability to meet and maintain sanitary standards, may
50 be awarded funds to correct such critical deficiencies to ensure commu-
51 nities with limited food sources are held harmless and have access to
52 retail food stores with proper sanitary conditions.

1 4. Eligibility. To be eligible to receive sanitary retail food store
2 grant program funding, retail food stores shall meet the following
3 criteria:

4 (a) found to have critical deficiencies that were not or could not be
5 corrected at the time of inspection creating a need for immediate
6 corrective action or fails for two consecutive inspections;

7 (b) located in a food desert whereby closing the retail food store
8 would have a substantial impact on food access to the community it
9 serves;

10 (c) the retail food store is able to establish that it does not have
11 adequate funding or resources to correct the critical deficiencies, nor
12 would it be able to attain such funding within a reasonable amount of
13 time to prevent a negative impact to the community;

14 (d) the retail food store is able to establish that it is unable to
15 attain credit or loan for all or part of the costs needed to correct the
16 critical deficiencies; and

17 (e) the retail food store supplies the community with affordable and
18 nutritious food, such as fresh produce, canned goods, and refrigerated
19 foods.

20 5. Grants. The commissioner shall make grants to retail food stores
21 located in food deserts and meet all eligibility criteria that submit a
22 plan to correct the critical deficiencies and maintain proper sanitation
23 for at least five years. The grant shall be based on the scope and
24 nature of the resources associated with correcting the critical defi-
25 ciencies and the long-term maintenance of the correction of critical
26 deficiencies. Grants shall be approved and released every six months in
27 order to provide retail food stores with certainty on when they will be
28 able to attain funding and resources to correct the critical deficien-
29 cies and failed inspections.

30 § 2. Subdivision 4 of section 500 of the agriculture and markets law,
31 as amended by section 8 of part II of chapter 62 of the laws of 2003, is
32 amended to read as follows:

33 4. (a) The department shall inspect each retail food store at least
34 once in every twelve month period. Any store that fails two consecutive
35 inspections shall be inspected at least once in every six month period
36 until [~~it has passed~~] no critical deficiencies were found or critical
37 deficiencies were found but remedied at the time of the inspection for
38 two consecutive inspections. In the event that a retail food store was
39 found to have critical deficiencies that were not or could not be
40 corrected creating a need for immediate corrective action or fails for
41 three consecutive inspections, the department [~~may, in its discretion,~~
42 shall order such establishment to cease all retail operation until it
43 passes inspection or suspend or revoke any license issued to such estab-
44 lishment pursuant to article twenty-C of this chapter. However, the
45 department may, in its discretion allow such establishments to maintain
46 operation even if they would otherwise need to cease operation if they
47 are able to establish that they qualified for the sanitary retail food
48 store grant program, described in section five hundred one of this arti-
49 cle, and would otherwise be able to remedy their critical deficiencies
50 but were not awarded a grant in that calendar year due to exhaustion of
51 funds for the grant program.

52 (b) For the purposes of this subdivision, "critical deficiencies"
53 means the same as such term is defined in section five hundred one of
54 this article.

55 § 3. This act shall take effect on the one hundred twentieth day after
56 it shall have become a law.

1

PART EEE

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

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

5 1. The Climate Leadership and Community Protection Act (CLCPA) sets
6 forth ambitious mandates to achieve significant greenhouse gas (GHG)
7 emission reductions across New York's economy, while prioritizing
8 reductions in co-pollutant emissions in disadvantaged communities and
9 requiring significant state investments to bring the affordability and
10 health benefits of energy efficiency and clean energy to these communi-
11 ties.

12 2. Buildings are the largest source of GHG emissions in New York,
13 contributing approximately one-third of the state's total emissions.
14 They also produce significant local air pollution, leading to adverse
15 health outcomes such as asthma and heart disease, especially in disad-
16 vantaged communities. Reducing emissions and pollution from buildings is
17 essential to meeting the CLCPA's climate and equity goals and improving
18 public health.

19 3. Achieving New York's climate and equity objectives necessitates
20 updating the regulation of gas utilities. Current policies create misa-
21 lignment between gas system investments and the CLCPA's 2030 and 2050
22 mandates, increasing the risk of a costly and disorderly transition.
23 Strategic planning and investment are needed to decarbonize buildings,
24 right-size the gas system, and ensure coordinated enhancements to the
25 electric system, enabling equitable and affordable access to clean ener-
26 gy solutions for all New Yorkers. Such investments will lead to signif-
27 icant benefits: the Climate Action Council found that the cost of
28 inaction on climate exceeds the cost of action by more than \$115
29 billion.

30 4. Outdated public service laws are misaligned with the state's energy
31 affordability goals and CLCPA mandates in the following ways:

32 a. The "utility obligation to serve gas" compels utilities to expand
33 gas infrastructure, making it challenging to redirect investments toward
34 insulating and upgrading homes and installing clean energy alternatives
35 like electrification and thermal energy networks that align with climate
36 goals while mitigating costs for ratepayers.

37 b. Mandated system extension allowances require existing ratepayers to
38 subsidize gas hookups for new customers, costing ratepayers hundreds of
39 millions of dollars annually.

40 c. Utilities are projected to spend \$150 billion to replace leak-prone
41 gas pipelines. Through the changes implemented in this act, many of
42 these investments could be avoided by redirecting funds to neighbor-
43 hood-scale decarbonization projects. Neighborhood-scale projects offer
44 the most cost-effective pathway to transition gas customers to alterna-
45 tive heating and cooling solutions. These projects reduce costs, mini-
46 mize stranded investments in the gas system, and enable coordinated
47 efforts among utilities, customers, and other stakeholders.

48 5. This legislation, the NY Home Energy Affordable Transition (NY
49 HEAT) Act, seeks to:

50 a. Reduce unjust and disproportionate energy cost burdens by avoiding
51 unnecessary, non-strategic, and expensive gas infrastructure invest-
52 ments, and improving affordability protections.

53 b. Ensure utility regulations do not work at cross-purposes with the
54 CLCPA.

1 c. Provide the Public Service Commission with clear authority and
2 direction to align utility planning with CLCPA goals, proactively
3 addressing regulatory barriers and recommending necessary legislative
4 changes.

5 d. Minimize the need for new gas infrastructure investments by redi-
6 recting ratepayer funds to alternatives including electrification, ther-
7 mal energy networks, targeted energy efficiency, demand response, and
8 market transformation measures.

9 e. Facilitate a planned, neighborhood-scale transition away from
10 fossil fuels, avoiding stranded gas infrastructure costs and supporting
11 coordinated investments that reduce emissions, increase affordability,
12 and create good paying jobs.

13 f. Ensure equitable access to affordable, clean energy for heating,
14 cooling, and other building needs, protecting customers from undue
15 burdens during the transition.

16 6. This legislation does not impose a ban on the use of gas. It is the
17 intent of the Legislature to support a gradual and carefully planned
18 transition for existing gas customers to cleaner alternatives, ensuring
19 affordability, reliability, and equity throughout the process.

20 § 3. The public service law is amended by adding two new sections 66-y
21 and 66-z to read as follows:

22 § 66-y. Statewide affordable gas transition plan. 1. No later than
23 two years after the effective date of this section, the commission shall
24 publish a statewide affordable gas transition plan to guide an orderly,
25 affordable, and equitable right-sizing of the utility gas system in a
26 manner that aligns with, and supports achievement of, the climate
27 justice and emissions reduction provisions in chapter one hundred six of
28 the laws of two thousand nineteen, and such successors in law and func-
29 tion as may arise from time to time, incorporating in such plan prudent
30 investments and strategic opportunities to generate cost efficiencies
31 for all gas and electric customers and redirect resources toward assist-
32 ing customers to upgrade their homes and energy appliances. Such plan
33 shall include, at a minimum:

34 (a) Targets for the transition of gas system infrastructure and recom-
35 mendations for planning and investment strategies for the state's gas
36 corporations to achieve such targets.

37 (b) General requirements for utility home energy affordable transition
38 programs pursuant to section sixty-six-z of this article, regarding
39 criteria for approval of such programs and neighborhood gas transition
40 projects implemented as part of such programs, including requirements:

41 (i) to ensure customers affected by a neighborhood gas transition
42 project have continued access to safe and reliable energy services for
43 heating, cooling, cooking, and water heating;

44 (ii) for utilities to notify customers affected by a neighborhood gas
45 transition project in a timely manner;

46 (iii) to ensure the ability of the electrical grid to safely support
47 any new electric load created by a home energy affordable transition
48 program, including for utility participation in any coordination activ-
49 ities regarding grid planning; and

50 (iv) to prioritize voluntary disconnections from gas service, to mini-
51 mize the cost of transition for existing gas and electric customers, and
52 to encourage utilization of existing resources for weatherization, ener-
53 gy efficiency, and electrification programs available in the state.

54 (c) In collaboration with the state's gas and electric corporations,
55 identification of a preliminary list of neighborhood gas transition

1 projects best suited for home energy affordable transition programs
2 pursuant to section sixty-six-z of this article.

3 (d) A review of the public service law and its current rules and poli-
4 cy guidance to identify any law, rule, guidance, or lack thereof, that
5 may inhibit timely and equitable achievement of the climate justice and
6 emission reduction provisions in chapter one hundred six of the laws of
7 two thousand nineteen, and such successors in law and function as may
8 arise from time to time.

9 2. In developing an affordable gas transition plan pursuant to this
10 section, the department shall hold no fewer than four public hearings in
11 different regions of the state.

12 3. Upon completion, the statewide affordable gas transition plan shall
13 be made available on the department's website and shall be delivered to
14 the governor, the temporary president of the senate, and the speaker of
15 the assembly.

16 § 66-z. Utility home energy affordable transition programs. 1. The
17 commission shall, for each gas corporation in this state, issue an order
18 to develop home energy affordable transition programs pursuant to this
19 section, and in accordance with the statewide affordable gas transition
20 plan in section sixty-six-y of this article, and shall require partic-
21 ipation of such gas corporation as necessary for implementation. Such
22 programs shall require implementation of neighborhood gas transition
23 projects for the purpose of decommissioning discrete segments of the
24 utility gas system in order to provide for an orderly gas system transi-
25 tion to achieve consistency with the climate justice and emission
26 reduction provisions in chapter one hundred six of the laws of two thou-
27 sand nineteen, and such successors in law and function as may arise from
28 time to time. Development and approval of such programs shall be
29 completed no later than one year after the statewide affordable gas
30 transition plan has been published.

31 2. Prior to January first, two thousand thirty, no existing residen-
32 tial gas customer, as such term is referenced in section thirty of this
33 chapter, shall have their gas service discontinued as part of a neigh-
34 borhood gas transition project implemented pursuant to this section
35 except by consent of such customer.

36 3. Programs shall be designed to maximize cost efficiencies from
37 avoided investments in the expansion and maintenance of the gas system,
38 and redirect resources toward implementation of neighborhood gas transi-
39 tion projects, including assisting customers to upgrade their homes and
40 energy appliances, including those used for heating, cooling, cooking,
41 and water heating, in addition to utilizing state and federal appliance
42 and efficiency incentive programs and other available funding streams.

43 4. The commission shall only approve programs that ensure that all
44 affected residential customers will:

45 (a) have continued access to safe and reliable energy services for
46 heating, cooling, cooking, and water heating;

47 (b) have access to funding and technical support for the purchase and
48 installation of customer-owned equipment at low or no cost, as well as
49 for the purposes of identifying, planning, and securing services to
50 undertake weatherization and energy efficiency measures, and pre-elec-
51 trification upgrades, using any resources available for such purposes;

52 (c) be given notice at least two years in advance of the cessation of
53 gas service, and at least every six months subsequently, via mail and,
54 when applicable, electronically, and, where feasible, through at least
55 one in-person contact, and be provided notification of financial and

1 technical assistance available to such customers from the utility or
2 other state or federal programs to support electrification;

3 (d) have an opportunity to comment on the proposed neighborhood gas
4 transition project before it is finalized; and

5 (e) be provided notice when an adjacent customer connected to their
6 local gas grid has voluntarily opted to discontinue service, via mail
7 and, when applicable, electronically.

8 5. The commission shall require each gas corporation to reevaluate its
9 existing plans, policies, and programs related to proactive replacement
10 of gas system infrastructure based on analyses of discrete segments of
11 the gas system that are most suitable to be prioritized for neighborhood
12 gas transition projects.

13 6. The commission shall ensure that any program approved pursuant to
14 this section will not compromise the safety and reliability of the elec-
15 tric distribution grid or gas distribution system, or result in unrea-
16 sonable disruption of service to buildings that are used for an indus-
17 trial or commercial use that is difficult to electrify using
18 commercially available technology or that house an energy intensive and
19 trade exposed industry, or to critical infrastructure as such terms are
20 defined by the commission.

21 7. Programs approved pursuant to this section shall not compromise the
22 ability of a gas corporation to seek to recover prudent, commission-ap-
23 proved investments in infrastructure that was used and useful.

24 8. Prior to approval, the commission shall consider whether a program
25 is adequately designed to mitigate potential financial hardship to
26 affected residential customers in connection with the replacement of
27 gas-fired appliances as part of neighborhood gas transition projects
28 implemented pursuant to the program.

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

31 1. There shall be in the department of public service a public service
32 commission, which shall possess the powers and duties hereinafter speci-
33 fied, and also all powers necessary or proper to enable it to carry out
34 the purposes of this chapter and to enable achievement of the climate
35 justice and emission reduction provisions in chapter one hundred six of
36 the laws of two thousand nineteen, and such successors in law and func-
37 tion as may arise from time to time. The commission shall consist of
38 five members, to be appointed by the governor, by and with the advice
39 and consent of the senate. A commissioner shall be designated as [~~chair-~~
40 ~~man~~] chairperson of the commission by the governor to serve in such
41 capacity at the pleasure of the governor or until [~~his~~] the commission-
42 er's term [~~as commissioner~~] expires whichever first occurs. At least one
43 commissioner shall have experience in utility consumer advocacy. No more
44 than three commissioners may be members of the same political party
45 unless, pursuant to action taken under subdivision two of this section,
46 the number of commissioners shall exceed five, and in such event no more
47 than four commissioners may be members of the same political party.

48 § 5. Paragraph b of subdivision 1 of section 5 of the public service
49 law, as amended by chapter 155 of the laws of 1970, is amended to read
50 as follows:

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

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

1 § 30. Residential gas, electric and steam service policy. 1. This
2 article shall apply to the provision of all or any part of the gas,
3 electric or steam service provided to any residential customer by any
4 gas, electric or steam and municipalities corporation or municipality.
5 It is hereby declared to be the policy of this state that the continued
6 provision of [~~all or any part of such gas,~~] electric and steam [~~service~~]
7 services to all residential customers without unreasonable qualifica-
8 tions or lengthy delays is necessary for the preservation of the health
9 and general welfare, is consistent with the achievement of the state's
10 climate justice and emission reduction goals, and is in the public
11 interest. It is further the policy of this state that electric and
12 steam services to all residential customers, and gas service for exist-
13 ing residential customers must be provided in a manner that is safe and
14 adequate, not unjustly discriminatory or unduly preferential, and in all
15 respects just and reasonable, while providing for an orderly, affordable
16 and equitable right-sizing of the utility gas system to achieve consist-
17 ency with the climate justice and emission reduction provisions in chap-
18 ter one hundred six of the laws of two thousand nineteen, and such
19 successors in law and function as may arise from time to time, encourag-
20 ing neighborhood-scale transitions and the elimination of on-site
21 co-pollutants.

22 2. (a) The commission shall regulate for the continued provision of
23 gas service to all existing residential gas customers, unless such
24 service is discontinued pursuant to a home energy affordable transition
25 program approved by the commission pursuant to section sixty-six-z of
26 this chapter.

27 (b) For the purposes of this section, any new residential gas customer
28 purchasing or renting or moving into a building with existing gas
29 service, or in which gas service was temporarily interrupted, as defined
30 by the commission, including temporary interruption for emergencies,
31 disasters, maintenance, repairs, renovation, or restoration, shall be
32 treated as an existing customer unless and until such service is discon-
33 tinued pursuant to a home energy affordable transition program approved
34 by the commission.

35 3. (a) Within one year of the effective date of this subdivision, the
36 commission shall develop a plan to ensure that all residential customers
37 be adequately protected from bearing an energy burden greater than six
38 percent of their household income. In developing such plan, the commis-
39 sion shall evaluate available tools, including but not limited to bill
40 discounts, bill credits, redirection of avoided costs of utility infras-
41 tructure, rate making strategies, energy efficiency, distributed renewa-
42 ble energy, and potential budgetary measures, prioritizing mitigation of
43 rate increases on residential customers. Beginning in the calendar year
44 following the effective date of this subdivision, and continuing annual-
45 ly on or before October first, the commission shall report to the gover-
46 nor and legislature on the actions it has taken and progress it has made
47 toward implementing the plan developed pursuant to this paragraph. Such
48 report shall include but not be limited to recommendations regarding any
49 additional legislative or budgetary measures necessary to achieve such
50 goal. The annual report shall also be published on the commission's
51 website. In implementing the plan developed pursuant to this paragraph,
52 the commission shall prioritize low-to-moderate income customers, as
53 defined by the commission, including those who are already eligible for
54 the commission's energy affordability program.

55 (b) In order to ensure that all residential customers be adequately
56 protected from bearing an energy burden greater than six percent of

1 their household income, the commission may authorize the use of reason-
2 able per-customer caps on the amount of energy subject to such
3 protections. The commission may also establish a reasonable cap on
4 collections from ratepayers to fund the commission's energy affordabili-
5 ty program or similar successor programs provided such cap is not less
6 than three percent of total electric or gas revenues for sales to end-
7 use customers for each utility.

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

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

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

34 § 8. Subdivisions 1, 3 and 4 of section 31 of the public service law,
35 as added by chapter 713 of the laws of 1981, are amended and a new
36 subdivision 4-a is added to read as follows:

37 1. Every gas corporation, electric corporation or municipality shall
38 provide residential service upon the oral or written request of an
39 applicant, provided that any residential gas service shall only be
40 provided in accordance with section thirty of this article, and provided
41 further that the commission may require that requests for service be in
42 writing under circumstances as it deems necessary and proper as set
43 forth by regulation, and provided further that the applicant:

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

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

52 (c) is a recipient of public assistance, supplemental security income
53 or additional state payments pursuant to the social services law, or is
54 an applicant for such assistance, income or payments, and the utility
55 corporation or the municipality receives payment from, or is notified of
56 the applicant's eligibility for utility payments by the social services

1 official of the social services district in which such person resides
2 for amounts due for service to a prior account in the applicant's name,
3 together with guarantee of future payments to the extent authorized by
4 the social services law; and

5 (d) receives clear, timely information from the gas corporation, elec-
6 tric corporation, municipality, or retail energy service company, writ-
7 ten in plain language, available in the top twelve most common non-Engl-
8 ish languages spoken by limited English proficient New Yorkers, and
9 approved by the commission after stakeholder input, on incentives and
10 opportunities for installing energy-efficient electric heating and cool-
11 ing technologies, weatherization, demand-side management, and distrib-
12 uted energy resource programs.

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

18 3. Subject to the requirements of subdivisions four, four-a and five
19 of this section, and in accordance with section thirty of this article,
20 whenever a residential customer moves to a new residence within the
21 service territory of the same utility corporation or municipality, [~~he~~]
22 the applicant shall be eligible to receive service at the new residence
23 and such service shall be considered a continuation of service in all
24 respects except for the purposes of section thirty of this article, with
25 any deferred payment agreement honored, and with all rights of such
26 customer and such utility corporation provided by this article unim-
27 paired.

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

36 4-a. In the case of any application for gas service to a building
37 which is not supplied with gas, a utility corporation or municipality
38 shall be obligated to provide gas service to such building in accordance
39 with commission regulation, provided however, that the commission shall
40 require applicants for gas service to such building to pay or agree in
41 writing to pay material and installation costs relating to the pipe or
42 other facilities to be installed to enable service to the applicant.

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

46 § 12. [~~Gas and electricity~~] Electricity must be supplied on applica-
47 tion. Except in the case of an application for residential utility
48 service pursuant to article two of the public service law, upon written
49 application of the owner or occupant of any building within one hundred
50 feet of any [~~main of a gas corporation or gas and electric corporation,~~
51 ~~or a~~] line of an electric corporation or gas and electric corporation,
52 appropriate to the service requested, and payment by [~~him~~] the applicant
53 of all money due from [~~him~~] the applicant to the corporation, it shall
54 supply [~~gas or~~] electricity as may be required for [~~lighting~~] such
55 building, notwithstanding there be rent or compensation in arrears for
56 gas or electricity supplied, or for meter, wire, pipe or fittings

1 furnished, to a former occupant thereof, unless such owner or occupant
2 shall have undertaken or agreed with the former occupant to pay or to
3 exonerate [~~him~~] the former occupant from the payment of such arrears,
4 and shall refuse or neglect to pay the same; and if for the space of ten
5 days after such application, and the deposit of a reasonable sum as
6 provided in the next section, if required, the corporation shall refuse
7 or neglect to supply gas or [~~electric light~~] electricity as required,
8 such corporation shall forfeit and pay to the applicant the sum of ten
9 dollars, and the further sum of five dollars for every day thereafter
10 during which such refusal or neglect shall continue; provided that no
11 such corporation shall be required to lay service pipes or wires for the
12 purpose of supplying gas or electric light to any applicant where the
13 ground in which such pipe or wire is required to be laid shall be
14 frozen, or shall otherwise present serious obstacles to laying the same;
15 nor unless the applicant, if required, shall deposit in advance with the
16 corporation a sum of money sufficient to pay the cost of [~~his propor-~~
17 ~~tion~~] the applicant's portion of the pipe, conduit, duct or wire
18 required to be installed, and the expense of the installation of such
19 portion.

20 § 10. The transportation corporations law is amended by adding a new
21 section 13 to read as follows:

22 § 13. Gas must be supplied in accordance with public service commis-
23 sion rules and regulations. Except in the case of an application for
24 residential utility service pursuant to article two of the public
25 service law, upon written application of the owner or occupant of any
26 building within one hundred feet of any main of a gas corporation or gas
27 and electric corporation appropriate to the service requested, and
28 payment by the applicant of all money due from the applicant to the
29 corporation, it shall supply gas for such building in accordance with
30 public service commission regulations, notwithstanding there be rent or
31 compensation in arrears for gas supplied, or for meter, pipe or fittings
32 furnished, to a former occupant thereof, unless such owner or occupant
33 shall have undertaken or agreed with the former occupant to pay or to
34 exonerate the former occupant from the payment of such arrears, and
35 shall refuse or neglect to pay the same; and if for the space of ten
36 days after such application, and the deposit of a reasonable sum, if
37 required, the corporation shall refuse or neglect to supply gas as
38 required pursuant to public service commission rules and regulations,
39 such corporation shall forfeit and pay to the applicant the sum of ten
40 dollars, and the further sum of five dollars for every day thereafter
41 during which such refusal or neglect shall continue; provided that no
42 such corporation shall be required to lay service pipes for the purpose
43 of supplying gas to any applicant where the ground in which such pipes
44 are required to be laid shall be frozen, or shall otherwise present
45 serious obstacles to laying the same; nor unless the applicant shall
46 deposit in advance with the corporation a sum of money sufficient to pay
47 the material and installation costs relating to the pipe or other facil-
48 ities to be installed to enable service to the applicant.

49 § 11. Section 66 of the public service law is amended by adding a new
50 subdivision 12-e to read as follows:

51 12-e. The commission shall review the capital construction plan of
52 each gas corporation and establish a process to examine the feasible
53 alternatives to such construction in order to achieve consistency with
54 the climate justice and emission reduction provisions in chapter one
55 hundred six of the laws of two thousand nineteen, and such successors in
56 law and function as may arise from time to time, and to align with the

1 statewide affordable gas transition plan pursuant to section sixty-six-y
2 of this article. The commission may require participation in such proc-
3 ess by each electric corporation with a service area overlapping the
4 service area of the gas corporation, and the commission shall have the
5 power to require any such electric corporation to participate in alter-
6 natives to gas capital construction, including participation in financ-
7 ing. Any costs incurred by such electric corporation for such corpo-
8 ration's participation shall be subject to an opportunity for full
9 recovery, as determined by the commission.

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

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

13 § 66-x. Expansion of gas company service territories. Except as
14 provided in this section, and notwithstanding any other provision of
15 this chapter, after December thirty-first, two thousand twenty-six, the
16 commission shall not grant an amendment of a gas company's certificate
17 of public convenience and necessity that expands a gas company's service
18 territory in order to extend gas plant and the availability of gas
19 service into geographic areas where gas service was not available prior
20 to such date. The commission may authorize exceptions to the policy set
21 forth in this section on a case-by-case basis, provided that the commis-
22 sion finds that the amendment of the certificate of public convenience
23 and necessity is limited to a project that serves a compelling state
24 interest, alternatives to gas service are either not technically feasi-
25 ble or prohibitively expensive, and that the project will be completed
26 and put into service not later than December thirty-first, two thousand
27 twenty-eight.

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

29 § 15. Subdivision 1 of section 224-d of the labor law, as amended by
30 section 31 of part 0 of chapter 58 of the laws of 2024, is amended and a
31 new subdivision 9 is added to read as follows:

32 1. For purposes of this section, a "covered renewable energy system"
33 means (a) a renewable energy system, as such term is defined in section
34 sixty-six-p of the public service law, with a capacity of one or more
35 megawatts alternating current and which involves the procurement of
36 renewable energy credits by a public entity, or a company or corporation
37 provided in subdivisions twenty-three and twenty-four of section two of
38 the public service law, or a third party acting on behalf and for the
39 benefit of a public entity; (b) any "thermal energy network" as defined
40 by subdivision twenty-nine of section two of the public service law; (c)
41 any offshore wind supply chain project, including but not limited to
42 port infrastructure, primary component manufacturing, finished component
43 manufacturing, subassembly manufacturing, subcomponent manufacturing, or
44 raw material producers, or a combination thereof receiving direct fund-
45 ing from the New York state energy research and development authority
46 pursuant to an award under a New York state energy research and develop-
47 ment authority solicitation; ~~(d)~~ (d) a "major utility transmission
48 facility" as such term is defined by section one hundred twenty of the
49 public service law; or (e) any covered neighborhood gas transition
50 project, as defined by subdivision nine of this section.

51 9. For purposes of this section, a "covered neighborhood gas transi-
52 tion project" shall mean a project performed by contractors or subcon-
53 tractors hired directly by a public utility company, as defined by
54 subdivision twenty-three of section two of the public service law, to
55 ensure that customers permanently transitioning off utility gas service
56 as part of a home energy affordable transition program pursuant to

1 section sixty-six-z of the public service law have continued access to
 2 safe and reliable energy services for heating, cooling, cooking, and
 3 water heating. A covered neighborhood gas transition project shall not
 4 include a project performed under private contract with an entity other
 5 than a public utility company, even if such entity or contractor
 6 receives financial and/or technical support from a public utility compa-
 7 ny, including for the purchase and installation of customer-owned equip-
 8 ment.

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

18 § 17. This act shall take effect immediately.

19 PART FFF

20 Section 1. The executive law is amended by adding a new article 43 to
 21 read as follows:

22 ARTICLE 43

23 CLIMATE RESILIENT NEW YORK ACT OF 2025

24 Section 930. Short title.

25 931. Declaration of purpose.

26 932. Office of resilience.

27 933. Chief resilience officer.

28 934. Statewide resilience plan.

29 935. Resilience task force.

30 936. State agency resilience coordinators.

31 937. Interagency resilience coordination team.

32 938. Public engagement and reporting.

33 § 930. Short title. This act shall be known and may be cited as the
 34 "climate resilient New York act of 2025".

35 § 931. Declaration of purpose. The legislature recognizes that the
 36 state is particularly vulnerable to adverse impacts from climate change.
 37 In less than 15 years, the state has experienced sixteen climate disas-
 38 ter declarations. These rising risks pose economic, social, environ-
 39 mental, and public health and safety challenges. A coordinated approach
 40 is necessary to effectively, efficiently, and equitably address and
 41 prepare for the adverse impacts of near-, mid-, and long-term climate
 42 threats on the state. This act therefore relates to establishing a
 43 statewide office of climate resilience; adding the office of climate
 44 resilience to the executive branch of government; creating the office of
 45 resilience within the office of the governor; establishing a chief resi-
 46 lience officer; establishing resilience coordinators in each state agen-
 47 cy; providing for a statewide resilience plan to be coordinated by the
 48 office of climate resilience; establishing an interagency resilience
 49 coordination team and providing for its members, meetings, and public
 50 engagement; and providing for related matters.

51 § 932. Office of resilience. 1. There is hereby created in the execu-
 52 tive department an office of resilience, hereinafter in this article
 53 referred to as the "office".

54 2. The office shall have the following functions, powers and duties:

1 (a) Coordinate the resilience task force and provide strategic direc-
2 tion for governmental resilience initiatives to build long-term climate
3 resilience for a robust, vibrant economy, sustainable natural environ-
4 ment, healthy communities, and an equitable and just transition to
5 future climate;

6 (b) Establish an interagency resilience coordination team;

7 (c) Establish, in collaboration with the interagency resilience coor-
8 ordination team, a statewide resilience plan and framework to facilitate
9 coordination across resilience plans at all levels of government;

10 (d) Provide technical guidance and assistance or support to agencies
11 and local and regional jurisdictions, to integrate statewide resilience
12 goals into future projects, plans, and programs, and to foster inter-
13 municipal cooperation;

14 (e) Establish a means of tracking progress toward statewide goals on
15 climate resilience;

16 (f) Identify and develop policies necessary to implement a statewide
17 resilience plan and risk reduction strategy;

18 (g) Establish and maintain a website which shall facilitate the satis-
19 faction of the functions and duties of the office;

20 (h) Establish and maintain a principal office and such other offices
21 within the state as it may deem necessary;

22 (i) Appoint a secretary, counsel, clerks and such other employees and
23 agents as it may deem necessary, fix their compensation within the limi-
24 tations provided by law, and prescribe their duties; and

25 (j) Require that state agencies and any other state or municipal
26 department, agency, public authority, task force, commission, or other
27 state or municipal government body, provide and the same are hereby
28 authorized to provide, such assistance, documents, and data as will
29 enable the office to carry out its functions and duties.

30 § 933. Chief resilience officer. 1. The head of the office shall be
31 the chief resilience officer who shall be appointed by the governor and
32 who shall hold office at the pleasure of the governor.

33 2. The chief resilience officer shall have the following functions,
34 powers and duties:

35 (a) Employ or allocate the necessary staff and request the assistance
36 of personnel of any state department or agency to carry out the func-
37 tions, powers and duties provided in this article or as otherwise
38 provided by law;

39 (b) Manage the office, the budget for such office, and related func-
40 tions as provided by law;

41 (c) Review and reconcile state agency comments on federally sponsored
42 resilience and risk mitigation activities to develop and present an
43 official state position;

44 (d) Represent the policy and consensus viewpoint of the state at the
45 federal, regional, state, and local levels with respect to resilience
46 and risk mitigation;

47 (e) Monitor and seek available funds to support the state's resilience
48 priorities, including coordinating cross-agency federal funding applica-
49 tions for community resilience projects;

50 (f) Provide strategic direction for interagency and cross-disciplinary
51 initiatives to build resilience, in collaboration with the other rele-
52 vant resilience task force and entities as the chief resilience officer
53 deems appropriate, for the purposes of climate resilience planning and
54 goal development, tracking and reporting progress on climate resilience
55 goals, and public engagement on climate resilience issues;

1 (g) Appraise the adequacy of statutory and administrative mechanisms
2 for coordinating the state's policies and programs at both the intra-
3 state and interstate levels, and between federal, state, and local
4 government, with respect to resilience and risk mitigation;

5 (h) Develop, where appropriate, intrastate or intergovernmental agree-
6 ments to formalize coordination roles for regional resilience projects,
7 such as the New York-New Jersey harbor and tributaries project;

8 (i) Appraise policy barriers to meet the goals of the state with
9 respect to resilience and risk mitigation;

10 (j) Serve as subject-matter expert for the state on issues related to
11 resilience and mitigation and provide recommendations to the legislature
12 and federal congress with respect to policies, programs, and coordinat-
13 ing mechanisms relative to resilience and risk mitigation;

14 (k) Assist with the state's planning efforts, including but not limit-
15 ed to a statewide resilience plan, the state hazard mitigation plan, and
16 other relevant state and regional plans for which there is a state
17 interest, to ensure the incorporation and alignment of the state's resi-
18 lience goals and objectives into a unified, proactive, pre-disaster
19 approach to adaptation and near-, mid-, and long-term resilience;

20 (l) To serve as a clearinghouse for the benefit of municipalities
21 regarding information relating to flooding, extreme heat, and other risk
22 prevention and mitigation, including impact prevention and mitigation
23 project funding programs, and other information relating to their common
24 problems with respect to these hazards and the state and federal
25 services available to assist in solving such problems;

26 (m) Take other actions consistent with law as deemed necessary by the
27 chief resilience officer to carry out such officer's duties, functions,
28 and responsibilities.

29 § 934. Statewide resilience plan. 1. To coordinate and strengthen
30 efforts to reduce losses from future disasters across the state, the
31 office shall contribute to all statewide planning efforts related to
32 resilience and risk mitigation and shall develop a strategic statewide
33 resilience plan to protect the state from multiple climate threats.

34 2. Such plan shall include, but not be limited to, the following:

35 (a) Articulation of the state's resilience goals and objectives;

36 (b) Utilization of the best available science, including a range of
37 future projections, to identify, implement, or reform policies,
38 projects, and programs to achieve the state's resilience goals and
39 objectives;

40 (c) Recommended agency-specific strategic actions, including criteria
41 for prioritization based on a vulnerability assessment of the risks from
42 multiple environmental threats to agency mission areas, assets,
43 services, and populations served;

44 (d) Prioritization of natural, nature-based, and non-structural
45 approaches to mitigating climate threats, wherever possible including,
46 without limitation, use of living shorelines, riparian restoration,
47 permeable surfaces, rain gardens, green roofs, tree canopy expansion,
48 wetland restoration, removing, altering, or right-sizing dams, natural
49 area conservation, waste-water and stormwater infrastructure upgrades,
50 alteration of structures, buyouts, and other flood and extreme heat
51 prevention, mitigation and resiliency strategies or projects;

52 (e) Set goals and resilience indicators that shall be tracked and
53 reported to the public over time in an annual progress report; and

54 (f) A framework for resilience project development, funding, and
55 implementation. Such framework shall include, but not be limited to,
56 the following:

1 (i) Spatial analysis of projected climate threat exposure and vulner-
2 ability, including but not limited to flood, extreme heat and precipi-
3 tation, storm events, and wildfire, and other risks. Such analysis and
4 resulting maps should delineate the geography and the social and ecolog-
5 ical vulnerability of the risk, using the state's environmental justice
6 and disadvantaged community layers and including climate-vulnerable
7 ecosystems, leveraging existing information from the New York state
8 climate impacts assessment, the New York city panel on climate change,
9 and other regional, peer-reviewed, best available scientific source,
10 wherever feasible;

11 (ii) An accessible, updated database or inventory of critical infras-
12 tructure vulnerable to current and future flooding, developed in collab-
13 oration with municipalities. This includes those that are essential for
14 critical government and business functions, national security, transpor-
15 tation, utilities, public health and safety, the economy, flood and
16 storm protection, water quality management, and wildlife habitat manage-
17 ment;

18 (iii) Maps or accessible, visual representation of federal, state, and
19 local municipal and county projects planned to reduce such risks, along
20 with the federal, state, or local agencies leading those projects and
21 the funding source; and

22 (iv) A strategic plan for developing, funding, and financing projects
23 that address such risks through federal, state, local, and private
24 sources. Such strategic plan shall:

25 (1) Include a strategy for how to make every effort practicable that
26 disadvantaged communities, as identified pursuant to section 75-0111 of
27 the environmental conservation law, receive at least forty percent of
28 the benefits of proposed plans and projects; provided, however, disad-
29 vantaged communities shall receive no less than thirty-five percent of
30 such benefits; and

31 (2) Seeks to build alignment and efficiencies across agency vulner-
32 ability assessments and resilience strategies.

33 § 935. Resilience task force. 1. There is hereby established within
34 the office a resilience task force to provide strategic direction to
35 resilience efforts across the state and make recommendations to the
36 office.

37 2. Such task force shall be comprised of the following members:

38 (a) The chief resilience officer, who shall serve as chair and shall
39 represent the views of the interagency resilience coordination team;

40 (b) The commissioner of the department of environmental conservation,
41 or their designee;

42 (c) The commissioner of the division of homeland security and emergen-
43 cy services, or their designee;

44 (d) The commissioner of the division of housing and community renewal,
45 or their designee;

46 (e) The secretary of state, or their designee;

47 (f) The commissioner of the department of financial services, or their
48 designee;

49 (g) The commissioner of the department of health, or their designee;

50 (h) The president of the energy research and development authority, or
51 their designee;

52 (i) The commissioner of the department of transportation, or their
53 designee;

54 (j) The commissioner of the department of agriculture and markets;

55 (k) The chair of the metropolitan transportation authority, or their
56 designee;

- 1 (l) The chair of the thruway authority, or their designee;
- 2 (m) The chair of the bridge authority, or their designee;
- 3 (n) The executive director of the port authority, or their designee;
- 4 and
- 5 (o) A member of the general public with expertise in resiliency plan-
- 6 ning.

7 § 936. State agency resilience coordinators. Each state agency
8 included in the resilience task force and any other agencies to be
9 included in resilience planning as designated by the chief resilience
10 officer or resilience task force shall appoint a resilience coordinator
11 to work with the chief resilience officer to ensure resilience is inte-
12 grated into agency missions and priorities, and otherwise coordinate
13 with the chief resilience officer. Such coordinators shall serve on the
14 interagency resilience coordination team established pursuant to section
15 nine hundred thirty-seven of this article. Each such coordinator shall
16 be appointed by a state agency with the exclusive role of focusing on
17 climate resilience with such agency's mission and activities.

18 § 937. Interagency resilience coordination team. 1. There is hereby
19 established within the office an interagency resilience coordination
20 team to maintain awareness, communication, and alignment with regard to
21 the state's resilience and risk mitigation needs, progress, and priori-
22 ties and to oversee development of the statewide resilience plan.

23 2. Such team shall:

24 (a) Be comprised of resilience coordinators from each state agency
25 included in this article or otherwise designated by the chief resilience
26 officer or resilience task force and the chief resilience officer, who
27 shall serve as chair;

28 (b) Meet upon the call of the chair, with a minimum of four meetings
29 annually;

30 (c) Develop strategic plans for agencies and collaborate in the devel-
31 opment of a statewide resilience plan; and

32 (d) Develop and implement a plan for public engagement, review of key
33 products of the statewide resilience plan, and track and report on
34 progress of such plan over time.

35 3. The chief resilience officer shall convene the first meeting of the
36 interagency resilience coordination team on or before the ninetieth day
37 after the effective date of this section.

38 § 938. Public engagement and reporting. 1. Public engagement. A state-
39 wide resilience plan shall be developed and the resilience task force
40 shall hold at least six regional public comment hearings on the draft
41 plan, including three meetings in the upstate region and three meetings
42 in the downstate region, and shall allow at least one hundred twenty
43 days for the submission of public comment. The task force shall provide
44 meaningful opportunities for public comment from all segments of the
45 population that will be impacted by the plan, including persons living
46 in disadvantaged communities as identified pursuant to section 75-0111
47 of the environmental conservation law.

48 2. Reporting. No later than one year after the effective date of this
49 section, and every five years thereafter, the office shall complete and
50 submit an updated statewide resilience plan to the legislature and make
51 such plan publicly available.

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

1 Section 1. Subdivision 6 of section 27-1405 of the environmental
2 conservation law, as amended by section 2 of part A of chapter 577 of
3 the laws of 2004, is amended to read as follows:

4 6. "[~~Citizen~~] Community participation plan" shall mean the description
5 of [~~citizen~~] community participation activities prepared and carried out
6 pursuant to section 27-1417 of this title.

7 § 2. Subdivisions 2 and 9 of section 27-1409 of the environmental
8 conservation law, subdivision 2 as amended by section 7 of part BB of
9 chapter 56 of the laws of 2015, and subdivision 9 as amended by section
10 4 of part A of chapter 577 of the laws of 2004, are amended to read as
11 follows:

12 2. One requiring: (a) the participant to pay for state costs, includ-
13 ing the recovery of state costs incurred before the effective date of
14 such agreement; provided, however, that such costs may be based on a
15 reasonable flat-fee for oversight, which shall reflect the projected
16 future state costs incurred in negotiating and overseeing implementation
17 of such agreement; [~~and~~]

18 (b) with respect to a brownfield site which: (i) the department has
19 determined constitutes a significant threat to the public health or
20 environment, or (ii) is located on and/or adjacent to a school or day
21 care facility, the department [~~may~~] shall include a provision requiring
22 the applicant to provide a technical assistance grant, as described in
23 subdivision four of section 27-1417 of this title and under the condi-
24 tions described therein, to an eligible party in accordance with proce-
25 dures established under such program, with the cost of such a grant
26 incurred by a volunteer serving as an offset against such state costs;

27 (c) with respect to all other brownfield sites the department may
28 include a provision requiring the applicant to provide a technical
29 assistance grant, as described in subdivision four of section 27-1417 of
30 this title and under the conditions described therein, to an eligible
31 party in accordance with procedures established under such program, with
32 the cost of such a grant incurred by a volunteer serving as an offset
33 against such state costs;

34 9. One requiring the preparation and implementation of a [~~citizen~~]
35 community participation plan consistent with the requirements of this
36 title as soon as possible following execution of the agreement but no
37 later than prior to the preparation of a draft remedial investigation
38 plan by the applicant which shall include a description of [~~citizen~~]
39 community participation activities already performed by the applicant
40 and/or the department;

41 § 3. Subparagraph (vi) of paragraph (i) of subdivision 3 of section
42 27-1415 of the environmental conservation law, as amended by section 7
43 of part A of chapter 577 of the laws of 2004, is amended to read as
44 follows:

45 (vi) Any written and oral comments submitted by members of the public
46 on the applicant's proposed use as part of [~~citizen~~] community partic-
47 ipation activities performed by the applicant pursuant to this title.

48 § 4. Section 27-1417 of the environmental conservation law, as added
49 by section 1 of part A of chapter 1 of the laws of 2003, paragraphs (b),
50 (d), (e), (f), (g), (h), (i) of subdivision 3 and paragraph (a) of
51 subdivision 4 as amended by section 8 of part A of chapter 577 of the
52 laws of 2004, is amended to read as follows:

53 § 27-1417. [~~Citizen~~] Community participation.

54 1. [~~Citizen~~] Community participation handbook. The commissioner shall
55 prepare a [~~citizen~~] community participation handbook for the purpose of
56 providing guidance to applicants in the design and implementation of

1 meaningful [~~citizen~~] community participation plans consistent with the
2 requirements of this section for the remediation of brownfield sites as
3 provided in this title. Such handbook shall encourage [~~citizen~~] communi-
4 ty involvement by outlining opportunities and recommended methods for
5 effective [~~citizen~~] community participation, including the availability
6 of technical assistance grants. The commissioner shall make such hand-
7 book available to all applicants and other interested members of the
8 public upon request and shall make it available on the department's
9 website.

10 2. [~~Citizen~~] Community participation plans. (a) The design of any
11 [~~citizen~~] community participation plan, including the level of [~~citizen~~]
12 community involvement and the tools utilized, shall take into account
13 the scope and scale of the proposed remedial program, local interest and
14 history, and other relevant factors. While retaining flexibility, [~~citizen~~]
15 community participation plans shall embody the following principles
16 of meaningful [~~citizen~~] community participation:

17 (1) opportunities for [~~citizen~~] community involvement should be
18 provided as early as possible in the decision making process prior to
19 the selection of a preferred course of action by the department and/or
20 the applicant.

21 (2) activities proposed in such plan should be as reflective of the
22 diversity of interests and perspective found within the community as
23 possible, allowing the public the opportunity to have their views heard
24 and considered, which may include opportunities for two-way dialogue.

25 (3) full, timely, and accessible disclosure and sharing of information
26 by the department shall be provided, including the provision of techni-
27 cal data and the assumptions upon which the analyses are based.

28 (b) All [~~citizen~~] community participation plans shall include the
29 following minimum elements:

30 (1) identification of the interested public and preparation of a
31 brownfield site contact list;

32 (2) identification of major issues of public concern related to the
33 brownfield site;

34 (3) a description and schedule of public participation activities
35 required pursuant to this section; and

36 (4) a description and schedule of any additional public participation
37 activities needed to address public concerns.

38 3. [~~Citizen~~] Community participation requirements. (a) In addition to
39 the formal milestones listed below, the public may provide comments at
40 any time during the remedial program.

41 (b) The person submitting a request for participation, in cooperation
42 with the department, shall provide a newspaper notice of the person's
43 request to participate in the program. The person, in cooperation with
44 the department, shall also provide notice thereof to the brownfield site
45 contact list. Such notice shall provide for a thirty day public comment
46 period following publication.

47 (c) Before the department finalizes the remedial investigation work-
48 plan, the applicant, in cooperation with the department, must notify
49 individuals on the brownfield site contact list. Such notice shall
50 include a fact sheet describing such plan and provide for a thirty day
51 public comment period.

52 (d) Before the department approves a proposed remedial investigation
53 report, the department, in consultation with the applicant, shall notify
54 individuals on the brownfield site contact list. Such notice shall
55 include a fact sheet describing such report.

1 (e) Upon the department's determination of significant threat pursuant
2 to section 27-1411 of this title, the department must provide notice to
3 individuals on the brownfield site contact list. Such notice shall
4 include a fact sheet describing the basis of the department's determi-
5 nation.

6 (f) Before the department finalizes a proposed remedial work plan or
7 makes a determination that site conditions meet the requirements of this
8 title without the necessity for remediation pursuant to section 27-1411
9 of this title, the department, in consultation with the applicant, must
10 notify individuals on the brownfield site contact list. Such notice
11 shall include a fact sheet describing such plan and provide for a
12 forty-five day public comment period. The commissioner shall hold a
13 public meeting if requested by the affected community and the commis-
14 sioner has found that the site constitutes a significant threat to the
15 public health or the environment. Further, the affected community may
16 request a public meeting at sites that do not constitute a significant
17 threat. (1) To the extent that the department has determined that site
18 conditions do not pose a significant threat and the site is being
19 addressed by a volunteer, the notice shall state that the department has
20 determined that no remediation is required for the off-site areas and
21 that the department's determination of a significant threat is subject
22 to this forty-five day comment period. (2) If the remedial work plan
23 includes a Track 2, Track 3 or Track 4 remedy at a non-significant
24 threat site, such comment period shall apply both to the approval of the
25 alternatives analysis by the department and the proposed remedy selected
26 by the applicant.

27 (g) Before the applicant commences construction at the brownfield
28 site, the applicant, in cooperation with the department, shall provide
29 notice to the individuals on the brownfield site contact list.

30 (h) Before the department approves a proposed final engineering
31 report, the department, in consultation with the applicant, must notify
32 individuals on such contact list. Such notice shall include a fact sheet
33 describing the brownfield site report, including any proposed institu-
34 tional or engineering controls.

35 (i) Within ten days of the issuance of a certificate of completion at
36 a site which will utilize institutional or engineering controls, the
37 applicant, in cooperation with the department, shall provide notice to
38 the brownfield site contact list. Such notice shall include a fact sheet
39 describing such controls.

40 4. Technical assistance grants. (a) Within the limits of appropri-
41 ations made available pursuant to paragraph [j] (j) of subdivision three
42 of section ninety-seven-b of the state finance law, the commissioner is
43 authorized to provide grants to the New York city community board, which
44 shall have the same meaning as set forth in section twenty-eight hundred
45 of the New York city charter, in which the site is located or to any
46 not-for-profit corporation exempt from taxation under section 501(c)(3)
47 of the internal revenue code at any site determined to pose a signif-
48 icant threat by the department and which may be affected by a brownfield
49 site remedial program. To qualify to receive such assistance, a communi-
50 ty group must demonstrate that its membership represents the interests
51 of the community affected by such site. Furthermore, the commissioner is
52 authorized to direct any applicant who is a responsible party, as
53 defined in section 27-1313 of this article, to provide such grants. Such
54 grants shall be known as technical assistance grants and may be used to
55 obtain technical assistance in interpreting information with regard to
56 the nature of the hazard posed by contamination located at or emanating

1 from a brownfield site or sites and the development and implementation
2 of a brownfield site remedial program or programs. Such grants may also
3 be used to hire health and safety experts to advise affected residents
4 on any health assessments and for the education of interested affected
5 community members to enable them to more effectively participate in the
6 remedy selection process. Grants awarded under this section may not be
7 used for the purposes of collecting field sampling data, political
8 activity or lobbying legislative bodies.

9 (b) The amount of any grant awarded under this section may not exceed
10 fifty thousand dollars at any one site.

11 (c) No matching contribution from the grant recipient shall be
12 required for a technical assistance grant. Following a grant award, a
13 portion of the grant shall be made available to the grant recipient, in
14 advance of the expenditures to be covered by the grant, in five thousand
15 dollar installments.

16 § 5. This act shall take effect on the first of February next succeed-
17 ing the date upon which it shall have become a law and shall apply to
18 any applications received on or after such date.

19 PART HHH

20 Section 1. Subdivisions 1 and 2 of section 71-0211 of the environ-
21 mental conservation law, subdivision 1 as amended by chapter 60 of the
22 laws of 1993, subdivision 2 as amended by chapter 460 of the laws of
23 1991, are amended to read as follows:

24 1. Notwithstanding any other provisions of law to the contrary, all
25 fines and penalties collected pursuant to title nineteen of this arti-
26 cle, except amounts required to be paid into the conservation fund
27 pursuant to subdivision two of section 71-1929 of such title; title
28 twenty-one of this article; title twenty-seven of this article, except
29 amounts required to be paid into the hazardous waste remedial fund
30 pursuant to subdivision two of section 71-2725 of such title; and title
31 forty-one of this article shall be paid into the [~~general fund to the~~
32 ~~credit of the state purposes account~~] conservation fund to the credit of
33 the conservation enforcement account established pursuant to subdivision
34 (k) of section eighty-three of the state finance law.

35 2. Unless otherwise provided in this chapter, not later than the tenth
36 day of each month, all fines, penalties and forfeitures collected for
37 violations of this chapter or rules, regulations, local laws or ordi-
38 nances adopted thereunder under judgment of any town or village court,
39 shall be paid over by such court to the comptroller of the state, with a
40 statement accompanying the same, setting forth the action or proceeding
41 in which such moneys were collected, the name and residence of the
42 defendant, the nature of the offense, and the fines and penalty imposed.
43 The comptroller shall pay these funds into the [~~general fund of the~~
44 ~~state~~] conservation fund to the credit of the conservation enforcement
45 account established pursuant to subdivision (k) of section eighty-three
46 of the state finance law.

47 § 2. Section 83 of the state finance law is amended by adding a new
48 subdivision (k) to read as follows:

49 (k) All moneys, revenue, and interest thereon received and collected
50 pursuant to titles nineteen, twenty-one and twenty-seven of article
51 seventy-one of the environmental conservation law, and pursuant to
52 section 71-0211 of the environmental conservation law, other than those
53 amounts prescribed by law to be directed into other funds, shall be
54 deposited in a special account within the conservation fund to be known

1 as the conservation enforcement account. All of such moneys, revenues
2 and interest shall be available to the department of environmental
3 conservation, pursuant to appropriation, exclusively for funding the
4 enforcement of the environmental conservation law, including funding for
5 scientists, environmental law enforcement officers, attorneys, adminis-
6 trative support, and such other expenses the commissioner deems neces-
7 sary for such enforcement. Such money shall be used to supplement and
8 not supplant funding for the enforcement of the environmental conserva-
9 tion law as of the effective date of this subdivision. The department
10 shall annually submit to the temporary president of the senate, the
11 speaker of the assembly, the minority leader of the senate, and the
12 minority leader of the assembly, following one year after the effective
13 date of this subdivision, an annual expenditure report of the conserva-
14 tion fund.

15 § 3. Subdivision 1 of section 71-0213 of the environmental conserva-
16 tion law, as added by section 1 of part DDD of chapter 59 of the laws of
17 2009, is amended to read as follows:

18 1. Whenever proceedings result in a conviction for an offense under
19 this chapter there shall be levied, in addition to any sentence required
20 or permitted by law, the following mandatory surcharges: (a) in the
21 amount of twenty-five dollars for violations of sportfishing regulations
22 set forth in 6 NYCRR 10; (b) in the amount of [~~seventy-five dollars~~] one
23 hundred twelve dollars and fifty cents for all other offenses under this
24 chapter provided, however, that convictions for offenses under articles
25 seventeen, nineteen or twenty-seven of this chapter shall be subject to
26 a mandatory surcharge equal to the greater of [~~seventy-five dollars~~] one
27 hundred twelve dollars and fifty cents or [~~six~~] nine percent of any
28 penalty or fine imposed. The mandatory surcharge shall be paid to the
29 clerk of the court who shall remit such mandatory surcharge to the state
30 comptroller provided, however, that in cases where the conviction was
31 rendered by a town or a village justice court, the clerk of such court
32 shall pay twenty-five dollars of such surcharge to the chief fiscal
33 officer of the town or village in the case of surcharges resulting from
34 paragraph (b) of this subdivision and ten dollars in the case of
35 surcharges resulting from paragraph (a) of this subdivision and shall
36 pay the remaining amounts of such mandatory surcharges to the state
37 comptroller in the same manner as provided in section 71-0211 of this
38 article. The comptroller shall pay such monies into the state treasury
39 to the [~~credit of the general fund~~] conservation fund to the credit of
40 the conservation enforcement account established pursuant to subdivision
41 (k) of section eighty-three of the state finance law.

42 § 4. Section 71-0301 of the environmental conservation law, as amended
43 by chapter 400 of the laws of 1973, is amended to read as follows:

44 § 71-0301. Summary abatement.

45 Notwithstanding any inconsistent provisions of law, whenever the
46 commissioner finds, after investigation, that any person is causing,
47 engaging in or maintaining a condition or activity which, in [~~his~~] the
48 judgment of the commissioner, presents an imminent danger to the health
49 or welfare of the people of the state or results in or is likely to
50 result in irreversible or irreparable damage to natural resources, and
51 relates to the prevention and abatement powers of the commissioner and
52 it therefore appears to be prejudicial to the interests of the people of
53 the state to delay action until an opportunity for a hearing can be
54 provided, the commissioner may, without prior hearing, order such person
55 by notice, in writing wherever practicable or in such other form as in
56 the commissioner's judgment will reasonably notify such person whose

1 practices are intended to be proscribed, to discontinue, abate or alle-
2 viate such condition or activity, and thereupon such person shall imme-
3 diately discontinue, abate or alleviate such condition or activity. As
4 promptly as possible thereafter, not to exceed fifteen days, the commis-
5 sioner shall provide the person an opportunity to be heard and to pres-
6 ent proof that such condition or activity does not violate the
7 provisions of this section. The commissioner shall adopt any other
8 appropriate rules and regulations prescribing the procedure to be
9 followed in the issuance of such orders. Any person who violates any of
10 the provisions of, or who fails to perform any duty imposed by this
11 section, or any rule, regulation or order promulgated by the commis-
12 sioner hereunder, shall be liable to a civil penalty of not more than [~~twen-~~
13 ~~ty-five-hundred~~] three thousand seven hundred fifty dollars for each
14 such violation and an additional penalty of not more than [~~five~~] seven
15 hundred fifty dollars for each day during which such violation contin-
16 ues, and, in addition thereto, such person may be enjoined from continu-
17 ing such violation. Penalties and injunctive relief provided herein
18 shall be recoverable in an action brought by the attorney general at the
19 request and in the name of the commissioner.

20 § 5. Subdivisions 3 and 4 of section 71-0507 of the environmental
21 conservation law, subdivision 3 as amended by chapter 400 of the laws of
22 1973, are amended to read as follows:

23 3. Moneys received by a town justice or a village justice in any
24 action for a penalty brought under the provisions of this chapter listed
25 in section 71-0501 of titles 5 through 15 inclusive and title 33 or upon
26 the settlement or compromise thereof, or a fine for a violation of the
27 provisions of this chapter listed in section 71-0501 and titles 5
28 through 15 inclusive and title 33 of this article shall be paid to the
29 State Comptroller as provided in section 27 of the Town Law and section
30 4-410 of the village law. From the moneys so received, the State Comp-
31 troller shall pay all lawful fees for services rendered in such actions
32 when instituted by order of the department or upon information of a
33 conservation officer, regional and assistant regional conservation offi-
34 cer, special game protector, district ranger, forest ranger, or member
35 of the state police. The balance of such moneys arising from penalties
36 under [~~articles~~] article 11 or 13 [~~or title 9~~] of this [~~article~~] chapter
37 or upon the settlement or compromise thereof or from fines for
38 violations of any of the provisions of [~~articles~~] article 11 or 13 [~~or~~
39 ~~title 9~~] of this [~~article~~] chapter after the payment of lawful fees
40 shall be credited by the Comptroller to the conservation fund. The Comp-
41 troller shall adjust and settle [~~his~~] their account with the conserva-
42 tion fund in the manner provided by section 99-a of the State Finance
43 Law. The balance of all other such moneys after payment of lawful fees
44 shall be credited by the Comptroller to the [~~general fund~~] conservation
45 fund to the credit of the conservation enforcement account established
46 pursuant to subdivision (k) of section eighty-three of the state finance
47 law.

48 4. All moneys received by any other person or court in an action for a
49 penalty brought under the provisions of this chapter listed in section
50 71-0501 and titles 5 through 15 inclusive and title 33 of this article
51 or upon the settlement or compromise thereof, or a fine for a violation
52 of the provisions of this chapter listed in section 71-0501 and titles 5
53 through 15 inclusive and title 33 of this article, shall be paid by such
54 person or court to the department within thirty days after receipt ther-
55 eof. The department shall pay the expenses of collection and the lawful
56 fees of magistrates and constables for services performed in criminal

1 actions brought upon information of a conservation officer, regional and
2 assistant regional conservation officer, special game protector,
3 district ranger, forest ranger, or member of the state police. Such
4 moneys derived from fines or penalties for violations of [~~articles~~
5 article 11 or 13 [~~or title 9~~] of this [~~article~~] chapter or from the
6 settlement or compromise thereof shall be paid by the department to the
7 Commissioner of Taxation and Finance and credited to the conservation
8 fund. All other moneys so received by the department shall be paid to
9 the Commissioner of Taxation and Finance and credited to the [~~general~~
10 fund] conservation fund to the credit of the conservation enforcement
11 account established pursuant to subdivision (k) of section eighty-three
12 of the state finance law.

13 § 6. Subdivisions 1, 2, 6, 9 and 10 of section 71-0703 of the environ-
14 mental conservation law, subdivisions 1, 2 and 6 as amended by chapter
15 602 of the laws of 2003, subdivision 9 as added by chapter 267 of the
16 laws of 2012 and subdivision 10 as added by chapter 330 of the laws of
17 2014, are amended to read as follows:

18 1. Except as otherwise provided in subdivision 4, 5, 6 or 7 of this
19 section, any person who violates any provision of article 9 or the
20 rules, regulations or orders promulgated pursuant thereto or the terms
21 of any permit issued thereunder, or who fails to perform any duty
22 imposed by any provision thereof shall be guilty of a violation, and,
23 upon conviction, shall be punished by a fine of not more than [~~two~~
24 hundred-fifty] three hundred seventy-five dollars, or by imprisonment
25 for not more than fifteen days, or by both such fine and imprisonment,
26 and in addition thereto shall be liable to a civil penalty of not less
27 than ten nor more than one hundred fifty dollars.

28 2. The violation of any of the provisions of the following sections
29 shall subject the person guilty thereof to the following civil penalties
30 in addition to the liability prescribed in subdivision 1 of this
31 section:

32 a. Section 9-1113 of this chapter, [~~two~~] three dollars per tree;

33 b. Subdivision 3 of section 9-1105 of this chapter, [~~twenty-five~~]
34 thirty-seven dollars and fifty cents per day;

35 c. Subdivision 4 of section 9-1105 of this chapter, and subdivision 1
36 of section 9-1117 of this chapter, [~~ten~~] fifteen dollars per mile per
37 day;

38 d. Section 9-1115 of this chapter, [~~ten~~] fifteen dollars per mile;

39 e. Subdivision 2 of section 9-1117 of this chapter, one hundred fifty
40 dollars per each offense; and

41 f. Section 9-1119 of this chapter, one hundred fifty dollars per day
42 per locomotive.

43 With respect to the penalty for violation of subdivision 4 of section
44 9-1105 of this chapter, the owner and every person engaged in such
45 cutting shall be liable therefor; however, the liability for penalty
46 shall not arise until the expiration of twenty days after service,
47 personally or by mail upon the alleged violator at [~~his~~] their last
48 known place of residence of a written notice of failure to comply with
49 the requirements of subdivision 4 of section 9-1105 of this chapter.

50 6. (a) In addition to any other penalty provided by law, any person
51 who violates subdivision 1 of section 9-0303 of this chapter shall be
52 liable to a civil penalty of [~~two hundred-fifty~~] three hundred seventy-
53 five dollars per tree or treble damages, based on the stumpage value of
54 such tree or both. Where the order or decision finds that the defendant
55 established by clear and convincing evidence, that when such defendant
56 committed the violation, [~~he or she~~] they had cause to believe that the

1 land was [~~his or her~~] their own, or that [~~he or she~~] such defendant had
2 an easement or right of way across such land which permitted such
3 action, damages shall be awarded on the basis of the stumpage value of
4 such tree or trees in the market as if they were privately owned.
5 Notwithstanding the foregoing, this section shall not be construed to
6 authorize the cutting of timber or removal of trees where such action
7 would otherwise be violative of any provision of the state constitution
8 or law.

9 (b) In addition to any other penalty provided by law, a person who
10 violates section 9-1501 of this chapter shall be liable for a civil
11 penalty of [~~two hundred fifty~~] three hundred seventy-five dollars per
12 tree or treble damages or both, based on the stumpage value of such tree
13 or trees. Where the order or decision finds that the defendant estab-
14 lished by clear and convincing evidence, that when such defendant
15 committed the violation, [~~he or she~~] they had cause to believe that the
16 land was [~~his or her~~] their own or that [~~he or she~~] such defendant had
17 an easement or right of way across such land which permitted such
18 action, damages shall be awarded on the basis of the stumpage value of
19 such tree or trees. Notwithstanding the foregoing, this section shall
20 not be construed to authorize the cutting of timber or removal of trees
21 where such action would otherwise be violative of any provision of the
22 state constitution or law.

23 (c) For purposes of this subdivision, "stumpage value" shall mean the
24 current fair market value of a tree as it stands prior to the time of
25 sale, cutting, or removal. Stumpage value shall be determined by one or
26 more of the following methods: the sale price of the tree in an arm's-
27 length sale, a review of solicited bids, the stumpage price report
28 prepared by the department of environmental conservation, comparison
29 with like sales on trees on state or private lands, or other appropriate
30 means to assure that a fair market value is established within an
31 acceptable range based on the appropriate geographic area.

32 9. a. Any person who transports, sells, imports or introduces invasive
33 species, in violation of the regulations promulgated pursuant to section
34 9-1709 of this chapter shall be subject to the following:

35 For any first violation in lieu of a penalty there may be issued a
36 written warning by the department and there may also be issued education
37 materials at the discretion of the department regarding requirements
38 related to invasive species. Such person shall, however, for any subse-
39 quent violation thereafter be subject to a fine of no less than [~~two~~
40 hundred fifty] three hundred seventy-five dollars.

41 b. Any nursery grower licensed pursuant to article fourteen of the
42 agriculture and markets law, any person who owns or operates a public
43 vessel as such term is defined in paragraph (a) of subdivision six of
44 section two of the navigation law, or any person who owns or operates a
45 commercial fishing vessel who transports, sells, imports or introduces
46 invasive species in violation of the regulations promulgated pursuant to
47 section 9-1709 of this chapter, shall be subject to a fine of not less
48 than [~~six~~] nine hundred dollars upon the first penalty. Upon the second
49 penalty such person shall be subject to a fine of not less than [~~two~~]
50 three thousand dollars. Upon a subsequent penalty and after a hearing or
51 opportunity to be heard upon due notice the following penalties may
52 apply: (i) such nursery grower may be subject to the revocation proce-
53 dures of section one hundred sixty-three-c of the agriculture and
54 markets law (ii) such person's vessel registration may be suspended or
55 (iii) such person's fishing permit may be revoked by the department.

1 10. Any person who violates section 9-1710 of this chapter shall be
2 guilty of a violation and shall be punishable and liable to a civil
3 penalty as provided in subdivision one of this section, provided, howev-
4 er, that for any first violation in lieu of a penalty there shall be
5 issued a written warning by the department and there shall also be
6 issued education materials at the discretion of the department regarding
7 requirements related to invasive species. Such person shall be subject
8 to a fine of up to [~~one hundred fifty~~] two hundred seventy-five dollars
9 for a second offense, up to [~~two hundred fifty~~] three hundred seventy-
10 five dollars for a third offense, and no less than [~~two hundred fifty~~]
11 three hundred seventy-five dollars nor more than [~~one thousand~~] five
12 hundred dollars for a fourth or subsequent offense.

13 § 7. Section 71-0707 of the environmental conservation law is amended
14 to read as follows:

15 § 71-0707. Resisting or obstructing departmental agent or employee.

16 Any person who resists or obstructs an authorized agent or employee of
17 the department while [~~he~~] such agent or employee is engaged in carrying
18 out any provision of section 9-0305 shall be guilty of a violation which
19 shall be punishable by a fine not exceeding one hundred fifty dollars
20 and by an additional fine [~~of~~] not exceeding [~~twenty-five~~] thirty-seven
21 dollars and fifty cents for each additional day of such resistance or
22 obstruction.

23 § 8. Section 71-0709 of the environmental conservation law, as amended
24 by chapter 640 of the laws of 1977, is amended to read as follows:

25 § 71-0709. Injury to state lands.

26 Any person who intentionally or negligently causes a fire which burns
27 on or over state lands shall be liable to the state for treble damages
28 and, in addition, to a civil penalty of [~~ten~~] fifteen dollars for every
29 tree killed or destroyed by such fire. Damages to state lands and timber
30 shall be ascertained and determined at the same rate of value as if such
31 property were privately owned.

32 § 9. Section 71-0711 of the environmental conservation law, as amended
33 by chapter 640 of the laws of 1977, is amended to read as follows:

34 § 71-0711. Injury to municipal or private lands.

35 Any person who causes a fire which burns on or over lands belonging to
36 another person or to a municipality shall be liable to the party injured
37 (a) for actual damages in case of fire negligently caused or (b) for the
38 higher of actual damages or damages at the rate of [~~five~~] seven dollars
39 and fifty cents for each tree killed or destroyed in case of fire
40 wilfully caused.

41 § 10. Section 71-0921 of the environmental conservation law, as added
42 by chapter 640 of the laws of 1977, subdivision 1 as amended by chapter
43 408 of the laws of 2017, subdivision 2 as amended by chapter 468 of the
44 laws of 2011, subdivision 3 as amended by chapter 270 of the laws of
45 1997, subdivisions 4 and 5 as added by chapter 417 of the laws of 1996,
46 subparagraph 9 of paragraph a of subdivision 4 and subparagraph 5 of
47 paragraph a of subdivision 5 as amended by chapter 41 of the laws of
48 2013, subparagraphs 2 and 3 of paragraph b of subdivision 4 as amended
49 by chapter 347 of the laws of 2007, subdivisions 6 and 7 as amended by
50 chapter 416 of the laws of 1989, subdivision 8 as amended by section 19
51 of part R of chapter 58 of the laws of 2013, subdivision 10 as added by
52 chapter 31 of the laws of 1980, subdivision 10-a as added by chapter 762
53 of the laws of 2023, subdivision 11 as added by chapter 168 of the laws
54 of 1989, subdivision 12 as added by chapter 143 of the laws of 1992,
55 subdivision 13 as added by chapter 208 of the laws of 1999, subdivision

1 14 as added by chapter 532 of the laws of 2019, is amended to read as
2 follows:

3 § 71-0921. Misdemeanors.

4 The following acts are misdemeanors, punishable as herein provided,
5 when they are done in violation of the section or subdivision thereof
6 specified, or if no section is specified, in violation of any section of
7 the Fish and Wildlife Law:

8 1. (a) The illegal taking of big game prior to the first day of the
9 open season or after the last day of the open season in the county or
10 part thereof where taken, or the taking of big game with aid of an arti-
11 ficial light. Each such misdemeanor for a violation of this paragraph
12 shall be punishable by imprisonment for not more than one year or by a
13 fine of not less than [~~five hundred~~] seven hundred fifty dollars nor
14 more than [~~three thousand~~] four thousand five hundred dollars, or by
15 both such imprisonment and fine.

16 (b) Any illegal taking of a deer, other than a taking described in
17 paragraph (a) of this subdivision, such misdemeanor shall be punishable
18 by imprisonment for not more than one year or by a fine of not less than
19 [~~two hundred fifty~~] three hundred seventy-five dollars nor more than
20 [~~two~~] three thousand dollars, or by both such imprisonment and fine.

21 2. The illegal taking of a bear less than one year old or the taking
22 of a bear by a means or method not permitted by this chapter. Such
23 misdemeanor shall be punishable by imprisonment for not more than one
24 year or by a fine of not more than [~~two~~] three thousand dollars, or by
25 both such imprisonment and fine. The sale of bear gallbladder/bile in
26 violation of paragraph b of subdivision nine of section 11-0917 of this
27 chapter shall be punishable by a fine of [~~five thousand~~] seven thousand
28 five hundred dollars per violation.

29 3. Possession, use or discharge of a firearm in violation of subdivi-
30 sion 1, 2, 4, 5, or 6 of section 11-0931 of this chapter. Each such
31 misdemeanor shall be punishable by imprisonment for not more than three
32 months or by a fine of not less than [~~two~~] three hundred dollars nor
33 more than one thousand five hundred dollars, or by both such imprison-
34 ment and fine.

35 4. a. Violations of:

36 (1) subdivision one of section 13-0309 of this chapter involving the
37 taking of shellfish from uncertified shellfish lands, or the possession,
38 transportation, sale or trafficking in shellfish so taken;

39 (2) subdivision two of section 13-0309 of this chapter involving the
40 taking of shellfish between sunset and sunrise;

41 (3) subdivision ten of section 13-0309 of this chapter involving the
42 possession of a stick dredge after one prior conviction under such
43 subdivision for such activity;

44 (4) subdivision one of section 13-0311 of this chapter involving the
45 taking of shellfish without the required digger's permit;

46 (5) subdivision seven of section 13-0311 of this chapter involving the
47 taking of shellfish while one's digger's permit is suspended or revoked;

48 (6) subdivision one of section 13-0315 of this chapter involving the
49 processing, transportation, shipment or sale of shellfish without the
50 required shipper's or processor's permit;

51 (7) regulations promulgated by the department pursuant to section
52 13-0319 of this chapter involving the failure to tag or seal shellfish
53 or the falsifying of any information required on any tag or seal
54 required by said regulations;

1 (8) subdivision five of section 13-0325 of this chapter, regarding the
2 taking of undersized clams, where the taking involves more than twenty-
3 four percentum of clams of less than legal size;

4 (9) regulations promulgated by the department pursuant to section
5 13-0327 of this chapter, regarding the taking of undersized scallops,
6 where the taking involves more than twenty-four percentum of scallops of
7 less than legal size; and

8 (10) section 13-0344 of this chapter involving the dumping of objects
9 into the water after being signaled by a police officer or peace officer
10 to stop for inspection.

11 b. Each such misdemeanor identified in paragraph a of this subdivision
12 shall be punishable as follows:

13 (1) For a first conviction for any of the violations listed in para-
14 graph a of this subdivision, by imprisonment for not more than sixty
15 days, a fine of not less than [~~two hundred fifty~~] three hundred seven-
16 ty-five dollars nor more than one thousand five hundred dollars plus, if
17 applicable, an amount equal to the market value of the shellfish
18 involved in the violation, or by both such imprisonment and fine.

19 (2) For a second conviction for any of the violations listed in para-
20 graph a of this subdivision, by imprisonment for not more than ninety
21 days, a fine of not less than [~~five hundred~~] seven hundred fifty dollars
22 nor more than [~~twenty-five hundred~~] three thousand seven hundred fifty
23 dollars plus, if applicable, an amount equal to three times the market
24 value of the shellfish involved in the violation, or by both such impri-
25 sonment and fine.

26 (3) For a third or subsequent conviction for any of the violations
27 listed in paragraph a of this subdivision, by imprisonment for not more
28 than one hundred eighty days, a fine of not less than one thousand five
29 hundred dollars nor more than [~~ten~~] fifteen thousand dollars plus, if
30 applicable, an amount equal to three times the market value of the
31 shellfish involved in the violation, or by both such imprisonment and
32 fine.

33 (4) Provided, further, that all equipment or conveyances used to
34 harvest, transport or traffic in such illegal shellfish may be forfeited
35 for any third or subsequent conviction of the above violations, in addi-
36 tion to such penalties or imprisonment. Such forfeiture shall be in
37 addition to any forfeiture authorized by section 71-0909 of this arti-
38 cle.

39 5. a. Violations of:

40 (1) subdivision three of section 13-0309 of this chapter involving the
41 illegal use of dredges, scrapes or other devices operated by power or by
42 boats propelled by motor or other mechanical means for the purpose of
43 taking shellfish;

44 (2) subdivision eight of section 13-0309 of this chapter involving the
45 operation, use or placing, for whatever purpose, of dredges, rakes,
46 tongs or other devices for the taking of shellfish in uncertified
47 shellfish lands after a prior conviction under such subdivision for such
48 activity;

49 (3) subdivision nine of section 13-0309 of this chapter involving the
50 altering, damaging, mutilating, moving or carrying away of buoys or
51 markers used to designate the uncertified waters of the state;

52 (4) subdivision five of section 13-0325 of this chapter regarding the
53 taking of undersized clams, where the taking involves between ten and
54 twenty-four percentum of clams of less than legal size; and

55 (5) regulations promulgated by the department pursuant to section
56 13-0327 of this chapter, regarding the taking of undersized scallops,

1 where the taking involves between ten and twenty-four percentum of scal-
2 lops of less than legal size.

3 b. Each such misdemeanor identified in paragraph a of this subdivision
4 shall be punishable as follows:

5 (1) For a first conviction of any of the violations listed in para-
6 graph a of this subdivision, by imprisonment for not more than thirty
7 days, a fine of not less than [~~two hundred fifty~~] three hundred seven-
8 ty-five dollars nor more than [~~five hundred~~] seven hundred fifty dollars
9 plus, if applicable, an amount equal to the market value of the shellf-
10 ish involved in the violation, or by both such imprisonment and fine.

11 (2) For a second conviction for any of the violations listed in para-
12 graph a of this subdivision, by imprisonment not to exceed sixty days, a
13 fine of not less than [~~five hundred~~] seven hundred fifty dollars nor
14 more than one thousand five hundred dollars plus, if applicable, an
15 amount equal to the market value of the shellfish involved in the
16 violation, or by both such imprisonment and fine.

17 (3) For a third or subsequent conviction for any of the violations
18 listed in paragraph a of this subdivision, by imprisonment for not more
19 than one hundred eighty days, a fine of not less than one thousand five
20 hundred dollars nor more than [~~five thousand~~] seven thousand five
21 hundred dollars plus, if applicable, an amount equal to the market value
22 of the shellfish involved in the violation, or by both such imprisonment
23 and fine.

24 6. Violations of paragraph b of subdivision 3 or subdivision 5 or 12
25 of section 13-0329 of this chapter. Each such misdemeanor shall be
26 punishable by imprisonment for not more than one year or by a fine of
27 not less than [~~five hundred~~] seven hundred fifty dollars nor more than
28 [~~two~~] three thousand dollars, or by both such imprisonment and fine.

29 7. Violations of subdivision 7 or 11 of section 13-0329 of this chap-
30 ter. Each such misdemeanor shall be punishable by imprisonment for not
31 more than ninety days or by a fine of not less than [~~five hundred~~] seven
32 hundred fifty dollars nor more than one thousand five hundred dollars,
33 or by both such imprisonment and fine.

34 8. Making a false statement in applying for a license, privilege or
35 permit under the Fish and Wildlife Law, or for a certificate in lieu of
36 a lost license or privilege or a duplicate hunting license tag under
37 title 7 of article 11 of this chapter. Each such misdemeanor shall be
38 punishable by imprisonment for not more than three months, or by a fine
39 of not more than [~~two~~] three hundred dollars, or by both such imprison-
40 ment and fine. In addition, the department may immediately revoke the
41 license, privilege, permit or certificate for which application was made
42 for the remainder of its effective term.

43 9. Failure to give the department the prompt notification required
44 under [~~subdivision 10 of~~] regulations promulgated pursuant to section
45 13-0301 of this chapter, when the specified buoys or markers are
46 destroyed. Each such misdemeanor shall be punishable by imprisonment for
47 not more than one year or by a fine of not more than one thousand five
48 hundred dollars, or by both such imprisonment and fine.

49 10. Violation of subdivision 10 of section 11-0901 involving the ille-
50 gal taking of a moose. Each such misdemeanor shall be punishable by
51 imprisonment for not more than one year or by a fine of not more than
52 [~~two~~] three thousand dollars, or by both such imprisonment and fine.

53 10-a. Violations of subdivision fourteen of section 11-0901 of this
54 chapter involving unlawful contests, competitions, tournaments and
55 derbys to take wildlife. Each such violation shall be punishable by a

1 fine of not less than [~~five hundred~~] seven hundred fifty dollars nor
2 more than [~~two~~] three thousand dollars.

3 11. Any person who violates the provisions of section 11-0537 of this
4 chapter, in the case of a first violation, shall be guilty of a class B
5 misdemeanor and, upon conviction thereof, shall be punished by a fine
6 not to exceed [~~five thousand~~] seven thousand five hundred dollars or by
7 imprisonment not to exceed ninety days, or both; provided that in the
8 case of a second or subsequent violation such person shall be guilty of
9 a class A misdemeanor and, upon conviction thereof, shall be punished by
10 a fine not to exceed [~~ten~~] fifteen thousand dollars or imprisonment not
11 to exceed one year, or both; provided, further, that the commission of
12 each taking or other act prohibited by section 11-0537 of this chapter
13 with respect to a bald or golden eagle shall constitute a separate
14 violation of this section; provided, further, that one-half of any such
15 fine, but not to exceed [~~two thousand five hundred~~] three thousand seven
16 hundred fifty dollars, shall be paid to the person or persons giving
17 information which leads to conviction.

18 12. Any violation of section 13-0344 of this chapter is punishable by
19 imprisonment for not more than thirty days, or by a fine of not less
20 than [~~two hundred fifty~~] three hundred seventy-five dollars nor more
21 than one thousand five hundred dollars, or by both such fine and im-
22 prisonment.

23 13. Violations of subdivision one or two of section 11-1904 of this
24 chapter. Each such misdemeanor shall be punishable by a fine of not more
25 than [~~two thousand five hundred~~] three thousand seven hundred fifty
26 dollars, or by imprisonment for not more than one year, or by both such
27 fine and imprisonment; except that where the person convicted of violat-
28 ing such subdivision has gained money or property through the commission
29 of the violation, in lieu of the [~~two thousand five hundred~~] three thou-
30 sand seven hundred fifty dollar maximum fine provided for herein, the
31 court may impose a fine in accordance with the provisions of subdivision
32 five of section 80.05 of the penal law.

33 14. Violation of subparagraph one, two or four of paragraph b of
34 subdivision one of section 11-0719 of this chapter involving the revoca-
35 tion and suspension of hunting, trapping, or fishing licenses. Each
36 such misdemeanor shall be punishable by imprisonment for not more than
37 ninety days, or by a fine of not less than [~~five hundred~~] seven hundred
38 fifty dollars nor more than one thousand five hundred dollars, or by
39 both such imprisonment and fine.

40 § 11. Section 71-0923 of the environmental conservation law, as added
41 by chapter 640 of the laws of 1977, subdivision 1 as amended and subdi-
42 vision 6 as added by chapter 417 of the laws of 1996, subdivision 3 as
43 amended by section 53 of part F of chapter 82 of the laws of 2002,
44 subdivision 5 as added by chapter 896 of the laws of 1980, subdivision 8
45 as amended by chapter 284 of the laws of 2004, subdivision 9 as added by
46 chapter 881 of the laws of 1986 and as renumbered by chapter 586 of the
47 laws of 1991, subdivision 10 as added by chapter 586 of the laws of
48 1991, subdivision 11 as added by chapter 381 of the laws of 1997, subdi-
49 vision 12 as added by chapter 653 of the laws of 2005, is amended to
50 read as follows:

51 § 71-0923. Violations.

52 1. Any offense specified in section 71-0919 of this article, unless
53 made a misdemeanor by section 71-0921 of this article or another
54 provision of such chapter, shall be a violation, punishable, except as
55 otherwise provided in this section, by imprisonment for not more than

1 fifteen days, or by a fine of not more than [~~two hundred fifty~~] three
2 hundred seventy-five dollars, or by both such fine and imprisonment.

3 2. A violation of subdivision 1 of section 11-0705 of this chapter
4 shall be punishable as follows:

5 a. As provided in subdivision 1 of this section, if the violation
6 consisted of a refusal to exhibit a license on demand of any environ-
7 mental conservation officer or other person;

8 b. By forfeiture of the license and by a fine of not more than [~~twen-~~
9 ~~ty-five-dollars~~] thirty-seven dollars and fifty cents if the violation
10 was committed while exercising the privileges of a special antlerless
11 deer license and consisted of failure of the offender to have on [~~his~~]
12 their person a license held by [~~him~~] such person entitling [~~him~~] such
13 person to exercise those privileges.

14 3. A violation of subdivision 2 of section 11-0705 of this chapter
15 shall be punishable by forfeiture of licenses and tags issued pursuant
16 to this chapter which authorizes the holder to hunt wildlife and by a
17 fine of not more than [~~twenty-five-dollars~~] thirty-seven dollars and
18 fifty cents.

19 4. When a license or license tag is forfeited as provided in this
20 section, the licensee shall surrender it to any environmental conserva-
21 tion officer, special game protector or any other person authorized by
22 the department to receive it. Such forfeiture does not prevent the
23 procurement of another license.

24 5. A violation of subdivision one of section 11-0923 of this chapter
25 is punishable by imprisonment for not more than ten days, or by a fine
26 of not less than [~~two~~] three hundred dollars, or by both such fine and
27 imprisonment.

28 6. A first conviction for a violation of subdivision eight of section
29 13-0309 of this chapter, involving devices for taking shellfish in
30 uncertified lands, or a violation of subdivision ten of section 13-0309
31 of this chapter, involving possession of a stick dredge, shall be
32 punishable as a violation under this section.

33 8. Any violation of sections 13-0329, 13-0330, 13-0331, 13-0333,
34 13-0334, 13-0335, subdivision one of section 13-0337, 13-0338, 13-0339,
35 13-0339-a, 13-0340, 13-0340-a through 13-0340-g, 13-0341, 13-0342,
36 13-0343, 13-0347, and 13-0349 of this chapter, or of any regulation
37 adopted pursuant to the foregoing sections, shall be punishable by
38 imprisonment of not more than fifteen days or by a fine of the greater
39 of [~~two hundred fifty~~] three hundred seventy-five dollars or:

40 a. for violations involving one to five fish, shellfish or crustace-
41 ans, [~~twenty-five-dollars~~] thirty-seven dollars and fifty cents for each
42 fish, shellfish or crustacean taken or possessed in violation of the
43 above sections;

44 b. for violations involving six to twenty-five fish, shellfish or
45 crustaceans, [~~fifty~~] seventy-five dollars for each fish, shellfish or
46 crustacean taken or possessed in violation of the above sections;

47 c. for violations involving more than twenty-five fish, shellfish or
48 crustaceans, one hundred fifty dollars for each fish, shellfish or crus-
49 tacean taken or possessed in violation of the above sections; or by both
50 such fine and imprisonment.

51 For purposes of determining the applicable fine pursuant to this
52 subdivision, the number of fish, crustaceans or shellfish shall be the
53 aggregate number involved in the violation, regardless of species.

54 9. A violation of section 11-0110 of this chapter is punishable by
55 imprisonment for not more than ten days, or by a fine of not more than

1 [~~two hundred fifty~~] three hundred seventy-five dollars, or by both such
2 fine and imprisonment.

3 10. A violation of subdivision twelve of section 11-1101 of this chap-
4 ter is punishable by imprisonment of not more than ten days, or by a
5 fine of not more than one hundred fifty dollars, or by both such fine
6 and imprisonment.

7 11. A violation of subdivision eight of section 11-0505 of this chap-
8 ter shall be punishable by a fine of not more than [~~fifty~~] seventy-five
9 dollars.

10 12. A violation of section 11-1906 of this chapter shall be punishable
11 by a fine of not more than [~~two thousand five hundred~~] three thousand
12 seven hundred fifty dollars.

13 § 12. Subdivisions 1 and 2 of section 71-0924 of the environmental
14 conservation law, as amended by chapter 326 of the laws of 2014, are
15 amended to read as follows:

16 1. where the value of fish, shellfish, crustaceans, wildlife, or parts
17 thereof, is two hundred fifty dollars or less, the offense shall be a
18 violation punishable by a fine of [~~five hundred~~] seven hundred fifty
19 dollars and/or not more than fifteen days of imprisonment;

20 2. where the value of fish, shellfish, crustaceans, wildlife, or parts
21 thereof, is more than two hundred fifty dollars but does not exceed one
22 thousand five hundred dollars, the offense shall be a misdemeanor
23 punishable by a fine of [~~five thousand~~] seven thousand five hundred
24 dollars and/or not more than one year of imprisonment;

25 § 13. Section 71-0925 of the environmental conservation law, subdivi-
26 sions 1 and 2 as amended by chapter 98 of the laws of 1996, subdivision
27 3 as amended by chapter 408 of the laws of 2017, subdivision 6 as
28 amended by chapter 570 of the laws of 1994, subdivisions 7 and 7-a as
29 amended and subdivisions 7-b and 7-c as renumbered by chapter 284 of the
30 laws of 2004, subdivision 7-b as added by chapter 441 of the laws of
31 1977, subdivision 7-c as added by chapter 60 of the laws of 1997, subdi-
32 vision 13 as amended by chapter 352 of the laws of 2021, subdivision 14
33 as added by chapter 113 of the laws of 1985, subdivision 15 as added by
34 chapter 417 of the laws of 2013, subdivision 16 as added by chapter 326
35 of the laws of 2014, subdivision 17 as added by chapter 651 of the laws
36 of 2019, is amended to read as follows:

37 § 71-0925. Civil penalties.

38 The penalties referred to in section 71-0919 of this title, to which a
39 person is liable upon violation of provisions of the Fish and Wildlife
40 Law or any order, rule or regulation of the department, shall be:

41 1. Unless another penalty is specifically provided for in this subdi-
42 vision or elsewhere in the Fish and Wildlife Law, [~~two~~] three hundred
43 dollars and an additional penalty of one hundred fifty dollars for each
44 fish, bird or animal or part thereof, other than shellfish or crustacea,
45 involved in the violation; an additional penalty of one hundred fifty
46 dollars for each bushel of shellfish or each crustacean, including
47 lobster, or part thereof, plus an amount equal to the market value or
48 actual price paid, whichever is greater, of the shellfish or crustacea
49 involved in the violation;

50 2. Except as provided in subdivision 3 of this section or another
51 provision of the Fish and Wildlife Law, if the violation relates to
52 deer, bear, elk, except captive bred and raised North American elk
53 (*Cervus elaphus*), moose, caribou, antelope, wild turkey, lynx, beaver,
54 or a part thereof, [~~two~~] three hundred dollars, and an additional penal-
55 ty of two hundred dollars for each such animal or part thereof involved
56 in the violation;

1 3. (a) If the violation involves the illegal taking of a deer prior to
2 the first day of the open season or after the last day of the open
3 season in the county or part of a county in which taken, or the taking
4 of deer with aid of an artificial light, not less than five hundred
5 dollars and not more than one thousand dollars for the first deer taken
6 and a further penalty of not less than [~~five hundred~~] five hundred dollars and not
7 more than one thousand five hundred dollars for each succeeding deer
8 taken; provided, however, that any person having been held liable for a
9 violation pursuant to this paragraph in the preceding five years shall
10 be subject to a fine of not less than [~~seven hundred fifty~~] one thousand
11 one hundred twenty-five dollars and not more than [~~two~~] three thousand
12 dollars for the first deer taken and a further penalty of not less than
13 [~~seven hundred fifty~~] one thousand one hundred twenty-five dollars and
14 not more than [~~two~~] three thousand dollars for each succeeding deer
15 taken;

16 (b) If the violation involves any illegal taking of a wild deer, other
17 than a taking described in paragraph (a) of this subdivision, [~~five~~
18 ~~hundred~~] seven hundred fifty dollars for the first deer taken and a
19 further penalty of [~~five hundred~~] seven hundred fifty dollars for each
20 succeeding deer taken;

21 4. If the violation was an act prohibited by section 11-1321 of this
22 chapter or by subdivision 2 of section 11-0503 of this chapter, or by
23 subdivision 2 of section 11-0505 of this chapter, or section 13-0345 of
24 this chapter, [~~five hundred~~] seven hundred fifty dollars, and an addi-
25 tional penalty of [~~ten~~] fifteen dollars for each fish taken, killed or
26 possessed in violation thereof;

27 5. If the violation was any act prohibited by subdivision 1 of section
28 11-0503 of this chapter, not less than [~~five hundred~~] seven hundred
29 fifty dollars nor more than one thousand five hundred dollars for each
30 offense and an additional penalty of [~~ten~~] fifteen dollars for each fish
31 killed in violation thereof;

32 6. If the violation was a violation of paragraph b of subdivision 4 of
33 section 11-0321 of this chapter, a violation of subdivision 1 of section
34 11-2113 of this chapter, or a violation of section 11-2115 of this chap-
35 ter, not less than [~~twenty-five dollars~~] thirty-seven dollars and fifty
36 cents nor more than one hundred fifty dollars; and in addition, as
37 determined by the court, to either actual damages or the sum of [~~ten~~]
38 fifteen dollars for each sign injured, defaced or removed in violation
39 of section 11-2113 of this chapter, which shall be payable to the
40 person sustaining the damage, injury, defacement or removal of such
41 sign, and costs of suit, all of which may be recovered in the same
42 action;

43 7. If the violation was a violation of sections 13-0329, 13-0330,
44 13-0331, 13-0333, 13-0334, 13-0335, subdivision one of section 13-0337,
45 13-0338, 13-0339, 13-0339-a, 13-0340, 13-0340-a through 13-0340-g,
46 13-0341, 13-0342, 13-0343, 13-0347, and 13-0349 of this chapter, or of
47 any regulation adopted pursuant to the foregoing sections, the greater
48 of [~~two hundred fifty~~] three hundred seventy-five dollars or:

49 a. for violations involving one to five fish, shellfish or crustace-
50 ans, [~~twenty-five dollars~~] thirty-seven dollars and fifty cents for each
51 fish, shellfish or crustacean taken or possessed in violation of the
52 above sections;

53 b. for violations involving six to twenty-five fish, shellfish or
54 crustaceans, [~~fifty~~] seventy-five dollars for each fish, shellfish or
55 crustacean taken or possessed in violation of the above sections;

1 c. for violations involving more than twenty-five fish, shellfish or
2 crustaceans, one hundred fifty dollars for each fish, shellfish or crus-
3 tacean taken or possessed in violation of the above sections.

4 For purposes of determining the applicable fine pursuant to this
5 subdivision, the number of fish, crustaceans or shellfish shall be the
6 aggregate number involved in the violation, regardless of species;

7 7-a. If the violation was a violation of subdivision 1 or 2 of section
8 13-0309, or section 13-0323 or 13-0327, or section 13-0344 of this chap-
9 ter, not less than [~~two hundred fifty~~] three hundred seventy-five
10 dollars nor more than one thousand five hundred dollars for each
11 offense;

12 7-b. If the violation was a violation of subdivision one or two of
13 section 13-0325 of this chapter there shall be a minimum penalty of
14 twenty-five dollars and a maximum of [~~two hundred fifty~~] three hundred
15 seventy-five dollars per container or bushel involved in the violation.

16 7-c. If the violation was a violation of subdivision 4 or 5 of section
17 13-0333 of this chapter, not less than [~~two thousand five hundred~~] three
18 thousand seven hundred fifty dollars nor more than [~~ten~~] fifteen thou-
19 sand dollars for each offense;

20 8. If a violation of subdivisions 1 or 2 of section 13-0309 of this
21 chapter occurs during the time when a permit or license to take shellf-
22 ish has been suspended or revoked pursuant to the provisions of subdivi-
23 sion 3 of section 13-0311 or subparagraph (3) of paragraph b of subdivi-
24 sion 1 of section 11-0719 of this chapter, not less than five hundred
25 dollars nor more than [~~fifteen hundred~~] two thousand two hundred fifty
26 dollars for each offense, and in addition the forfeiture to the state of
27 the tongs, rakes, dredges or devices other than boats used by or in
28 connection with such illegal taking;

29 9. If the violation was a failure by any public officer to perform any
30 duty imposed by the Fish and Wildlife Law or by any rule or regulation
31 of the department, one hundred fifty dollars;

32 10. If the violation was an act prohibited by section 11-2117 of this
33 chapter, one hundred fifty dollars, one-half of which shall be payable
34 to the owner or occupant of the damaged property, in addition to the
35 actual damages, if any, recoverable by the person sustaining the damage;

36 11. If the violation involved the illegal taking or possessing of
37 muskrats taken from a registered muskrat marsh covered by a permit under
38 section 11-1109 of this chapter, when the violation is committed by the
39 registrant holding the permit or other person designated in writing to
40 trap on the marsh of such registrant, while the permit is in force, not
41 less than one hundred fifty dollars nor more than [~~five hundred~~] seven
42 hundred fifty dollars;

43 12. If the violation was a violation of section 11-1731 of this chap-
44 ter; relating to bird plumage for fish-fly tying, [~~five hundred~~] seven
45 hundred fifty dollars.

46 13. If the violation was an act prohibited by subdivision two of
47 section 11-0535 or by section 11-0536 of this chapter, or by any lawful
48 rule or regulation of the department promulgated pursuant thereto, not
49 more than [~~four~~] six thousand dollars, and an additional penalty of not
50 more than [~~seven hundred~~] one thousand fifty dollars for each fish,
51 shellfish, crustacea, wildlife or part thereof involved in the
52 violation. If the violation was an act prohibited by any regulation of
53 the department promulgated pursuant to subdivision three of section
54 11-0535 of this chapter, then such penalty shall be not more than two
55 thousand dollars, and an additional penalty of not more than four

1 hundred dollars for each fish, shellfish, crustacea, wildlife or part
2 thereof involved in the violation.

3 14. If the violation was a violation of subdivision ten of section
4 11-0901 of this chapter involving the illegal taking of a moose, [~~two~~
5 three thousand dollars.

6 15. If the violation was a first or second violation of section
7 11-0514 of this chapter, a fine of up to [~~five hundred~~ seven hundred
8 fifty dollars for each animal for each act of importation, possession,
9 introduction, sale, offer for sale, distribution, transportation or
10 otherwise marketing or trading. For a third or subsequent separate
11 violation of section 11-0514 of this chapter, the greater of a. a fine
12 of one thousand five hundred dollars for each animal for each act of
13 importation, breeding, possession, introduction, sale, offer for sale,
14 distribution, transportation or otherwise marketing or trading or b. an
15 amount equal to three times (1) the financial security provided by
16 customers for the opportunity to take the animal or (2) the value of a
17 boar for meat production or as breeding stock.

18 16. If the violation was an act prohibited by section 11-0535-a of
19 this chapter, not more than [~~three thousand~~ four thousand five hundred
20 dollars or not more than two times the value of the article involved,
21 whichever is greater. If the violation is a second or subsequent
22 violation of such section 11-0535-a, not more than [~~six~~ nine thousand
23 dollars or not more than three times the value of the article involved,
24 whichever is greater.

25 17. If the violation was an act prohibited by section 11-0535-b of
26 this chapter, not more than one thousand five hundred dollars or not
27 more than two times the value of the article involved, whichever is
28 greater. If the violation is a second or subsequent violation of such
29 section 11-0535-b, not more than [~~two~~ three thousand dollars or not
30 more than three times the value of the article involved, whichever is
31 greater.

32 § 14. Section 71-1105 of the environmental conservation law, as
33 amended by chapter 99 of the laws of 2010, is amended to read as
34 follows:

35 § 71-1105. Enforcement of subdivision 4 of section 15-0313.

36 Any violation of subdivision 4 of section 15-0313 shall be a
37 violation, punishable by a fine of not more than [~~one thousand eight~~
38 two thousand seven hundred dollars, and in addition thereto, by a civil
39 penalty of not more than [~~one thousand eight~~ two thousand seven hundred
40 dollars.

41 § 15. Section 71-1107 of the environmental conservation law, as
42 amended by chapter 640 of the laws of 1977, is amended to read as
43 follows:

44 § 71-1107. Punishment for violations of title 5 of article 15.

45 1. A violation of section 15-0501, 15-0503 or 15-0505, shall consti-
46 tute a misdemeanor, punishable by a fine of not to exceed [~~ten~~ fifteen
47 thousand dollars, or by imprisonment not to exceed one year or by both
48 such fine and imprisonment and, in addition thereto, by a civil penalty
49 of not more than [~~five thousand~~ seven thousand five hundred dollars.

50 2. A subcontractor, employee or agent of such person or public corpo-
51 ration, or of a state department who knowingly and intentionally acts,
52 or a prime contractor of such person, public corporation or state
53 department who acts with or without an intention to violate the
54 provisions of title 5 of article 15, in disregard of specifications
55 provided in a construction contract protecting against stream damage,
56 shall be guilty of a violation punishable by a fine of not less than

1 [~~twenty-five~~] thirty-seven dollars and fifty cents, nor more than [~~two~~
2 ~~hundred-fifty~~] three hundred seventy-five dollars, or by imprisonment
3 for not more than fifteen days, or by both such fine and imprisonment,
4 and, in addition, thereto, by a civil penalty of not more than [~~five~~
5 ~~thousand~~] seven thousand five hundred dollars.

6 § 16. Section 71-1109 of the environmental conservation law, as
7 amended by chapter 364 of the laws of 1999, is amended to read as
8 follows:

9 § 71-1109. Enforcement of subdivisions 1 and 4 of section 15-0507.

10 1. Any owner violating subdivision 1 of section 15-0507 or any regu-
11 lations promulgated pursuant thereto may be liable for a penalty not to
12 exceed [~~five~~] seven hundred fifty dollars for each and every offense;
13 every violation of such subdivision shall be a separate and distinct
14 offense; and in case of a continuing violation, every day's continuance
15 thereof shall be deemed a separate and distinct offense.

16 2. Any owner violating subdivision 4 of section 15-0507 may be liable
17 for a penalty not to exceed [~~five-thousand~~] seven thousand five hundred
18 dollars for each and every offense; every violation of an order referred
19 to in such subdivision shall be a separate and distinct offense; and in
20 case of a continuing violation, every day's continuance thereof shall be
21 deemed a separate and distinct offense.

22 § 17. Section 71-1111 of the environmental conservation law, as
23 amended by chapter 364 of the laws of 1999, is amended to read as
24 follows:

25 § 71-1111. Enforcement of subdivision 3 of section 15-0511.

26 Any person or local public corporation violating subdivision 3 of
27 section 15-0511 may be liable for a penalty not to exceed [~~five-thou-~~
28 ~~sand~~] seven thousand five hundred dollars for each and every offense;
29 every violation of an order referred to in such subdivision shall be a
30 separate and distinct offense; and in case of a continuing violation,
31 every day's continuance thereof shall be deemed a separate and distinct
32 offense.

33 § 18. Subdivision 2 of section 71-1113 of the environmental conserva-
34 tion law, as added by chapter 356 of the laws of 1985, is amended to
35 read as follows:

36 2. Any person who violates the provisions of section 15-1506 of this
37 chapter or the rules, regulations, orders or determinations of the
38 commissioner promulgated thereto or the terms of any permit issued ther-
39 eunder, shall be liable for a civil penalty not less than [~~twenty-five~~]
40 three thousand seven hundred fifty dollars nor more than [~~ten~~] fifteen
41 thousand dollars per day of such violation.

42 § 19. Section 71-1115 of the environmental conservation law, as
43 amended by chapter 640 of the laws of 1977, is amended to read as
44 follows:

45 § 71-1115. Enforcement of section 15-1525.

46 Any person violating the provisions of section 15-1525 shall be guilty
47 of a violation punishable by a fine of not more than one thousand five
48 hundred dollars, and in addition thereto, shall be liable for a civil
49 penalty of not more than [~~fifteen-hundred~~] two thousand two hundred
50 fifty dollars.

51 § 20. Subdivisions 1 and 2 of section 71-1117 of the environmental
52 conservation law, as amended by chapter 640 of the laws of 1977, are
53 amended to read as follows:

54 1. Any person or public corporation violating subdivision 1 of section
55 15-1745, shall be guilty of a violation punishable by a fine of not more
56 than [~~five-thousand~~] seven thousand five hundred dollars.

1 2. In addition, the department may, in an action instituted by it in
2 any court of competent jurisdiction, recover from any such person or
3 public corporation the sum of [~~one hundred fifty~~] two hundred twenty-
4 five dollars per day for each day that such person or public corporation
5 continues to take, draw, divert or make use of any part or portion of
6 such waters.

7 § 21. Section 71-1121 of the environmental conservation law, as
8 amended by chapter 640 of the laws of 1977, is amended to read as
9 follows:

10 § 71-1121. Enforcement of subdivision 2 of section 15-1947.

11 Violation of subdivision 2 of section 15-1947 shall constitute a
12 violation, punishable by a fine of not more than one thousand five
13 hundred dollars, and in addition thereto, a civil penalty of not more
14 than [~~fifteen hundred~~] two thousand two hundred fifty dollars.

15 § 22. Section 71-1123 of the environmental conservation law, as
16 amended by chapter 640 of the laws of 1977, is amended to read as
17 follows:

18 § 71-1123. Enforcement of section 15-2133.

19 1. Any neglect of the provisions of section 15-2133 by any officer or
20 person in charge of any reservoir shall be a violation punishable by a
21 fine of not more than one thousand five hundred dollars, and in addition
22 thereto, by a civil penalty of not more than [~~fifteen hundred~~] two thou-
23 sand two hundred fifty dollars.

24 2. Any person violating the provisions of subdivision 3 of section
25 15-2133 shall be guilty of a violation punishable by a fine of not more
26 than one thousand five hundred dollars, and in addition thereto, shall
27 be liable for a civil penalty of not more than [~~fifteen hundred~~] two
28 thousand two hundred fifty dollars.

29 § 23. Section 71-1125 of the environmental conservation law, as
30 amended by chapter 640 of the laws of 1977, is amended to read as
31 follows:

32 § 71-1125. Enforcement of section 15-2315.

33 Any person who violates the provisions of the first sentence of
34 section 15-2315 shall be guilty of a violation punishable by a fine of
35 not more than one thousand five hundred dollars, and in addition there-
36 to, shall be liable for a civil penalty of not more than [~~fifteen~~
37 ~~hundred~~] two thousand two hundred fifty dollars.

38 § 24. Subdivision 1 of section 71-1127 of the environmental conserva-
39 tion law, as amended by chapter 401 of the laws of 2011, is amended to
40 read as follows:

41 1. Any person who violates any of the provisions of, or who fails to
42 perform any duty imposed by article 15 except section 15-1713, or who
43 violates or who fails to comply with any rule, regulation, determination
44 or order of the department heretofore or hereafter promulgated pursuant
45 to article 15 except section 15-1713, or any condition of a permit
46 issued pursuant to article 15 of this chapter, or any determination or
47 order of the former water resources commission or the department hereto-
48 fore promulgated pursuant to former article 5 of the Conservation Law,
49 shall be liable for a civil penalty of not more than [~~two thousand five~~]
50 three thousand seven hundred fifty dollars for such violation and an
51 additional civil penalty of not more than [~~five~~] seven hundred fifty
52 dollars for each day during which such violation continues, and, in
53 addition thereto, such person may be enjoined from continuing such
54 violation as otherwise provided in article 15 except section 15-1713.

55 § 25. Section 71-1131 of the environmental conservation law, as added
56 by chapter 640 of the laws of 1977, is amended to read as follows:

1 § 71-1131. Violations; criminal liability.

2 Except as otherwise specifically provided, any person who violates any
3 of the provisions of article 15 of this chapter, or any rule, regulation
4 or order promulgated pursuant thereto, or the terms of any permit issued
5 thereunder shall be guilty of a violation punishable by a fine of not
6 more than [~~five~~] seven hundred fifty dollars.

7 § 26. Section 71-1203 of the environmental conservation law, as added
8 by chapter 384 of the laws of 1983, is amended to read as follows:

9 § 71-1203. Penalties.

10 Any person who violates the provisions of article twenty-two of this
11 chapter shall be subject to a civil penalty not to exceed [~~ten~~] fifteen
12 thousand dollars for each day during which such violation occurred;
13 provided, however, that the total penalty to be imposed shall not exceed
14 one million five hundred thousand dollars.

15 § 27. Subdivisions 1 and 3 of section 71-1307 of the environmental
16 conservation law, as amended by chapter 99 of the laws of 2010, are
17 amended to read as follows:

18 1. Administrative sanctions. Any person who violates any provision of
19 article 23 of this chapter or commits any offense described in section
20 71-1305 of this title shall be liable to the people of the state for a
21 civil penalty not to exceed [~~eight~~] twelve thousand dollars and an addi-
22 tional penalty of [~~two~~] three thousand dollars for each day during which
23 such violation continues, to be assessed by the commissioner after a
24 hearing or opportunity to be heard. The commissioner, acting by the
25 attorney general, may bring suit for collection of such assessed civil
26 penalty in any court of competent jurisdiction. Such civil penalty may
27 be released or compromised by the commissioner before the matter has
28 been referred to the attorney general; and where such matter has been
29 referred to the attorney general, any such penalty may be released or
30 compromised and any action commenced to recover the same may be settled
31 and discontinued by the attorney general with the consent of the commis-
32 sioner. In addition, the commissioner shall have the power, following a
33 hearing conducted pursuant to rules and regulations adopted by the
34 department, to direct the violator to cease the violation and reclaim
35 and repair the affected site to a condition acceptable to the commis-
36 sioner, to the extent possible within a reasonable time and under the
37 direction and supervision of the commissioner. Any such order of the
38 commissioner shall be enforceable in any action brought by the commis-
39 sioner in any court of competent jurisdiction. Any civil penalty or
40 order issued by the commissioner under this subdivision shall be review-
41 able in a proceeding under article seventy-eight of the civil practice
42 law and rules.

43 3. Criminal sanctions. Any person who, having any of the culpable
44 mental states defined in sections 15.05 and 20.20 of the penal law,
45 violates any provision of article 23 of this chapter or commits any
46 offense described in section 71-1305 of this title shall be guilty of a
47 misdemeanor and, upon conviction thereof, shall be punished by a fine
48 not to exceed one thousand five hundred dollars for each day during
49 which such violation continues or by imprisonment for a term of not more
50 than one year, or by both such fine and imprisonment. If the conviction
51 is for a subsequent offense committed after a first conviction of such
52 person under this subdivision, punishment shall be by a fine not to
53 exceed [~~eight~~] twelve thousand dollars for each day during which such
54 violation continues or by imprisonment for a term of not more than one
55 year, or by both such fine and imprisonment.

1 § 28. Subdivision 1 of section 71-1707 of the environmental conserva-
2 tion law is amended to read as follows:

3 1. Any person who violates, disobeys or disregards any term or
4 provision of this chapter listed in section 71-1701, or of titles 17
5 through 21 inclusive of this article or of any lawful notice, order or
6 regulation pursuant thereto for which a civil penalty is not otherwise
7 expressly prescribed by law, shall be liable to the people of the state
8 for a civil penalty of not to exceed one thousand five hundred dollars
9 for every such violation.

10 § 29. Section 71-1711 of the environmental conservation law is amended
11 to read as follows:

12 § 71-1711. Willful violation of health laws.

13 1. A person who willfully violates or refuses or omits to comply with
14 any lawful order or regulation prescribed by any local board of health
15 or local health officer, is guilty of a misdemeanor; except, however,
16 that where such order or regulation applies to a tenant with respect to
17 [~~his~~] such tenant's own dwelling unit or to an owner occupied one or two
18 family dwelling, such person is guilty of an offense for the first
19 violation punishable by a fine not to exceed [~~fifty~~] seventy-five
20 dollars and for a second or subsequent violation is guilty of a misde-
21 meanor punishable by a fine not to exceed [~~five~~] seven hundred fifty
22 dollars or by imprisonment not to exceed six months or by both such fine
23 and imprisonment.

24 2. A person who willfully violates any provision of this chapter list-
25 ed in section 71-1701, or of titles 17 through 21 inclusive of this
26 article, or any regulation lawfully made or established by any public
27 officer or board under authority of such provisions, the punishment for
28 violating which is not otherwise prescribed by such provisions or any
29 other law, is punishable by imprisonment not exceeding one year, or by a
30 fine not exceeding [~~two~~] three thousand dollars or by both.

31 § 30. Section 71-1725 of the environmental conservation law, as
32 amended by chapter 400 of the laws of 1973, is amended to read as
33 follows:

34 § 71-1725. Assessment of Penalties.

35 The commissioner may assess any penalty prescribed for a violation of
36 or a failure to comply with any provision contained in this title or
37 listed in section 71-1701, or any lawful notice, order or regulation
38 prescribed by the commissioner under any such provision, one thousand
39 five hundred dollars for every such violation or failure, which penalty
40 may be assessed after a hearing or an opportunity to be heard.

41 § 31. Section 71-1905 of the environmental conservation law is amended
42 to read as follows:

43 § 71-1905. Enforcement of section 17-1705.

44 Any person violating any provision of section 17-1705 shall forfeit to
45 the county where the violation occurred the sum of [~~fifty~~] seventy-five
46 dollars for every such violation.

47 § 32. Subdivision 1 of section 71-1907 of the environmental conserva-
48 tion law is amended to read as follows:

49 1. Every person violating any provision of section 17-1707 shall
50 forfeit to the municipality having a local board of health where the
51 violation occurs the sum of [~~twenty-five~~] thirty-seven dollars and fifty
52 cents for the first day when the violation takes place, and the sum of
53 [~~ten~~] fifteen dollars for every subsequent day that such violation is
54 repeated or continued.

1 § 33. Subdivision 2 of section 71-1909 of the environmental conserva-
2 tion law, as amended by section 35 of part C of chapter 62 of the laws
3 of 2003, is amended to read as follows:

4 2. Any person violating any provision of section 17-1709 shall be
5 guilty of a misdemeanor, and punishable by a fine of not more than
6 [~~seven hundred fifty~~] one thousand one hundred twenty-five dollars or by
7 imprisonment for not more than one year or by both such fine and impri-
8 sonment.

9 § 34. Section 71-1911 of the environmental conservation law, as
10 amended by section 36 of part C of chapter 62 of the laws of 2003, is
11 amended to read as follows:

12 § 71-1911. Enforcement of section 17-1711.

13 Any person violating any provision of section 17-1711 shall be guilty
14 of an offense, and punishable by a fine of not more than [~~seventy-five~~]
15 one hundred twelve dollars and fifty cents.

16 § 35. Subdivision 2 of section 71-1913 of the environmental conserva-
17 tion law is amended to read as follows:

18 2. Any person violating any provision of section 17-1713 shall be
19 guilty of a misdemeanor, and punishable by a fine of not more than
20 [~~five~~] seven hundred fifty dollars or by imprisonment for not more than
21 one year or by both such fine and imprisonment.

22 § 36. Subdivision 1 of section 71-1915 of the environmental conserva-
23 tion law is amended to read as follows:

24 1. Any person violating any provision of section 17-1715 shall be
25 guilty of a misdemeanor, and punishable by a fine of not more than
26 [~~five~~] seven hundred fifty dollars or by imprisonment for not more than
27 one year or by both such fine and imprisonment.

28 § 37. Subdivision 1 of section 71-1921 of the environmental conserva-
29 tion law is amended to read as follows:

30 1. Any person putting in or constructing or maintaining a conduit,
31 discharge pipe or other means of discharging or casting any refuse or
32 waste matter in violation of section 17-1729 shall forfeit to the people
33 of the state [~~five~~] seven dollars and fifty cents a day for each day the
34 same is used or maintained for such purpose, to be collected in an
35 action brought by the commissioner.

36 § 38. Subdivision 1 of section 71-1929 of the environmental conserva-
37 tion law, as amended by section 37 of part C of chapter 62 of the laws
38 of 2003, is amended to read as follows:

39 1. A person who violates any of the provisions of, or who fails to
40 perform any duty imposed by titles 1 through 11 inclusive and title 19
41 of article 17, or the rules, regulations, orders or determinations of
42 the commissioner promulgated thereto or the terms of any permit issued
43 thereunder, shall be liable to a penalty of not to exceed [~~thirty-seven~~
44 ~~thousand-five hundred~~] fifty-six thousand two hundred fifty dollars per
45 day for each violation, and, in addition thereto, such person may be
46 enjoined from continuing such violation as hereinafter provided.
47 Violation of a permit condition shall constitute grounds for revocation
48 of such permit, which revocation may be accomplished either as provided
49 in paragraph f of subdivision 4 of section 17-0303 or by order of judg-
50 ment of the supreme court as an alternate or additional civil penalty in
51 an action brought pursuant to subdivision 3 of this section.

52 § 39. Subdivision 1 and subparagraphs i, ii, iii and iv of paragraph b
53 of subdivision 8 of section 71-1933 of the environmental conservation
54 law, subdivision 1 as amended by section 38 and subparagraphs i, ii, iii
55 and iv of paragraph b of subdivision 8 as amended by section 39 of part
56 C of chapter 62 of the laws of 2003, are amended to read as follows:

1 1. Any person who, having any of the culpable mental states defined in
2 section 15.05 of the penal law, shall violate any of the provisions of
3 titles 1 through 5, 9 through 11 and 19 of article 17 or the rules,
4 regulations, orders or determinations of the commissioner promulgated
5 thereto, or the terms of any permit issued thereunder, shall be guilty
6 of a misdemeanor and, upon conviction thereof, shall be punished by a
7 fine of not less than [~~three thousand seven hundred fifty~~] five thousand
8 six hundred twenty-five dollars nor more than [~~thirty-seven thousand~~
9 ~~five hundred~~] fifty-six thousand two hundred fifty dollars per day of
10 violation or by imprisonment for a term of not more than one year, or by
11 both such fine and imprisonment. If the conviction is for an offense
12 committed after a first conviction of such person under this subdivi-
13 sion, punishment shall be by a fine of not more than [~~seventy-five thou-~~
14 ~~sand~~] one hundred twelve thousand five hundred dollars per day of
15 violation, or by imprisonment for not more than two years, or by both.

16 i. [~~\$750,000~~] \$1,125,000 for a class C felony committed by an organ-
17 ization as defined in section 71-1932 of this title;

18 ii. [~~\$375,000~~] \$562,500 for a class C felony;

19 iii. [~~\$75,000~~] \$112,500 per day of continuing violation for a class E
20 felony defined under subdivision four of this section but in no event
21 less than [~~\$7,500~~] \$11,250; and [~~\$15,000~~] \$22,500 for a class E felony
22 defined under subdivision seven of this section;

23 iv. [~~\$37,500~~] \$56,250 per day of continuing violation for a class A
24 misdemeanor but in no event less than [~~\$3,750~~] \$5,625.

25 § 40. Paragraph b of subdivision 3 of section 71-1939 of the environ-
26 mental conservation law, as added by chapter 543 of the laws of 2010, is
27 amended to read as follows:

28 b. All fines and penalties collected pursuant to this subdivision
29 shall be paid to the district or county, provided, however, that one-
30 quarter of such fines and penalties received shall be paid to the
31 [~~general fund to the credit of the state purposes account~~] conservation
32 fund to the credit of the conservation enforcement account established
33 pursuant to subdivision (k) of section eighty-three of the state finance
34 law.

35 § 41. Subdivision 1 of section 71-1941 of the environmental conserva-
36 tion law, as amended by section 40 of part C of chapter 62 of the laws
37 of 2003, is amended to read as follows:

38 1. Except where the owner of or a person in actual or constructive
39 possession or control of more than one thousand one hundred gallons, in
40 bulk, of any liquid including petroleum which, if released, would or
41 would be likely to pollute the lands or waters of the state including
42 the groundwaters thereof can prove that the entry or presence of any
43 part of such liquid onto such lands or into or in such waters causing or
44 contributing to a condition therein in contravention of the standards
45 adopted or deemed adopted by the water pollution control board or any of
46 its legal successors was caused solely by (A) an act of God, (B) an act
47 of war, (C) negligence on the part of the United States or New York
48 State Government or (D) an act or omission of a third party without
49 regard to whether any such act or omission was or was not negligent, or
50 any combination of the foregoing clauses, such owner or person shall be
51 liable for a penalty of not more than [~~three thousand seven hundred~~
52 ~~fifty~~] five thousand six hundred twenty-five dollars for an initial
53 incident resulting in or contributing to such a contravention and for an
54 additional penalty not to exceed [~~seven hundred fifty~~] one thousand one
55 hundred twenty-five dollars for each day during which such contravention
56 or contribution thereto continues, and in addition shall be liable to

1 the people of the state of New York for the actual costs incurred by or
2 on behalf of the people of the state for the removal or neutralization
3 of such liquid and for any and all reasonable measures taken or
4 attempted to reduce, limit or diminish the extent or effect of such
5 contravention.

6 § 42. Section 71-1943 of the environmental conservation law, as
7 amended by section 41 of part C of chapter 62 of the laws of 2003, is
8 amended to read as follows:

9 § 71-1943. Enforcement of section 17-1743.

10 Any person who fails to so notify the department of such release,
11 discharge or spill into the waters of the state as described in section
12 17-1743 of this chapter shall, upon conviction, be fined not more than
13 [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-
14 five dollars or imprisoned for not more than one year, or both.

15 § 43. Section 71-1945 of the environmental conservation law, as added
16 by chapter 205 of the laws of 2010, is amended to read as follows:

17 § 71-1945. Enforcement of title 21 of article 17.

18 1. Except as otherwise provided in this section, any person who
19 violates any provision of title 21 of article 17 of this chapter or any
20 rule, regulation or order issued thereunder shall be liable to the
21 people of the state for a civil penalty not to exceed [~~five~~] seven
22 hundred fifty dollars for a first violation, and not to exceed one thou-
23 sand five hundred dollars for each subsequent violation, to be assessed
24 by the commissioner after a hearing or opportunity to be heard.

25 2. Any owner or owner's agent, or occupant of a household who violates
26 any provision of title 21 of article 17 of this chapter or any rule,
27 regulation or order issued thereunder shall, for a first violation be
28 issued a written warning and be provided educational materials. Upon a
29 second violation, the owner or owner's agent, or occupant of a household
30 shall be liable to the people of the state for a civil penalty not to
31 exceed one hundred fifty dollars, and for any subsequent violations
32 shall be liable to the people of the state for a civil penalty not to
33 exceed [~~two hundred fifty~~] three hundred twenty-five dollars. No owner
34 or owner's agent of a household shall be held liable for any violation
35 by an occupant. Such penalties may be assessed by the commissioner after
36 a hearing or opportunity to be heard.

37 § 44. Subdivision 1 of section 71-2103 of the environmental conserva-
38 tion law, as amended by chapter 99 of the laws of 2010, is amended to
39 read as follows:

40 1. Except as provided in section 71-2113, any person who violates any
41 provision of article nineteen or any code, rule or regulation which was
42 promulgated pursuant thereto; or any order except an order directing
43 such person to pay a penalty by a specified date issued by the commis-
44 sioner pursuant thereto, shall be liable, in the case of a first
45 violation, for a penalty not less than [~~five~~] seven hundred fifty
46 dollars nor more than [~~eighteen~~] twenty-seven thousand dollars for said
47 violation and an additional penalty of not to exceed [~~fifteen thousand~~]
48 twenty thousand five hundred dollars for each day during which such
49 violation continues. In the case of a second or any further violation,
50 the liability shall be for a penalty not to exceed [~~twenty-six~~] thirty-
51 nine thousand dollars for said violation and an additional penalty not
52 to exceed [~~twenty-two thousand five hundred~~] thirty-three thousand seven
53 hundred fifty dollars for each day during which such violation contin-
54 ues. In addition thereto, such person may be enjoined from continuing
55 such violation as hereinafter provided.

1 § 45. Subdivision 1 of section 71-2105 of the environmental conserva-
2 tion law, as amended by chapter 99 of the laws of 2010, is amended to
3 read as follows:

4 1. Except as provided in section 71-2113, any person who shall wilful-
5 ly violate any of the provisions of article 19 or any code, rule or
6 regulation promulgated pursuant thereto or any final determination or
7 order of the commissioner made pursuant to article 19 shall be guilty of
8 a misdemeanor, and, upon conviction thereof, shall be punished by a
9 fine, in the case of a first conviction, of not less than [~~five~~] seven
10 hundred fifty dollars nor more than [~~eighteen~~] twenty-seven thousand
11 dollars or by imprisonment for a term of not more than one year, or by
12 both such fine and imprisonment, for each separate violation. If the
13 conviction is for an offense committed after the first conviction of
14 such person under this subdivision, such person shall be punished by a
15 fine not to exceed [~~twenty-six~~] thirty-nine thousand dollars, or by
16 imprisonment, or by both such fine and imprisonment. Each day on which
17 such violation occurs shall constitute a separate violation.

18 § 46. Section 71-2111 of the environmental conservation law, as added
19 by chapter 400 of the laws of 1973, is amended to read as follows:

20 § 71-2111. Enforcement of air pollution emergency rules and regulations.

21 Any person who violates any of the provisions of any regulation
22 promulgated by the commissioner under authority of paragraph y of subdi-
23 vision one of section 3-0301 shall be liable for a civil penalty of not
24 more than [~~twenty-five~~] three thousand seven hundred fifty dollars for
25 each such violation and an additional penalty of not more than [~~five~~]
26 seven hundred fifty dollars for each day during which such violation
27 continues, and, in addition thereto, such persons may be enjoined from
28 continuing such violation. Penalties and injunctive relief provided
29 herein shall be recoverable in an action brought by the attorney general
30 at the request and in the name of the commissioner.

31 § 47. Section 71-2113 of the environmental conservation law, as added
32 by chapter 942 of the laws of 1984, subdivision 1 as amended by section
33 23 and subdivision 2 as amended by section 24 of part C of chapter 62 of
34 the laws of 2003, is amended to read as follows:

35 § 71-2113. Violations of section 19-0304 of article 19 of this chapter.

36 1. Civil and administrative sanctions. Any person who violates any of
37 the provisions of, or who fails to perform any duty imposed by section
38 19-0304 of this chapter, or any rule or regulation promulgated pursuant
39 thereto, or any term or condition of any certificate or permit issued
40 pursuant thereto, or any final determination or order of the commis-
41 sioner made pursuant to article 19 of this chapter concerning a violation of
42 section 19-0304 of this chapter shall be liable in the case of a first
43 violation, for a civil penalty not to exceed [~~thirty-seven thousand five~~
44 ~~hundred~~] fifty-six thousand two hundred fifty dollars and an additional
45 penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six
46 thousand two hundred fifty dollars for each day during which such
47 violation continues, to be assessed by the commissioner after an oppor-
48 tunity to be heard pursuant to the provisions of section 71-1709 of this
49 article, or by the court in any action or proceeding pursuant to section
50 71-2107 of this title, and, in addition thereto, such person may by
51 similar process be enjoined from continuing such violation and any
52 permit or certificate issued to such person may be revoked or suspended
53 or a pending renewal application denied. In the case of a second and any
54 further violation, the liability shall be for a civil penalty not to
55 exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars
56 for each such violation and an additional penalty not to exceed seven-

1 ty-five thousand dollars for each day during which such violation
2 continues.

3 2. Criminal sanctions. Any person who, having any of the culpable
4 mental states defined in section 15.05 of the penal law, shall violate
5 any of the provisions of or who fails to perform any duty imposed by
6 section 19-0304 of this chapter, or any rules and regulations promulgat-
7 ed pursuant thereto, or any term or condition of any certificate or
8 permit issued pursuant thereto, or any final determination or order of
9 the commissioner made pursuant to article 19 of this chapter concerning
10 a violation of section 19-0304 of this chapter shall be guilty of a
11 misdemeanor and, upon conviction thereof, shall for a first conviction
12 be punished by a fine not to exceed [~~thirty-seven thousand five hundred~~
13 fifty-six thousand two hundred fifty dollars per day of violation or by
14 imprisonment for a term of not more than one year, or both such fine and
15 imprisonment. If the conviction is for an offense committed after a
16 first conviction of such person under this subdivision, punishment shall
17 be by a fine not to exceed [~~seventy-five~~ one hundred twelve thousand
18 five hundred dollars per day of violation, or by imprisonment for not
19 more than two years or by both such fine and imprisonment.

20 § 48. Section 71-2201 of the environmental conservation law, as added
21 by chapter 740 of the laws of 1978, the opening paragraph and subdivi-
22 sion 1 as amended and subdivision 3 as added by chapter 901 of the laws
23 of 1983, subdivision 4 as added by chapter 294 of the laws of 1991, is
24 amended to read as follows:

25 § 71-2201. Enforcement of title 23 of article 23 of this chapter.

26 Administrative and civil sanctions. 1. Any person who violates any of
27 the provisions of, or who fails to perform any duty imposed by title 23
28 of article 23 except the duty to accept used oil pursuant to section
29 23-2307 or any person subject to section 23-2308 or any rule or regu-
30 lation promulgated pursuant thereto, or any term or condition of any
31 certificate or permit issued pursuant thereto, or any final determi-
32 nation or order of the commissioner made pursuant to this section shall
33 be liable for a civil penalty not to exceed one thousand five hundred
34 dollars for each such violation and an additional penalty of not more
35 than [~~five~~ seven hundred fifty dollars for each day during which such
36 violation continues, to be assessed by the commissioner after a hearing
37 or opportunity to be heard pursuant to the provisions of section 71-1709
38 of this chapter, and, in addition thereto, such person may by similar
39 process be enjoined from continuing such violation and any permit or
40 certificate issued to such person may be revoked or suspended or a pend-
41 ing renewal application denied.

42 2. Any person who refuses to accept used oil as required pursuant to
43 subdivision two of section 23-2307 shall be liable for a civil penalty
44 not to exceed one hundred fifty dollars.

45 3. Any person who violates any provision of section 23-2308 of this
46 chapter shall be subject to a civil penalty not to exceed [~~two hundred~~
47 fifty] three hundred seventy-five dollars for each violation.

48 4. Notwithstanding any other provision of law, any person who shall
49 violate the provisions of paragraph [~~(e)~~] c of subdivision one of
50 section 23-2307 or paragraph [~~(d)~~] d of subdivision two of section
51 23-2307 of this chapter shall be liable for a civil penalty of not more
52 than [~~five~~ seven hundred fifty dollars, and an additional civil penalty
53 of not more than [~~five~~ seven hundred fifty dollars for each day during
54 which such violation continues, not to exceed [~~ten~~] fifteen thousand
55 dollars.

1 § 49. Section 71-2303 of the environmental conservation law, as
2 amended by chapter 99 of the laws of 2010, subdivisions 1 and 2 as
3 amended by section 15 of part QQ of chapter 58 of the laws of 2022, is
4 amended to read as follows:

5 § 71-2303. Violation; penalties.

6 1. Civil sanctions. a. Any person who violates, disobeys or disregards
7 any provision of article twenty-four, including title five and section
8 24-0507 thereof or any rule or regulation, local law or ordinance,
9 permit or order issued pursuant thereto, shall be liable to the people
10 of the state for a civil penalty of not to exceed [~~eleven~~] sixteen thou-
11 sand five hundred dollars for every such violation, to be assessed,
12 after a hearing or opportunity to be heard upon due notice and with the
13 rights to specification of the charges and representation by counsel at
14 such hearing, by the commissioner or local government or in an action
15 initiated by the attorney general pursuant to section 71-2305 of this
16 title or on the attorney general's own initiative. Each violation shall
17 be a separate and distinct violation and, in the case of a continuing
18 violation, each day's continuance thereof shall be deemed a separate and
19 distinct violation. Such penalty assessed by the commissioner or local
20 government may be recovered in an action brought by the attorney general
21 at the request and in the name of the commissioner or local government
22 in any court of competent jurisdiction. Such civil penalty may be
23 released or compromised by the commissioner or local government before
24 the matter has been referred to the attorney general; and where such
25 matter has been referred to the attorney general, any such penalty may
26 be released or compromised and any action commenced to recover the same
27 may be settled and discontinued by the attorney general with the consent
28 of the commissioner or local government. In addition, the commissioner
29 or local government shall have power, following a hearing held in
30 conformance with the procedures set forth in section 71-1709 of this
31 article, to direct the violator to cease violating the act and to
32 restore the affected freshwater wetland to its condition prior to the
33 violation, insofar as that is possible within a reasonable time and
34 under the supervision of the commissioner or local government. Any such
35 order of the commissioner or local government shall be enforceable in an
36 action brought by the attorney general at the request and in the name of
37 the commissioner or local government in any court of competent jurisdic-
38 tion. Any civil penalty or order issued by the commissioner or local
39 government pursuant to this subdivision shall be reviewable in a
40 proceeding pursuant to article seventy-eight of the civil practice law
41 and rules.

42 b. Upon determining that significant damage to the functions and bene-
43 fits of a freshwater wetland is occurring or is imminent as a result of
44 any violation of article twenty-four of this chapter, including but not
45 limited to (i) activity taking place requiring a permit under article
46 twenty-four of this chapter but for which no permit has been granted or
47 (ii) failure on the part of a permittee to adhere to permit conditions,
48 the commissioner or local government shall have power to direct the
49 violator to cease and desist from violating the act. In such cases the
50 violator shall be provided an opportunity to be heard within ten days of
51 receipt of the notice to cease and desist.

52 2. Criminal sanctions. Any person who violates any provision of arti-
53 cle twenty-four of this chapter, including any rule or regulation, local
54 law or ordinance, permit or order issued pursuant thereto, shall, in
55 addition, for the first offense, be guilty of a violation punishable by
56 a fine of not less than [~~two~~] three thousand nor more than [~~five~~] seven

1 thousand five hundred dollars; for a second and each subsequent offense
2 [~~he~~] such person shall be guilty of a misdemeanor punishable by a fine
3 of not less than [~~four~~] six thousand nor more than [~~ten~~] fifteen thou-
4 sand dollars or a term of imprisonment of not less than fifteen days nor
5 more than six months or both. In addition to these punishments, any
6 offender may be punishable by being ordered by the court to restore the
7 affected freshwater wetland or adjacent area to its condition prior to
8 the offense, insofar as that is possible. The court shall specify a
9 reasonable time for the completion of such restoration, which shall be
10 effected under the supervision of the commissioner or local government.
11 Each offense shall be a separate and distinct offense and, in the case
12 of a continuing offense, each day's continuance thereof shall be deemed
13 a separate and distinct offense.

14 3. All fines collected pursuant to this section shall be paid into the
15 environmental protection fund established pursuant to section ninety-
16 two-s of the state finance law.

17 § 50. Paragraph a of subdivision 1 and subdivision 2 of section
18 71-2503 of the environmental conservation law, as amended by chapter 666
19 of the laws of 1989, are amended to read as follows:

20 a. Any person who violates, disobeys or disregards any provision of
21 article twenty-five shall be liable to the people of the state for a
22 civil penalty of not to exceed [~~ten~~] fifteen thousand dollars for every
23 such violation, to be assessed, after a hearing or opportunity to be
24 heard, by the commissioner. Each violation shall be a separate and
25 distinct violation and, in the case of a continuing violation, each
26 day's continuance thereof shall be deemed a separate and distinct
27 violation. The penalty may be recovered in an action brought by the
28 commissioner in any court of competent jurisdiction. Such civil penalty
29 may be released or compromised by the commissioner before the matter has
30 been referred to the attorney general; and where such matter has been
31 referred to the attorney general, any such penalty may be released or
32 compromised and any action commenced to recover the same may be settled
33 and discontinued by the attorney general with the consent of the commis-
34 sioner.

35 2. Criminal sanctions. Any person who violates any provision of arti-
36 cle twenty-five shall, in addition, for the first offense, be guilty of
37 a violation punishable by a fine of not less than [~~five~~] seven hundred
38 fifty nor more than [~~five~~] seven thousand five hundred dollars; for a
39 second and each subsequent offense such person shall be guilty of a
40 misdemeanor punishable by a fine of not less than one thousand five
41 hundred nor more than [~~ten~~] fifteen thousand dollars or a term of impri-
42 sonment of not less than fifteen days nor more than six months or both.
43 In addition to or instead of these punishments, any offender shall be
44 punishable by being ordered by the court to restore the affected tidal
45 wetland or area immediately adjacent thereto to its condition prior to
46 the offense, insofar as that is possible. The court shall specify a
47 reasonable time for the completion of the restoration, which shall be
48 effected under the supervision of the commissioner. Each offense shall
49 be a separate and distinct offense and, in the case of a continuing
50 offense, each day's continuance thereof shall be deemed a separate and
51 distinct offense.

52 § 51. Section 71-2505 of the environmental conservation law, as
53 amended by chapter 249 of the laws of 1997, is amended to read as
54 follows:

55 § 71-2505. Enforcement.

1 The attorney general, on [~~his~~] their own initiative or at the request
2 of the commissioner, shall prosecute persons who violate article twenty-five. In addition the attorney general, on [~~his~~] their own initiative or at the request of the commissioner, shall have the right to
3 recover a civil penalty of up to [~~ten~~] fifteen thousand dollars for
4 every violation of any provision of such article, and to seek equitable
5 relief to restrain any violation or threatened violation of such article
6 and to require the restoration of any affected tidal wetland or area
7 immediately adjacent thereto to its condition prior to the violation,
8 insofar as that is possible, within a reasonable time and under the
9 supervision of the commissioner. In the case of a continuing violation,
10 each day's continuance thereof shall be deemed a separate and distinct
11 violation.

12 § 52. Subdivisions 1, 2 and 3 of section 71-2703 of the environmental
13 conservation law, subdivisions 1 and 2 as amended by chapter 508 of the
14 laws of 1995, paragraph a of subdivision 1 as amended by section 25,
15 subparagraphs i and ii of paragraph b of subdivision 1 as amended by
16 section 26, paragraph a and subparagraphs i and ii of paragraph b of
17 subdivision 2 as amended by section 27, subparagraphs i and ii of paragraph c of subdivision 2 as amended by section 28 and subdivision 3 as
18 amended by section 29 of part C of chapter 62 of the laws of 2003, are
19 amended to read as follows:
20

21 1. Civil and administrative sanctions. a. Any person who violates any
22 of the provisions of, or who fails to perform any duty imposed by title
23 3 or 7 of article 27 of this chapter or any rule or regulation promul-
24 gated pursuant thereto, or any term or condition of any certificate or
25 permit issued pursuant thereto, or any final determination or order of
26 the commissioner made pursuant to this title shall be liable for a civil
27 penalty not to exceed [~~seven thousand five hundred~~] eleven thousand two
28 hundred fifty dollars for each such violation and an additional penalty
29 of not more than [~~one thousand five hundred~~] two thousand two hundred
30 fifty dollars for each day during which such violation continues, to be
31 assessed by the commissioner after an opportunity to be heard pursuant
32 to the provisions of section 71-1709 of this article, or by the court in
33 any action or proceeding pursuant to section 71-2727 of this title, and,
34 in addition thereto, such person may by similar process be enjoined from
35 continuing such violation and any permit or certificate issued to such
36 person may be revoked or suspended or a pending renewal application
37 denied.

38 b. i. Any person who violates any of the provisions of, or who fails
39 to perform any duty imposed by, title 3 or 7 of article 27 of this chap-
40 ter, or any rule or regulation promulgated pursuant thereto, or any term
41 or condition of any certificate or permit issued pursuant thereto and
42 thereby causes the release of solid waste into the environment, shall be
43 liable for a civil penalty not to exceed [~~eleven thousand two hundred~~
44 ~~fifty~~] sixteen thousand eight hundred seventy-five dollars for each such
45 violation and an additional penalty of not more than [~~eleven thousand~~
46 ~~two hundred fifty~~] sixteen thousand eight hundred seventy-five dollars
47 for each day during which such violation continues, to be assessed by
48 the commissioner after an opportunity to be heard pursuant to the
49 provisions of section 71-1709 of this article, or by the court in any
50 action or proceeding pursuant to section 71-2727 of this title, and, in
51 addition thereto, such person may by similar process be enjoined from
52 continuing such violation and any permit or certificate issued to such
53 person may be revoked or suspended or a pending renewal application
54 denied.

1 ii. Any person who violates any of the provisions of, or who fails to
2 perform any duty imposed by, title 3 or 7 of article 27 of this chapter,
3 or any rule or regulation promulgated pursuant thereto, or any term or
4 condition of any certificate or permit issued pursuant thereto and
5 thereby causes the release of more than ten cubic yards of solid waste
6 into the environment, shall be liable for a civil penalty not to exceed
7 [~~twenty-two thousand five hundred~~] thirty-three thousand seven hundred
8 fifty dollars for each such violation and an additional penalty of not
9 more than [~~twenty-two thousand five hundred~~] thirty-three thousand seven
10 hundred fifty dollars for each day during which such violation contin-
11 ues, to be assessed by the commissioner after an opportunity to be heard
12 pursuant to the provisions of section 71-1709 of this article, or by the
13 court in any action or proceeding pursuant to section 71-2727 of this
14 title, and, in addition thereto, such person may by similar process be
15 enjoined from continuing such violation and any permit or certificate
16 issued to such person may be revoked or suspended or a pending renewal
17 application denied.

18 c. The court in any action or proceeding pursuant to section 71-2727
19 of this chapter may exercise all powers exercisable by the commissioner.

20 2. Criminal sanctions. a. Any person who, having any of the culpable
21 mental states defined in section 15.05 of the penal law, shall violate
22 any of the provisions of or who fails to perform any duty imposed by
23 title 3 or 7 of article 27 of this chapter, or any rules and regulations
24 promulgated pursuant thereto, or any final determination or order of the
25 commissioner made pursuant to this title shall be guilty of a violation
26 and, upon conviction thereof, shall be punished by a fine of not less
27 than [~~one thousand five hundred~~] two thousand two hundred fifty dollars
28 nor more than [~~fifteen~~] twenty-two thousand five hundred dollars per day
29 of violation or by imprisonment for not more than fifteen days or by
30 both such fine and imprisonment.

31 b. i. Any person who shall violate paragraph a of this subdivision and
32 thereby causes or attempts to cause the release of more than ten cubic
33 yards of solid waste into the environment shall be guilty of a class B
34 misdemeanor and, upon conviction thereof, shall be punished by a fine of
35 not less than [~~three thousand seven hundred fifty~~] five thousand six
36 hundred twenty-five dollars per day nor more than [~~twenty-two thousand~~
37 ~~five hundred~~] thirty-three thousand seven hundred fifty dollars per day
38 of violation, or by imprisonment for a term in accordance with the penal
39 law, or by both such fine and imprisonment.

40 ii. Any person who shall violate paragraph a of this subdivision and
41 thereby causes or attempts to cause the release of more than ten cubic
42 yards of solid waste into the environment, after having been convicted
43 of a violation of this subdivision within the preceding five years,
44 shall be guilty of a class A misdemeanor and, upon conviction thereof,
45 shall be punished by a fine of not less than [~~three thousand seven~~
46 ~~hundred fifty~~] five thousand six hundred twenty-five dollars per day nor
47 more than [~~thirty-seven thousand five hundred~~] fifty-six thousand two
48 hundred fifty dollars per day of violation, or by imprisonment for a
49 term in accordance with the penal law, or by both such fine and impri-
50 sonment.

51 c. i. Any person who shall violate paragraph a of this subdivision and
52 thereby causes or attempts to cause the release of more than seventy
53 cubic yards of solid waste into the environment shall be guilty of a
54 class A misdemeanor and, upon conviction thereof, shall be punished by a
55 fine of not less than [~~three thousand seven hundred fifty~~] five thousand
56 six hundred twenty-five dollars per day nor more than [~~thirty-seven~~

1 ~~thousand five hundred~~] fifty-six thousand two hundred fifty dollars per
2 day of violation, or by imprisonment for a term in accordance with the
3 penal law, or by both such fine and imprisonment.

4 ii. Any person who shall violate paragraph a of this subdivision and
5 thereby causes or attempts to cause the release of more than seventy
6 cubic yards of solid waste into the environment, after having been
7 convicted of a violation of this subdivision within the preceding five
8 years, shall be guilty of a class E felony and, upon conviction thereof,
9 shall be punished by a fine of not less than [~~seven thousand five~~
10 ~~hundred~~] eleven thousand two hundred fifty dollars per day nor more than
11 [~~seventy-five~~] one hundred twelve thousand five hundred dollars per day
12 of violation, or by imprisonment for a term in accordance with the penal
13 law, or by both such fine and imprisonment.

14 3. Additional sanctions. Any person who violates any of the provisions
15 of, or who fails to perform any duty imposed by title 7 of article 27,
16 with regard to the construction and operation of facilities for the
17 disposal of construction and demolition debris or any rule or regulation
18 promulgated pursuant thereto, or any term or condition of any certifi-
19 cate or permit issued pursuant thereto or any final determination or
20 order of the commissioner made pursuant to this title shall be liable
21 for a civil penalty not to exceed [~~fifteen~~] twenty-two thousand five
22 hundred dollars and each day of such deposition shall constitute a sepa-
23 rate violation and said civil penalty is in addition to any other fines
24 or penalties which may be applied pursuant to this title.

25 § 53. Section 71-2705 of the environmental conservation law, as added
26 by chapter 550 of the laws of 1980, subdivision 1 as amended by section
27 30 and subdivision 2 as amended by section 31 of part C of chapter 62 of
28 the laws of 2003, is amended to read as follows:

29 § 71-2705. Violations of titles 9, 11 and 13 of article 27 of this chap-
30 ter.

31 1. Civil and administrative sanctions. Any person who violates any of
32 the provisions of, or who fails to perform any duty imposed by titles 9,
33 11 and 13 of article 27 or any rule or regulation promulgated pursuant
34 thereto, or any term or condition of any certificate or permit issued
35 pursuant thereto, or any final determination or order of the commission-
36 er made pursuant to this title shall be liable in the case of a first
37 violation, for a civil penalty not to exceed [~~thirty-seven thousand five~~
38 ~~hundred~~] fifty-six thousand two hundred fifty dollars and an additional
39 penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six
40 thousand two hundred fifty dollars for each day during which such
41 violation continues, to be assessed by the commissioner after an oppor-
42 tunity to be heard pursuant to the provisions of section 71-1709 of this
43 article, or by the court in any action or proceeding pursuant to section
44 71-2727 of this title, and, in addition thereto, such person may by
45 similar process be enjoined from continuing such violation and any
46 permit or certificate issued to such person may be revoked or suspended
47 or a pending renewal application denied. In the case of a second and any
48 further violation, the liability shall be for a civil penalty not to
49 exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars
50 for each such violation and an additional penalty not to exceed [~~seven-~~
51 ~~ty-five~~] one hundred twelve thousand five hundred dollars for each day
52 during which such violation continues.

53 2. Criminal sanctions. Any person who, having any of the culpable
54 mental states defined in section 15.05 of the penal law, shall violate
55 any of the provisions of or who fails to perform any duty imposed by
56 titles 9, 11 and 13 of article 27 or any rules and regulations promul-

1 gated pursuant thereto, or any term or condition of any certificate or
2 permit issued pursuant thereto, or any final determination or order of
3 the commissioner made pursuant to this title shall be guilty of a misde-
4 meanor and, upon conviction thereof, shall for a first conviction be
5 punished by a fine not to exceed [~~thirty-seven thousand five hundred~~
6 fifty-six thousand two hundred fifty dollars per day of violation or by
7 imprisonment for a term of not more than one year, or both such fine and
8 imprisonment. If the conviction is for an offense committed after a
9 first conviction of such person under this subdivision, punishment shall
10 be by a fine not to exceed [~~seventy-five~~ one hundred twelve thousand
11 five hundred dollars per day of violation, or by imprisonment for not
12 more than two years or by both such fine and imprisonment.

13 § 54. Subdivision 2 of section 71-2721 of the environmental conserva-
14 tion law, as amended by section 32 of part C of chapter 62 of the laws
15 of 2003, is amended to read as follows:

16 2. Fines. A sentence to pay a fine shall be a sentence to pay an
17 amount fixed by the court, not exceeding the higher of:

- 18 (a) [~~Three~~ Four hundred fifty thousand dollars for a class C felony;
19 (b) [~~Two hundred twenty-five thousand~~ Three hundred thirty-seven
20 thousand five hundred dollars for a class D felony;
21 (c) [~~One hundred fifty thousand~~ Two hundred twenty-two thousand five
22 hundred dollars for a class E felony;
23 (d) [~~Thirty-seven thousand five hundred~~ Fifty-six thousand two
24 hundred fifty dollars for a class A misdemeanor;
25 (e) [~~Fifteen~~ Two hundred twenty-five thousand dollars for a class B
26 misdemeanor; or
27 (f) Double the amount of the defendant's gain from the commission of
28 the crime.

29 § 55. Subdivisions 1, 2 and 5 of section 71-2722 of the environmental
30 conservation law, subdivision 1 as amended by section 33 and subdivision
31 2 as amended by section 34 of part C of chapter 62 of the laws of 2003,
32 and subdivision 5 as added by chapter 152 of the laws of 1990, are
33 amended to read as follows:

34 1. Any person who knowingly or intentionally violates any of the
35 provisions or fails to perform any duty imposed by section 27-1701 of
36 this chapter, except the duty to accept a lead-acid battery pursuant to
37 subdivision four of such section, shall be liable for a civil penalty
38 not to exceed [~~seventy-five~~ one hundred twelve dollars and fifty cents
39 for each violation, provided that such civil penalty shall be in addi-
40 tion to any other penalties authorized under other state or local laws
41 governing the illegal disposal of lead-acid batteries.

42 2. Any retailer or distributor who refuses to accept a lead-acid
43 battery as required pursuant to subdivision four of section 27-1701 of
44 this chapter shall be liable for a civil penalty not to exceed [~~seven~~
45 hundred-fifty] one thousand one hundred twenty-five dollars.

46 5. All civil penalties and fines collected for any violation of such
47 title seventeen shall be paid over to the commissioner for deposit in
48 the [~~general fund~~ conservation fund to the credit of the conservation
49 enforcement account established pursuant to subdivision (k) of section
50 eighty-three of the state finance law; provided however, that all civil
51 penalties collected for any violation of such title seventeen which have
52 been imposed by the environmental control board of the city of New York,
53 or a local adjudicatory body pursuant to subdivision four of this
54 section, shall be paid into an environmental fund of such city or local-
55 ity.

1 § 56. Subdivisions 1 and 2 of section 71-2724 of the environmental
2 conservation law, as amended by chapter 30 of the laws of 2020, are
3 amended to read as follows:

4 1. Any person who knowingly or intentionally violates any provision of
5 or fails to perform any duty pursuant to title twenty-one of article
6 twenty-seven of this chapter, except subdivision one of section 27-2105
7 of this chapter, shall upon the first finding of such a violation be
8 liable for a civil penalty not to exceed one hundred fifty dollars. Any
9 person convicted of a second or subsequent violation shall be liable for
10 a civil penalty not to exceed [~~five~~] seven hundred fifty dollars for
11 each violation.

12 2. Any person who knowingly or intentionally violates or fails to
13 perform any duty imposed by subdivision one of section 27-2105 of this
14 chapter shall upon the first finding of such a violation be provided
15 with educational materials describing the requirements for mercury
16 disposal and the effects of improper mercury disposal, and be warned
17 that future violations shall result in the imposition of a fine. Any
18 person convicted of a second violation shall be liable for a civil
19 penalty not to exceed [~~fifty~~] seventy-five dollars. Any person convicted
20 of a third violation shall be liable for a civil penalty not to exceed
21 [~~seventy-five~~] one hundred twelve dollars and fifty cents. Any person
22 convicted of a fourth or subsequent violation shall be liable for a
23 civil penalty not to exceed one hundred dollars for each violation.

24 § 57. Subdivision 1 of section 71-2728 of the environmental conserva-
25 tion law, as added by chapter 641 of the laws of 2008, is amended to
26 read as follows:

27 1. Any person who knowingly or intentionally violates any provision of
28 or fails to perform any duty imposed pursuant to title 27 of article 27
29 of this chapter shall upon the first finding of such a violation be
30 provided with a warning that future violations shall result in the im-
31 position of a fine. Any person convicted of a second violation shall be
32 liable for a civil penalty not to exceed one hundred fifty dollars. Any
33 person convicted of a third or subsequent violation shall be liable for
34 a civil penalty not to exceed [~~five~~] seven hundred fifty dollars.

35 § 58. Section 71-2729 of the environmental conservation law, as added
36 by chapter 99 of the laws of 2010, is amended to read as follows:

37 § 71-2729. Enforcement of title 26 of article 27 of this chapter.

38 1. a. Any consumer, as defined in title twenty-six of article twenty-
39 seven of this chapter, who violates any provision of, or fails to
40 perform any duty imposed by, section 27-2611 of this chapter, shall be
41 liable for a civil penalty not to exceed one hundred fifty dollars for
42 each violation.

43 b. Any person, except a consumer, manufacturer, or an owner or opera-
44 tor of an electronic waste collection site, electronic waste consol-
45 idation facility, or electronic waste recycling facility as these terms
46 are defined in title twenty-six of article twenty-seven of this chapter,
47 who violates any provision, or fails to perform any duty imposed by
48 section 27-2611 of this chapter, shall be liable for a civil penalty not
49 to exceed [~~two hundred fifty~~] three hundred seventy-five dollars for
50 each violation.

51 c. Any manufacturer, or any person operating an electronic waste
52 collection site, an electronic waste consolidation facility, or an elec-
53 tronic waste recycling facility as those terms are defined in title
54 twenty-six of article twenty-seven of this chapter, who:

55 i. fails to submit any report, registration, fee, or surcharge to the
56 department as required by title twenty-six of article twenty-seven of

1 this chapter shall be liable for a civil penalty not to exceed one thou-
2 sand five hundred dollars for each day such report, registration, fee,
3 or surcharge is not submitted; and

4 ii. violates any other provision of title twenty-six of article twen-
5 ty-seven of this chapter or fails to perform any duty imposed by such
6 title, except for subdivision four of section 27-2603 of this chapter,
7 shall be liable for a civil penalty for each violation not to exceed one
8 thousand five hundred dollars for the first violation, [~~two thousand~~
9 ~~five hundred~~] three thousand seven hundred fifty dollars for the second
10 violation and [~~five~~] seven thousand five hundred dollars for the third
11 and subsequent violations of this title within a twelve-month period.

12 d. Any retailer, as defined by section 27-2601 of this chapter, who
13 violates any provision of title twenty-six of article twenty-seven of
14 this chapter or fails to perform any duty imposed by such title, shall
15 be liable for a civil penalty for each violation not to exceed [~~two~~
16 ~~hundred fifty~~] three hundred seventy-five dollars for the first
17 violation, [~~five~~] seven hundred fifty dollars for the second violation
18 and one thousand five hundred dollars for the third and subsequent
19 violations of this title in a twelve-month period.

20 e. Civil penalties under this section shall be assessed by the commis-
21 sioner after a hearing or opportunity to be heard pursuant to the
22 provisions of section 71-1709 of this article, or by the court in any
23 action or proceeding pursuant to this section, and, in addition thereto,
24 such person may by similar process be enjoined from continuing such
25 violation.

26 2. All penalties collected pursuant to this section shall be paid over
27 to the commissioner for deposit to the environmental protection fund
28 established pursuant to section ninety-two-s of the state finance law.

29 § 59. Subdivisions 1 and 3 of section 71-2907 of the environmental
30 conservation law, as amended by chapter 285 of the laws of 2000, are
31 amended to read as follows:

32 1. Administrative sanctions. Except as otherwise provided in this
33 subdivision, any person who violates any provision of article 33 of this
34 chapter or any rule, regulation or order issued thereunder or commits
35 any offense described in section 33-1301 of this chapter shall be liable
36 to the people of the state for a civil penalty not to exceed [~~five~~
37 seven thousand five hundred dollars for a first violation, and not to
38 exceed [~~ten~~] fifteen thousand dollars for a subsequent offense, to be
39 assessed by the commissioner after a hearing or opportunity to be heard.
40 Notwithstanding any provision of law to the contrary, an owner or
41 owner's agent of a multiple dwelling or owner, owner's agent or a person
42 in a position of authority for all other types of premises, as such
43 terms are defined in paragraph d of subdivision five of section 33-0905
44 of this chapter, who violates any provision of a local law adopted
45 pursuant to subdivision one of section 33-1004 of this chapter relating
46 to paragraph b of such subdivision, and a person, who violates any
47 provision of a local law adopted pursuant to subdivision one of section
48 33-1004 of this chapter relating to paragraph c of such subdivision, and
49 a person who violates the provisions of subdivision three of section
50 three hundred ninety-c of the social services law shall, for a first
51 such violation, in lieu of a penalty, be issued a written warning and
52 shall also be issued educational materials pursuant to subdivision two
53 of section 33-1005 of this chapter. Such person shall, however, for a
54 second violation, be liable to the people of the state for a civil
55 penalty not to exceed one hundred fifty dollars, and not to exceed [~~two~~
56 ~~hundred fifty~~] three hundred seventy-five dollars for any subsequent

1 violation, such penalties to be assessed by the commissioner after a
2 hearing or opportunity to be heard.

3 Notwithstanding any provision of law to the contrary, any person who
4 violates the provisions of a local law adopted pursuant to subdivision
5 one of section 33-1004 of this chapter relating to paragraph a of such
6 subdivision, shall be issued a warning for the first violation and shall
7 be provided seven days to correct such violation; and shall be liable to
8 the people of the state for a civil penalty not to exceed one hundred
9 ~~fifty~~ dollars for a second violation, and not to exceed [~~two hundred~~
10 ~~fifty~~] three hundred seventy-five dollars for a subsequent violation, to
11 be assessed by the commissioner after a hearing or opportunity to be
12 heard. The commissioner, acting by the attorney general, may bring suit
13 for collection of such assessed civil penalty in any court of competent
14 jurisdiction. Such civil penalty may be released or compromised by the
15 commissioner before the matter has been referred to the attorney gener-
16 al; and where such matter has been referred to the attorney general, any
17 such penalty may be released or compromised and any action commenced to
18 recover the same may be settled and discontinued by the attorney general
19 with the consent of the commissioner. Any civil penalty assessed by the
20 commissioner under this subdivision shall be reviewable in a proceeding
21 under article 78 of the civil practice law and rules.

22 3. Criminal sanctions. Any person who, having the culpable mental
23 states defined in subdivision one or two of section 15.05 or in section
24 20.20 of the penal law, violates any provision of article 33 of this
25 chapter or any rule, regulation thereunder or commits any offense
26 described in section 33-1301 of this chapter, except an offense relating
27 to the application of a general use pesticide shall be guilty of a
28 misdemeanor and, upon conviction thereof, shall be punished by a fine
29 not to exceed [~~five~~] seven thousand five hundred dollars for each day
30 during which such violation continues or by imprisonment for a term of
31 not more than one year, or by both such fine and imprisonment. If the
32 conviction is for a subsequent offense committed after a first
33 conviction of such person under this subdivision, punishment shall be by
34 a fine not to exceed [~~ten~~] fifteen thousand dollars for each day during
35 which such violation continues or by imprisonment for a term of not more
36 than one year, or by both such fine and imprisonment. When a violation
37 consists of the manufacture or production of any prohibited article,
38 each day during which or any part of which such manufacture or
39 production is carried on or continued, shall be deemed a separate
40 violation. Any person who violates any provision of article 33 of this
41 chapter or any rule or regulation thereunder or commits any offense
42 described in section 33-1301 of this chapter relating to the use of a
43 general use pesticide shall be guilty of a violation and, upon
44 conviction thereof, shall be punished by a fine not to exceed [~~twenty-~~
45 ~~five hundred~~] three thousand seven hundred fifty dollars. If the
46 conviction is for a subsequent offense committed after the first such
47 conviction of such person under this subdivision, punishment shall be by
48 a fine not to exceed [~~five~~] seven thousand five hundred dollars. Prose-
49 cution hereunder may be conducted by either the attorney general or the
50 district attorney consistent with section 71-0403 of this article. With
51 respect to violations of section 33-1004 of this chapter, penalties
52 imposed pursuant to this subdivision may be assessed only against a
53 person providing a commercial lawn application.

54 § 60. Section 71-3103 of the environmental conservation law is amended
55 to read as follows:

56 § 71-3103. Enforcement of article 35.

1 Any person who violates any of the provisions of, or who fails to
2 perform any duties imposed by article 35 or any regulation promulgated
3 by the commissioner thereunder, shall be liable to a civil penalty of
4 not more than [~~twenty-five hundred~~] three thousand seven hundred fifty
5 dollars for each such violation and an additional penalty of not more
6 than [~~five~~] seven hundred fifty dollars for each day during which such
7 violation continues, and, in addition thereto, such person may be
8 enjoined from continuing such violation. Penalties and injunctive relief
9 provided herein shall be recoverable in an action brought by the Attor-
10 ney General at the request and in the name of the commissioner.

11 § 61. Subdivision 1 of section 71-3303 of the environmental conserva-
12 tion law, as added by chapter 617 of the laws of 1987, is amended to
13 read as follows:

14 1. Any person who violates any provision of, or fails to perform any
15 duty imposed by article forty-three of this chapter or any rule or regu-
16 lation promulgated pursuant thereto, or any term or condition of any
17 certificate or permit issued pursuant thereto, or any final determi-
18 nation or order of the Lake George park commission made pursuant to
19 article forty-three of this chapter shall be liable for a civil penalty
20 not to exceed [~~five~~] seven hundred fifty dollars for each such violation
21 and an additional penalty of [~~five~~] seven hundred fifty dollars for each
22 day during which such violation continues, to be assessed by the Lake
23 George park commission after an opportunity to be heard, or by the court
24 in any action or proceeding initiated by the attorney general in the
25 name of the Lake George park commission. In addition thereto, such
26 person may, by similar process, be enjoined from continuing such
27 violation, and any permit or certificate issued to such person may be
28 revoked or suspended, or a pending renewal application denied based upon
29 such violation.

30 § 62. Section 71-3307 of the environmental conservation law, as added
31 by chapter 617 of the laws of 1987, is amended to read as follows:
32 § 71-3307. Criminal sanctions.

33 Any person who, having any of the culpable mental states defined in
34 section 15.05 of the penal law, shall violate any of the provisions of
35 or who fails to perform any duty imposed by article forty-three of this
36 chapter or any rules or regulations promulgated thereto, or any final
37 determination or order of the Lake George park commission shall be guil-
38 ty of a violation, and, upon conviction thereof, shall be punished by a
39 fine not to exceed [~~five~~] seven hundred fifty dollars for each violation
40 and [~~five~~] seven hundred fifty dollars for each day such violation shall
41 continue.

42 § 63. Section 71-3501 of the environmental conservation law is amended
43 to read as follows:

44 § 71-3501. Putting noisome or unwholesome substances or maintaining
45 noisome business on or near highway.

46 A person, who deposits, leaves or keeps, on or near a highway or route
47 of public travel, either on the land or on the water, any noisome or
48 unwholesome substance, or establishes, maintains or carries on, upon or
49 near a public highway or route of public travel, either on the land or
50 on the water, any business, trade or manufacture which is noisome or
51 detrimental to public health, is guilty of a misdemeanor, punishable by
52 a fine of not less than one hundred fifty dollars, or by imprisonment
53 not less than three nor more than six months, or both.

54 § 64. Section 71-3703 of the environmental conservation law, as
55 amended by chapter 259 of the laws of 2011, subdivision 4 as amended by
56 chapter 44 of the laws of 2020, subdivision 5 as added by chapter 829 of

1 the laws of 2021, subdivision 6 as added by chapter 111 of the laws of
2 2023, and subdivision 7 as added by chapter 107 of the laws of 2024, is
3 amended to read as follows:

4 § 71-3703. Enforcement of article 37.

5 1. Any person who violates any of the provisions of, or who fails to
6 perform any duty imposed by section 37-0107 or any rule or regulation
7 promulgated pursuant hereto, shall be liable for a civil penalty not to
8 exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
9 dollars for each such violation and an additional penalty of not more
10 than [~~five~~] seven hundred fifty dollars for each day during which such
11 violation continues, and, in addition thereto, such person may be
12 enjoined from continuing such violation.

13 2. Any person who violates any of the provisions of, or who fails to
14 perform any duty imposed by section 37-0505 or any rule or regulation
15 promulgated pursuant hereto, shall be liable for a civil penalty not to
16 exceed one thousand five hundred dollars for each day during which such
17 violation continues, and in addition thereto, such person may be
18 enjoined from continuing such violation. Such person shall for a second
19 violation be liable to the people of the state for a civil penalty not
20 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
21 dollars for each day during which such violation continues.

22 3. Any person who violates any of the provisions of, or who fails to
23 perform any duty imposed by section 37-0705 or any rule or regulation
24 promulgated pursuant hereto, shall be liable for a civil penalty not to
25 exceed one thousand five hundred dollars for each day during which such
26 violation continues, and in addition thereto, such person may be
27 enjoined from continuing such violation. Such person shall for a second
28 violation be liable to the people of the state for a civil penalty not
29 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
30 dollars for each day during which such violation continues.

31 4. Any person who violates any of the provisions of, or who fails to
32 perform any duty imposed by section 37-0117 or any rule or regulation
33 promulgated pursuant hereto, shall be liable for a civil penalty not to
34 exceed one thousand five hundred dollars for each day during which such
35 violation continues, and in addition thereto, such person may be
36 enjoined from continuing such violation. Such person shall for a second
37 violation be liable to the people of the state for a civil penalty not
38 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
39 dollars for each day during which such violation continues.

40 5. Any person who violates any of the provisions of or who fails to
41 perform any duty imposed by sections 37-1003 and 37-1007 of this chapter
42 or any rule or regulation promulgated pursuant hereto, shall be liable
43 for a civil penalty not to exceed one thousand five hundred dollars for
44 each day during which such violation continues, and in addition thereto,
45 such person may be enjoined from continuing such violation. Such person
46 shall for a second violation be liable to the people of the state for a
47 civil penalty not to exceed [~~two thousand five hundred~~] three thousand
48 seven hundred fifty dollars for each day during which such violation
49 continues.

50 6. Any person who violates any of the provisions of, or who fails to
51 perform any duty imposed by section 37-0121 of this chapter or any rule
52 or regulation promulgated pursuant hereto, shall be liable for a civil
53 penalty not to exceed one thousand five hundred dollars for each day
54 during which such violation continues, and in addition thereto, such
55 person may be enjoined from continuing such violation. Such person shall
56 for a second violation be liable to the people of the state for a civil

1 penalty not to exceed [~~two thousand five hundred~~] three thousand seven
2 hundred fifty dollars for each day during which such violation contin-
3 ues.

4 7. Any person who violates any of the provisions of, or who fails to
5 perform any duty imposed by section 37-1101 of this chapter or any rule
6 or regulation promulgated pursuant hereto, shall be liable for a civil
7 penalty not to exceed one thousand five hundred dollars for each day
8 during which such violation continues, and in addition thereto, such
9 person may be enjoined from continuing such violation. Such person shall
10 for a second violation be liable to the people of the state for a civil
11 penalty not to exceed [~~two thousand five hundred~~] three thousand seven
12 hundred fifty dollars for each day during which such violation contin-
13 ues.

14 § 65. Subdivision 1 of section 71-3705 of the environmental conserva-
15 tion law, as amended by chapter 43 of the laws of 2020, is amended to
16 read as follows:

17 1. Any person who violates any provision of or fails to perform any
18 duty imposed by section 37-0115 of this chapter shall upon the first
19 finding of such a violation be liable for a civil penalty not to exceed
20 [~~five hundred~~] seven hundred fifty dollars for each violation. Any
21 person convicted of a second or subsequent violation shall be liable for
22 a civil penalty not to exceed [~~twenty-five hundred~~] three thousand seven
23 hundred fifty dollars for each violation.

24 § 66. Section 71-3803 of the environmental conservation law, as added
25 by chapter 713 of the laws of 1975, is amended to read as follows:

26 § 71-3803. Enforcement of article thirty-eight.

27 Any person who violates any of the provisions of, or who fails to
28 perform any duty imposed by article thirty-eight or any regulation
29 promulgated by the commissioner thereunder, shall be liable to a civil
30 penalty of not more than [~~twenty-five hundred~~] three thousand seven
31 hundred fifty dollars for each such violation and an additional penalty
32 of not more than [~~five~~] seven hundred fifty dollars for each day during
33 which such violation continues, and, in addition thereto, such person
34 may be enjoined from continuing such violation. Penalties and injunctive
35 relief provided herein shall be recoverable in an action brought by the
36 attorney general acting alone or at the request of the commissioner.

37 § 67. Section 71-3903 of the environmental conservation law, as added
38 by chapter 732 of the laws of 1980, is amended to read as follows:

39 § 71-3903. Violations; penalties.

40 1. Administrative sanctions. Any person who violates, disobeys or
41 disregards any provision of article thirty-nine shall be liable to the
42 people of the state for a civil penalty of not to exceed [~~three~~] four
43 thousand five hundred dollars for every such violation, to be assessed
44 by the commissioner after a hearing or opportunity to be heard. The
45 penalty may be recovered in an action brought by the commissioner in any
46 court of competent jurisdiction. Such civil penalty may be released or
47 [~~comprised~~] compromised by the commissioner before the matter has been
48 referred to the attorney general; and where such matter has been
49 referred to the attorney general, any such penalty may be released or
50 [~~comprised~~] compromised and any action commenced to recover the same may
51 be settled and discontinued by the attorney general with the consent of
52 the commissioner. In addition, the commissioner shall have power,
53 following a hearing, to direct the violator to cease [~~his~~] their
54 violation of article thirty-nine and, where appropriate, to recall any
55 sewage system cleaners or additives sold or distributed in violation of
56 said article. Any such order of the commissioner shall be enforceable in

1 an action brought by the commissioner in any court of competent juris-
2 diction. Any civil penalty or order issued by the commissioner under
3 this subdivision shall be reviewable in a proceeding under article
4 seventy-eight of the civil practice law and rules commenced within thir-
5 ty days of such penalty or order.

6 2. Criminal sanctions. Any person who knowingly violates any provision
7 of section 39-0105 of this chapter shall, in addition to the sanctions
8 provided in subdivision one of this section, for the first offense, be
9 guilty of a violation punishable by a fine of not less than [~~five~~] seven
10 hundred fifty nor more than one thousand five hundred dollars; for a
11 second and each subsequent offense [~~he~~] such person shall be guilty of a
12 misdemeanor punishable by a fine of not less than one thousand five
13 hundred nor more than [~~three~~] four thousand five hundred dollars or a
14 term of imprisonment of not more than six months or both. In addition to
15 or instead of these sanctions, any offender shall be punishable by being
16 ordered by the court to recall any sewage system cleaners or additives
17 sold or distributed in violation of article thirty-nine. The court shall
18 specify a reasonable time for the completion of the recall. Each offense
19 shall be a separate and distinct offense and, in the case of a continu-
20 ing offense, each day's continuance thereof shall be deemed a separate
21 and distinct offense.

22 § 68. Section 71-3905 of the environmental conservation law, as added
23 by chapter 732 of the laws of 1980, is amended to read as follows:

24 § 71-3905. Enforcement.

25 The attorney general or a district attorney, at the request of the
26 attorney general or the commissioner, may prosecute persons who violate
27 article thirty-nine. In addition the attorney general, on [~~his~~] their
28 own initiative or at the request of the commissioner, shall have the
29 right to recover a civil penalty of not to exceed [~~three~~] four thousand
30 five hundred dollars for every violation of any provision of said arti-
31 cle, and to seek equitable relief to restrain any violation or threat-
32 ened violation of such article and to require the recall of any sewage
33 system cleaners or additives sold or distributed in violation of said
34 article.

35 § 69. Section 71-4001 of the environmental conservation law, as
36 amended by chapter 99 of the laws of 2010, is amended to read as
37 follows:

38 § 71-4001. General criminal penalty.

39 Except as otherwise specifically provided elsewhere in this chapter or
40 in the penal law, (a) a person who violates any provision of this chap-
41 ter, or any rule, regulation or order promulgated pursuant thereto, or
42 the terms or conditions of any permit issued thereunder, shall be guilty
43 of a violation; (b) each day on which such violation occurs shall
44 constitute a separate violation; and (c) for each such violation the
45 person shall be subject upon conviction to imprisonment for not more
46 than fifteen days or to a fine of not more than [~~nine~~] one thousand
47 three hundred fifty dollars, or to both such imprisonment and such fine.

48 § 70. Section 71-4003 of the environmental conservation law, as
49 amended by chapter 99 of the laws of 2010, is amended to read as
50 follows:

51 § 71-4003. General civil penalty.

52 Except as otherwise specifically provided elsewhere in this chapter, a
53 person who violates any provision of this chapter, or any rule, regu-
54 lation or order promulgated pursuant thereto, or the terms or conditions
55 of any permit issued thereunder, shall be liable to a civil penalty of
56 not more than one thousand five hundred dollars, and an additional civil

1 penalty of not more than one thousand five hundred dollars for each day
2 during which each such violation continues. Any civil penalty provided
3 for by this chapter may be assessed following a hearing or opportunity
4 to be heard.

5 § 71. Section 71-4103 of the environmental conservation law, as
6 amended by chapter 608 of the laws of 1993, is amended to read as
7 follows:

8 § 71-4103. Enforcement of article seventy-two.

9 Any person who violates any of the provisions of article seventy-two
10 of this chapter or the regulations promulgated thereunder shall be
11 liable for a civil penalty of up to one thousand five hundred dollars in
12 addition to any amount assessed as a penalty pursuant to subdivision
13 five of section 72-0201 of this chapter, except that any person who
14 fails to pay fees required pursuant to section 72-0303 of this chapter
15 shall be subject to penalty provisions pursuant to subdivision twelve of
16 section 72-0201 of this chapter.

17 § 72. Section 71-4303 of the environmental conservation law, as added
18 by chapter 672 of the laws of 1986, is amended to read as follows:

19 § 71-4303. Violations of article forty of this chapter.

20 1. Civil and administrative sanctions. Any person who violates any of
21 the provisions of, or who fails to perform any duty imposed by, article
22 forty of this chapter or any rule or regulation promulgated thereunder,
23 or any terms or conditions of any certificate or permit issued pursuant
24 thereto, or any final determination or order of the commissioner made
25 pursuant to this title, shall be liable in the case of a civil penalty
26 not to exceed twenty-five thousand five hundred dollars and an addi-
27 tional penalty of not more than [~~twenty-five thousand~~] thirty-seven
28 thousand five hundred dollars for each day during which such violation
29 continues, to be assessed by the commissioner after an opportunity to be
30 heard pursuant to the provisions of section 71-1709 of this article or
31 by a court in any action or proceeding pursuant to this title, and, in
32 addition thereto such person may by similar process be enjoined from
33 continuing such violation. In addition, upon the provision of notice
34 stating the grounds for its action and giving an opportunity for hear-
35 ing, the commissioner may revoke, suspend or deny a certificate or a
36 renewal of a certificate issued pursuant to article forty of this chap-
37 ter. In the case of a second violation, the liability shall be for a
38 civil penalty not to exceed [~~fifty~~] seventy-five thousand dollars for
39 such violation and an additional penalty not to exceed [~~fifty~~] seventy-
40 five thousand dollars for each day during which such violation contin-
41 ues.

42 2. Criminal sanctions. Any person who, having any of the culpable
43 mental states defined in section 15.05 of the penal law, shall violate
44 any of the provisions of or who fails to perform any duty imposed by
45 article forty of this chapter or any rules or regulations promulgated
46 pursuant thereto, or any term or condition of any certificate or permit
47 issued pursuant thereto, or any final determination or order of the
48 commissioner made pursuant to this title shall be guilty of a misdemea-
49 nor and, upon conviction thereof, shall for a first conviction be
50 punished by a fine not to exceed [~~twenty-five~~] thirty-seven thousand
51 five hundred dollars per day of violation or by imprisonment for a term
52 of not more than one year, or by both such fine and imprisonment. If the
53 conviction is for an offense committed after a first conviction of such
54 person under this subdivision, punishment shall be by a fine not to
55 exceed [~~fifty~~] seventy-five thousand dollars per day of violation, or by

1 imprisonment for not more than two years or by both such fine and impri-
2 sonment.

3 § 73. Section 71-4402 of the environmental conservation law, as added
4 by chapter 180 of the laws of 1989, is amended to read as follows:

5 § 71-4402. Violations of title 15 of article 27 of this chapter.

6 1. Civil and administrative sanctions.

7 Any person who violates any of the provisions of, or who fails to
8 perform any duty imposed by title 15 of article 27 of this chapter, or
9 any rule or regulation promulgated pursuant thereto, or any term or
10 condition of any certificate or permit issued pursuant thereto, or any
11 final determination or order of the commissioner made pursuant to this
12 title shall be liable in the case of a first violation, for a civil
13 penalty not to exceed [~~twenty-five~~] thirty-seven thousand five hundred
14 dollars and an additional penalty of not more than [~~twenty-five~~] thir-
15 ty-seven thousand five hundred dollars for each day during which such
16 violation continues, to be assessed by the commissioner after an oppor-
17 tunity to be heard pursuant to the provisions of section 71-1709 of this
18 chapter, or by the court in any action or proceeding pursuant to section
19 71-2727 of this chapter, and, in addition thereto, such persons may by
20 similar process be enjoined from continuing such violation and any
21 permit or certificate issued to such person may be revoked or suspended
22 or a pending renewal application denied. In the case of a second and any
23 further violation, the liability shall be for a civil penalty not to
24 exceed [~~fifty~~] seventy-five thousand dollars for each such violation and
25 an additional penalty not to exceed [~~fifty~~] seventy-five thousand
26 dollars for each day during which such violation continues.

27 2. Criminal sanctions.

28 a. Any person who violates any of the provisions of or who fails to
29 perform any duty imposed by title 15 of article 27 of this chapter or
30 any rules and regulations promulgated pursuant thereto, or any term or
31 condition of any certificate or permit issued pursuant thereto, or any
32 final determination or order of the commissioner made pursuant to this
33 title shall be guilty of a violation and, upon conviction thereof, shall
34 be punished by a fine not to exceed [~~five~~] seven thousand five hundred
35 dollars per day of violation, or by imprisonment for a term of not more
36 than fifteen days, or by both such fine and imprisonment.

37 b. Any person who, intentionally, knowingly, or recklessly shall
38 violate any of the provisions of or who fails to perform any duty
39 imposed by title 15 of article 27 of this chapter or any rules and regu-
40 lations promulgated pursuant thereto, or any term or condition of any
41 certificate or permit issued pursuant thereto, or any final determi-
42 nation or order of the commissioner made pursuant to this title shall be
43 guilty of a class B misdemeanor and, upon conviction thereof, shall for
44 a first conviction be punished by a fine not to exceed [~~fifteen~~] twen-
45 ty-two thousand five hundred dollars per day of violation or by impri-
46 sonment for a term of not more than ninety days, or both such fine and
47 imprisonment. If the conviction is for an offense committed after a
48 first conviction of such person under this paragraph, within the preced-
49 ing five years, such person shall be guilty of a class A misdemeanor and
50 upon conviction, punishment shall be by a fine not to exceed [~~fifty~~]
51 seventy-five thousand five hundred dollars per day of violation, or by
52 imprisonment for not more than one year or by both such fine and impri-
53 sonment.

54 § 74. Subdivision 2 of section 71-4411 of the environmental conserva-
55 tion law, as added by chapter 180 of the laws of 1989, is amended to
56 read as follows:

1 2. Fines. A sentence to pay a fine shall be a sentence to pay any
2 amount fixed by the court, not exceeding the higher of:

3 (a) [~~one hundred fifty~~] two hundred twenty-five thousand dollars for a
4 class D felony;

5 (b) one hundred fifty thousand dollars for a class E felony;

6 (c) [~~fifty~~] seventy-five thousand dollars for a class A misdemeanor;

7 (d) [~~fifteen~~] twenty-two thousand five hundred dollars for a class B
8 misdemeanor; or

9 (e) double the amount of the defendant's gain from the commission of
10 the crime.

11 § 75. The opening paragraph of subdivision 5 and subdivision 12 of
12 section 72-0201 of the environmental conservation law, the opening para-
13 graph of subdivision 5 as added by chapter 15 of the laws of 1983, and
14 subdivision 12 as added by chapter 608 of the laws of 1993, are amended
15 to read as follows:

16 If the amount of the fee is not paid within forty-five days of the
17 last date prescribed under subdivision four of this section, a penalty
18 shall be imposed on such deficiency. The amount of such penalty shall
19 not exceed [~~five~~] seven and one half percent of such deficiency per
20 month and the total penalty shall not exceed twenty-five percent of the
21 deficiency.

22 12. Notwithstanding any other provision of this section, any person
23 who fails to pay fees required pursuant to section 72-0303 of this arti-
24 cle shall pay a penalty of [~~fifty~~] seventy-five per centum of the unpaid
25 fee amount, plus interest on the unpaid fee amount computed in accord-
26 ance with section 6621(a)(2) of the United States internal revenue code
27 of 1986 (Public Law 99-514, 26 U.S.C. section 1 et seq.) from the date
28 the fee was required to be paid.

29 § 76. Subdivisions 2 and 3 of section 57-0136 of the environmental
30 conservation law, as amended by chapter 289 of the laws of 2006, are
31 amended to read as follows:

32 2. Civil penalties. (a) For a violation that takes place in the "core
33 preservation area" as defined in subdivision eleven of section 57-0107
34 of this title, any person who violates any provision of this title, the
35 land use plan adopted by the commission, any regulation promulgated by
36 the commission, or the terms or conditions of any order, permit, or
37 determination issued by the commission pursuant to this title shall be
38 liable for a civil penalty of not more than [~~twenty-five thousand~~] thir-
39 ty-seven thousand five hundred dollars for each violation and an addi-
40 tional civil penalty of not more than one thousand five hundred dollars
41 for each day that such violation continues.

42 (b) For a violation that takes place in the "compatible growth area"
43 as defined in subdivision twelve of section 57-0107 of this title, any
44 person who violates any provision of this title, the land use plan
45 adopted by the commission, any regulation promulgated by the commission,
46 or the terms or conditions of any order, permit, or determination issued
47 by the commission pursuant to this title shall be liable for a civil
48 penalty of not more than [~~ten~~] fifteen thousand dollars for each
49 violation and an additional civil penalty of not more than one thousand
50 five hundred dollars for each day that such violation continues.

51 3. Criminal penalties. (a) For a violation that takes place in the
52 "core preservation area" as defined in subdivision eleven of section
53 57-0107 of this title, any person who willfully or intentionally
54 violates any provision of this title, the land use plan adopted by the
55 commission, any regulation promulgated by the commission, or the terms
56 or conditions of any order, permit, or determination issued by the

1 commission pursuant to this title shall be guilty of a misdemeanor
2 punishable by a fine of not more than [~~twenty-five thousand~~] thirty-sev-
3 en thousand five hundred dollars for each violation and an additional
4 fine of not more than one thousand five hundred dollars for each day
5 that such violation continues.

6 (b) For a violation that takes place in the "compatible growth area"
7 as defined in subdivision twelve of section 57-0107 of this title, any
8 person who willfully or intentionally violates any provision of this
9 title, the land use plan adopted by the commission, any regulation
10 promulgated by the commission, or the terms or conditions of any order,
11 permit, or determination issued by the commission pursuant to this title
12 shall be guilty of a misdemeanor punishable by a fine of not more than
13 [~~ten~~] fifteen thousand dollars for each violation and an additional fine
14 of not more than one thousand five hundred dollars for each day that
15 such violation continues.

16 § 77. Subdivision 1 of section 37-0211 of the environmental conserva-
17 tion law, as added by chapter 286 of the laws of 1990, such section as
18 renumbered by chapter 307 of the laws of 2020, is amended to read as
19 follows:

20 1. A violation of any of the provisions of this title or any rule or
21 regulation promulgated pursuant thereto shall be punishable in the case
22 of a first violation, by a civil penalty not to exceed [~~ten~~] fifteen
23 thousand dollars. In the case of a second and any further violation, the
24 liability shall be for a civil penalty not to exceed [~~twenty-five thou-~~
25 ~~sand~~] thirty-seven thousand five hundred dollars for each violation.

26 § 78. Section 33-0925 of the environmental conservation law, as
27 amended by chapter 43 of the laws of 2007, is amended to read as
28 follows:

29 § 33-0925. Sanctions.

30 Notwithstanding any other provision of law or regulation pursuant to
31 this title and/or any provision of this article as it relates to the
32 application of aquatic antifouling paints, any person who violates any
33 provision of this title or any rule, regulation or order issued there-
34 under shall be liable to the people of this state for a civil penalty of
35 up to one thousand five hundred dollars for a first violation to be
36 assessed by the commissioner after a hearing or opportunity to be heard.
37 In determining the amount of the penalty, the commissioner shall take
38 into account whether the violation posed an immediate threat to the
39 environment or the health and safety of the public. Any subsequent
40 violation of this title and/or any provision of this article as it
41 relates to the application of aquatic antifouling paints would be
42 subject to the appropriate sanctions pursuant to sections 71-2907 and
43 71-2911 of this chapter.

44 § 79. Subdivisions 1, 2 and 3 of section 27-1809 of the environmental
45 conservation law, as added by chapter 562 of the laws of 2010, are
46 amended to read as follows:

47 1. Any person who violates the provisions of section 27-1805 of this
48 title shall be liable for a civil penalty in the amount of [~~fifty~~]
49 seventy-five dollars for the first violation, one hundred fifty dollars
50 for a second violation committed within twelve months of a prior
51 violation and [~~two~~] three hundred dollars for a third or subsequent
52 violation committed within twelve months of any prior violation.

53 2. Any retailer as that term is defined in section 27-1803 of this
54 title, who violates the provisions of section 27-1807 of this title
55 shall be liable for a civil penalty in the amount of [~~two~~] three hundred
56 dollars for the first violation, [~~four~~] six hundred dollars for a second

1 violation committed within twelve months of a prior violation, and [~~five~~
2 ~~hundred~~] seven hundred fifty dollars for a third or subsequent violation
3 committed within twelve months of any prior violation.

4 3. Any battery manufacturer, as that term is defined in section
5 27-1803 of this title, who violates the provisions of section 27-1807 of
6 this title shall be liable for a civil penalty in the amount of [~~two~~
7 ~~three~~] three thousand dollars for the first violation, [~~four~~] six thousand
8 dollars for a second violation committed within twelve months of a prior
9 violation, and [~~five thousand~~] seven thousand five hundred dollars for a
10 third or subsequent violation committed within twelve months of any
11 prior violation.

12 § 80. Paragraph a of subdivision 9 of section 27-1012 of the environ-
13 mental conservation law, as added by section 8 of part SS of chapter 59
14 of the laws of 2009, is amended to read as follows:

15 a. Any person required to be registered under this section who, with-
16 out being so registered, sells or offers for sale beverage containers in
17 this state, in addition to any other penalty imposed by this title,
18 shall be subject to a penalty to be assessed by the commissioner of
19 taxation and finance in an amount not to exceed [~~five hundred~~] seven
20 hundred fifty dollars for the first day on which such sales or offers
21 for sale are made, plus an amount not to exceed [~~five hundred~~] seven
22 hundred fifty dollars for each subsequent day on which such sales or
23 offers for sale are made, not to exceed [~~twenty-five thousand~~] thirty-
24 seven thousand five hundred dollars in the aggregate.

25 § 81. Subdivisions 1, 2, 3 and 4 of section 27-1015 of the environ-
26 mental conservation law, as amended by section 8 of part F of chapter 58
27 of the laws of 2013, are amended to read as follows:

28 1. Except as otherwise provided in this section and section 27-1012 of
29 this title, any person who shall violate any provision of this title
30 shall be liable to the state of New York for a civil penalty of not more
31 than [~~five hundred~~] seven hundred fifty dollars, and an additional civil
32 penalty of not more than [~~five hundred~~] seven hundred fifty dollars for
33 each day during which each such violation continues. Any civil penalty
34 may be assessed following a hearing or opportunity to be heard.

35 2. Any distributor, deposit initiator, redemption center or dealer who
36 violates any provision of this title, except as provided in section
37 27-1012 of this title, shall be liable to the state of New York for a
38 civil penalty of not more than one thousand five hundred dollars, and an
39 additional civil penalty of not more than one thousand five hundred
40 dollars for each day during which each such violation continues. Any
41 civil penalty may be assessed following a hearing or opportunity to be
42 heard.

43 3. It shall be unlawful for a distributor or deposit initiator, acting
44 alone or aided by another, to return any empty beverage container to a
45 dealer or redemption center for its refund value if the distributor or
46 deposit initiator had previously accepted such beverage container from
47 any dealer or operator of a redemption center or if such container was
48 previously accepted by a reverse vending machine. A violation of this
49 subdivision shall be a misdemeanor punishable by a fine of not less than
50 [~~five hundred~~] seven hundred fifty dollars nor more than one thousand
51 five hundred dollars and an amount equal to two times the amount of
52 money received as a result of such violation.

53 4. Any person who willfully tenders to a dealer, distributor, redemp-
54 tion center or deposit initiator more than forty-eight empty beverage
55 containers for which such person knows or should reasonably know that no
56 deposit was paid in New York state may be assessed by the department a

1 civil penalty of up to one hundred ~~twenty-five thousand~~ fifty dollars for each container or
2 up to ~~twenty-five thousand~~ thirty-seven thousand five hundred dollars
3 for each such tender of containers. At each location where a person
4 tenders containers for redemption, dealers and redemption centers must
5 conspicuously display a sign in letters that are at least one inch in
6 height with the following information: "WARNING: Persons tendering for
7 redemption containers on which a deposit was never paid in this state
8 may be subject to a civil penalty of up to one hundred fifty dollars per
9 container or up to ~~twenty-five thousand~~ thirty-seven thousand five
10 hundred dollars for each such tender of containers." Any civil penalty
11 may be assessed following a hearing or opportunity to be heard.

12 § 82. Subdivision 1 of section 27-2807 of the environmental conserva-
13 tion law, as added by section 2 of part H of chapter 58 of the laws of
14 2019, is amended to read as follows:

15 1. Any person required to collect tax who violates any provision of
16 section 27-2803 of this title shall receive a warning notice for the
17 first such violation. A person required to collect tax shall be liable
18 to the state of New York for a civil penalty of ~~two hundred fifty~~
19 three hundred seventy-five dollars for the first violation after receiv-
20 ing a warning and ~~five hundred~~ seven hundred fifty dollars for any
21 subsequent violation in the same calendar year. For purposes of this
22 section, each commercial transaction shall constitute no more than one
23 violation. A hearing or opportunity to be heard shall be provided prior
24 to the assessment of any civil penalty.

25 § 83. Subdivision 1 of section 27-3205 of the environmental conserva-
26 tion law, as added by chapter 734 of the laws of 2021, is amended to
27 read as follows:

28 1. A hotel that violates a provision of this title shall receive a
29 warning notice for the first such violation, detailing the hotel's
30 requirement to correct the violation within thirty days from the date
31 the notice is sent. A hotel shall be liable to the state for a civil
32 penalty of ~~two hundred fifty~~ three hundred seventy-five dollars for
33 the first violation after receiving a warning and failing to correct the
34 violation within thirty days and ~~five hundred~~ seven hundred fifty
35 dollars for any subsequent violation in the same calendar year. A hear-
36 ing or opportunity to be heard shall be provided prior to the assessment
37 of any civil penalty.

38 § 84. Section 27-3317 of the environmental conservation law, as
39 amended by chapter 82 of the laws of 2023, is amended to read as
40 follows:

41 § 27-3317. Penalties.

42 Any producer, representative organization, or retailer who violates
43 any provision of or fails to perform any duty imposed pursuant to this
44 title shall be liable for a civil penalty not to exceed ~~five hundred~~
45 seven hundred fifty dollars for each violation and an additional penalty
46 of not more than ~~five hundred~~ seven hundred fifty dollars for each day
47 during which such violation continues. Civil penalties shall be
48 assessed by the department after a hearing or opportunity to be heard
49 pursuant to the provisions of section 71-1709 of this chapter.

50 § 85. Subdivision 6 of section 27-3309 of the environmental conserva-
51 tion law, as added by chapter 795 of the laws of 2022, is amended to
52 read as follows:

53 6. Starting four years after the plan is approved by the department
54 pursuant to this section, the department shall impose a penalty of
55 ~~twenty-five~~ thirty-eight cents per pound to be assessed on the produc-
56 er or representative organization for the number of additional pounds of

1 carpet that would have needed to be recycled through the program to
2 achieve the performance goals specified in the approved stewardship
3 plan. All penalties collected pursuant to this section shall be paid
4 over to the commissioner for deposit to the environmental protection
5 fund established pursuant to section ninety-two-s of the state finance
6 law.

7 § 86. Subdivision 4 of section 23-1715 of the environmental conserva-
8 tion law, as amended by chapter 233 of the laws of 1979, is amended to
9 read as follows:

10 4. In the event of the failure of the holder of an environmental safe-
11 ty permit issued under section 23-1707 of this title, of route certif-
12 ication under section 23-1713 of this title, or of a non-conforming
13 facility under section 23-1719 of this title to comply with the terms
14 thereof or the provisions of the rules and regulations adopted under
15 article 70 of this chapter, the department may revoke said permit or
16 certificate pursuant to the provisions of article 70 of this chapter and
17 impose upon the holder of such permit or certificate a civil penalty of
18 up to one thousand five hundred dollars for each day the holder thereof
19 has failed to comply with this title or a permit or certificate issued
20 hereunder, together with the allocated costs of the revocation and
21 enforcement proceeding itself.

22 § 87. Subdivisions 4 and 5 of section 19-0320 of the environmental
23 conservation law, as added by chapter 621 of the laws of 1998, the open-
24 ing paragraph of subdivision 4 as amended by section 1 and the opening
25 paragraph of subdivision 5 as amended by section 2 of part W1 of chapter
26 62 of the laws of 2003, are amended to read as follows:

27 4. Notwithstanding the provisions of title twenty-one of article
28 seventy-one of this chapter, operation of a heavy duty vehicle which,
29 when tested, exceeds emission levels set forth in regulations promulgat-
30 ed pursuant to this section shall be a violation, and the following
31 penalties shall apply to any violation found as a result of roadside
32 emissions inspections:

33 a. First violation: [~~\$ 700.00~~] \$1050.00

34 Second and subsequent violations: [~~\$1300.00~~] \$1950.00.

35 b. The penalties set forth in paragraph a of this subdivision shall be
36 reduced to [~~one hundred fifty~~] two hundred twenty-five dollars for the
37 first violation and [~~five hundred~~] seven hundred fifty dollars for the
38 second and subsequent violations by the court or administrative tribunal
39 before which the summons or appearance ticket is returnable if the
40 violation set forth in the summons or appearance ticket is corrected not
41 later than thirty days after the issuance of the summons or appearance
42 ticket and proof of such correction, as defined in paragraph c of this
43 subdivision, is submitted to the court or administrative tribunal. The
44 penalties described in this section shall not apply to vehicles defined
45 by section one hundred forty-two of the vehicle and traffic law or owned
46 by a county, town, city, or village for a first violation provided the
47 vehicle is repaired within thirty days of ticket issuance.

48 c. Acceptable proof of repair or adjustment shall be submitted to the
49 court or administrative tribunal on or before the return date of the
50 summons or appearance ticket in a form and manner prescribed by regu-
51 lations adopted pursuant to this section.

52 5. Notwithstanding the provisions of title twenty-one of article
53 seventy-one of this chapter, operation of any heavy duty vehicle regis-
54 tered or required to be registered in this state without a certificate
55 of inspection resulting from an annual inspection as required by regu-

1 lations adopted pursuant to this section shall be a violation, and the
2 following violation structure shall apply to such violations:

- 3 a. First violation: [~~\$ 700.00~~] \$1050.00
4 Second and subsequent violations: [~~\$1300.00~~] \$1950.00.

5 b. The penalties defined in paragraph a of this subdivision shall be
6 reduced to [~~three hundred fifty~~] five hundred twenty-five dollars for
7 the first violation and [~~seven hundred fifty~~] one thousand one hundred
8 twenty-five dollars for second and subsequent violations, provided that
9 the vehicle in question bears a certificate which was valid within the
10 last thirty days. The penalties described in this section shall not
11 apply to vehicles defined by section one hundred forty-two or owned by a
12 county, town, city, or village of the vehicle and traffic law for a
13 first violation provided the vehicle is repaired within thirty days of
14 ticket issuance.

15 § 88. Subdivision 6 of section 17-1745 of the environmental conserva-
16 tion law, as added by chapter 199 of the laws of 1999, is amended to
17 read as follows:

18 6. Penalties. Failure to comply with the provisions of this section
19 shall result in fines of [~~two hundred fifty~~] three hundred seventy-five
20 dollars per day for each violation.

21 § 89. Section 15-2723 of the environmental conservation law, as
22 amended by chapter 613 of the laws of 1975, is amended to read as
23 follows:

24 § 15-2723. Penalties and enforcement.

25 Any person who violates any provision of this title or any regulation
26 or order issued pursuant to this act by the commissioner or the agency
27 may be compelled to comply with or obey the same by injunction, mandamus
28 or other appropriate remedy. In addition, any such person shall pay a
29 civil penalty of not less than one hundred fifty dollars or more than
30 one thousand five hundred dollars for each day of such violation. The
31 commissioner or the agency as the case may be, is authorized to commence
32 a civil action to recover such civil penalties or other appropriate
33 relief.

34 § 90. Subdivision 2 of section 11-1209 of the environmental conserva-
35 tion law, as added by chapter 726 of the laws of 1977, is amended to
36 read as follows:

37 2. Whoever shall hunt while in an intoxicated condition or while [~~his~~]
38 their ability to hunt is impaired by the use of a drug shall be guilty
39 of a misdemeanor, punishable by imprisonment in a penitentiary or county
40 jail for not more than one year, or by a fine of not more than [~~five~~
41 ~~hundred~~] seven hundred fifty dollars, or by both such fine and imprison-
42 ment.

43 § 91. Subdivision 3 of section 11-0538 of the environmental conserva-
44 tion law, as added by chapter 307 of the laws of 2014, is amended to
45 read as follows:

46 3. Any person who violates the provisions of this section shall be
47 subject to a penalty of not more than [~~five hundred~~] seven hundred fifty
48 dollars for the first offense and not more than one thousand five
49 hundred dollars for a second and subsequent offenses. Each instance of
50 allowing direct contact of a big cat with the public in violation of
51 this section shall constitute a separate offense.

52 § 92. Subdivision 9 of section 11-0512 of the environmental conserva-
53 tion law, as amended by chapter 326 of the laws of 2012, is amended to
54 read as follows:

55 9. Notwithstanding any other provision of law, any person who knowingly
56 ly breeds a wild animal or knowingly possesses, owns, harbors, sells,

1 barthers, transfers, exchanges, or imports a wild animal for use as a pet
2 or intentionally releases or sets at-large any wild animal, authorized
3 by this section for use as a pet, from the location where the animal is
4 permitted to be possessed or harbored in violation of the provisions of
5 this section shall be subject to a penalty of not more than [~~five~~
6 ~~hundred~~] seven hundred fifty dollars for the first offense and not more
7 than one thousand five hundred dollars for a second and subsequent
8 offenses. Each instance of breeding, owning, harboring, sale, barter,
9 release, transfer, exchange, or import of a wild animal in violation of
10 this section shall constitute a separate offense.

11 § 93. Subdivision 3 of section 9-1503 of the environmental conserva-
12 tion law, as amended by chapter 222 of the laws of 1976, is amended to
13 read as follows:

14 3. No person shall, in any area designated by such list or lists,
15 knowingly pick, pluck, sever, remove, damage by the application of
16 herbicides or defoliantes or carry away, without the consent of the owner
17 thereof, any protected plant. An offense under this section shall be a
18 violation, punishable by a fine of not to exceed [~~twenty-five dollars~~]
19 thirty-seven dollars and fifty cents.

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

22

PART III

23 Section 1. Short title. This act shall be known and may be cited as
24 the "harmful algal bloom monitoring and prevention act".

25 § 2. Legislative findings and declarations. The legislature finds that
26 the state of New York has a responsibility to maintain the health and
27 safety of its abundant clean water resources, upon which the residents
28 of New York state, as well as its many visitors, rely on for drinking,
29 agriculture, tourism, recreation, and their livelihoods. Because the
30 waters of the state are under threat by harmful algal blooms (HABS),
31 which are known to be toxic and even fatal to humans, pets, and wild-
32 life, the state has a responsibility to provide coordinated, statewide
33 monitoring, evaluation, prevention and mitigation, going beyond water
34 body-specific data collection and isolated mitigation efforts. While the
35 causes of HABS are complex and varied, with a coordinated and standard-
36 ized approach to monitoring and evaluation, patterns can more readily be
37 identified to isolate the combination of relevant causes specific to
38 different bodies of water across the state and determine the most effec-
39 tive targeted interventions. To address this threat, the state must
40 develop and maintain a comprehensive state clearinghouse to bring
41 together existing and new available statewide cross-sectional and longi-
42 tudinal data and information on harmful algal blooms, potential and
43 known causes, best practice interventions, expertise, and funding
44 resources. This data and subsequent report will enable the state to
45 effectively and efficiently administer a central grant program support-
46 ing data-driven best practices in prevention and mitigation of harmful
47 algal blooms.

48 § 3. The environmental conservation law is amended by adding a new
49 section 15-0519 to read as follows:

50 § 15-0519. Harmful algal bloom monitoring and prevention program.

51 1. Definitions. For the purposes of this section, the following terms
52 shall have the following meanings:

53 a. "Harmful algal blooms" shall mean growths of blooms of algal
54 species present in fresh or salt water that can produce toxins that are

1 harmful to public health, the economy, or recreational enjoyment, or
2 that can impair water quality and the natural ecology therein.

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

4 c. "Waters of the state" means all waterways, or bodies of water
5 located within New York state or that part of any body of water which is
6 adjacent to New York state over which the state has territorial juris-
7 isdiction.

8 2. Comprehensive statewide data collection consolidation and analysis;
9 report. a. The commissioner shall develop a program to further the
10 comprehensive and consistent collection, consolidation, analysis and
11 meta-analysis of statewide data relating to the monitoring, evaluation,
12 prevention, and mitigation of harmful algal bloom outbreaks. The commis-
13 sioner shall provide guidelines for the submission of existing and
14 historical harmful algal bloom monitoring, evaluation, mitigation, and
15 prevention data and strategies from relevant institutions, organiza-
16 tions, and individuals with experience in peer-reviewed research, grant-
17 making, or other like activities in the area of water quality relating
18 to the monitoring, evaluation, prevention, and mitigation of harmful
19 algal bloom outbreaks, including but not limited to research programs,
20 clinics, labs, and project management.

21 b. The data collected, consolidated, and analyzed shall consist of
22 elements including but not limited to longitudinal data on the incidence
23 of harmful algal blooms, contextual factors thought to be associated
24 with the incidence of harmful algal blooms such as water temperature,
25 turbidity, flow rate, salinity, nutrient levels for phosphorus and
26 nitrogen, acidity (pH), dissolved oxygen levels, monitoring and evalu-
27 ation of waters of the state that do not contain harmful algal blooms,
28 and results of harmful algal bloom interventions in New York state.

29 c. The data collected, consolidated, and analyzed shall meet a stand-
30 ard that is consistent with the practices and expertise of institutions,
31 organizations, or individuals with experience in peer-reviewed research,
32 grantmaking, or other like activities in the area of water quality
33 relating to the monitoring, evaluation, prevention, and mitigation of
34 harmful algal bloom outbreaks, including but not limited to research
35 programs, clinics, labs, and project management.

36 d. The department shall annually publish and update a list of vetted
37 best practice strategies for harmful algal bloom monitoring, evaluation,
38 prevention, and mitigation, which shall be differentiated by region or
39 water body with unique confirmed causal pathways for the related harmful
40 algal bloom outbreak trends. Such strategies shall be supported by find-
41 ings of the harmful algal bloom database created pursuant to subdivision
42 three of this section, as well as external evaluation, including but not
43 limited to strategies approved by the federal environmental protection
44 agency, certification that such strategies meet or exceed the American
45 National Standards for health effects of drinking water treatment chemi-
46 cals (NSF/ANSI/CAN-60), or testing for efficacy by center of excellence
47 in healthy water solutions. The department shall publish such list and
48 findings supporting the strategies on such list on the department's
49 website.

50 e. No later than five years after the effective date of this section,
51 the commissioner, in consultation with the commissioner of agriculture
52 and markets, shall prepare a report providing comprehensive analysis and
53 meta-analysis of the data collected pursuant to this section, including
54 findings and recommendations for establishing, maintaining, and improv-
55 ing upon a coordinated system of monitoring, evaluation, prevention, and

1 mitigation of harmful algal bloom outbreaks across New York state. The
2 department shall:

3 i. update the report at least once every five years after the initial
4 completion of the report;

5 ii. make the report publicly available on the department's website;

6 iii. hold at least six regional public comment hearings on the draft
7 report and subsequent updates to the report, including three meetings in
8 the upstate region and three meetings in the downstate region, and shall
9 allow at least one hundred twenty days for the submission of public
10 comment;

11 iv. provide meaningful opportunities for public comment from all
12 segments of the populations that live near, or are reliant upon for
13 drinking, recreation, or economic activity, the waters of the state
14 included in the report;

15 v. seek out input from institutions or organizations with relevant
16 expertise, citizen scientists, and labs testing water quality in
17 relation to harmful algal blooms;

18 vi. identify the magnitude of harmful algal blooms across the state
19 and make recommendations on regulatory measures and other state or local
20 actions to monitor, evaluate, prevent, or mitigate harmful algal blooms,
21 including existing opportunities for coordination of federal, state,
22 municipal, and non-governmental organizations;

23 vii. identify best practices, technology, and available federal,
24 state, municipal, or private funding for and existing efforts in moni-
25 toring, evaluating, preventing, and mitigating harmful algal blooms; and

26 viii. identify the current need in specific bodies of water for the
27 establishment of programs or organizations to further the monitoring,
28 evaluation, prevention, and mitigation of harmful algal blooms, and the
29 costs therefor.

30 3. Harmful algal bloom database. a. The commissioner shall establish
31 and maintain a website providing public access to a harmful algal bloom
32 database which shall contain all relevant data, research, and reporting
33 required pursuant to subdivision two of this section.

34 b. Such database, and analysis of the comprehensive statewide data
35 therein, shall support the coordination of efforts across the state to
36 monitor, evaluate, prevent, and mitigate harmful algal blooms, and shall
37 include, but not be limited to:

38 i. the geolocation of harmful algal bloom outbreaks, and efforts to
39 monitor, evaluate, prevent, and mitigate such outbreaks;

40 ii. existing research, analysis, or reports relating to outbreaks of
41 harmful algal blooms in the waters of the state and the causes of such
42 outbreaks;

43 iii. known or developing strategies and best practices of state,
44 municipal, and non-governmental organizations that monitor, evaluate,
45 prevent, or mitigate harmful algal bloom outbreaks, the respective
46 waters of the state in which such strategies and best practices have
47 been conducted, and the geolocations of such waters;

48 iv. available sources of financing for algal bloom monitoring, evalu-
49 ation, prevention, and mitigation, including federal, state, municipal,
50 and/or private funding, grants, or other monies; and

51 v. information on institutions with expertise in peer-reviewed grant-
52 making and research in the area of water quality and/or harmful algal
53 blooms, including but not limited to the New York sea grant at Stony
54 Brook University, the New York water resource institute at Cornell
55 University, the center of excellence in healthy water solutions, the
56 bureau of water supply protection, the New York city department of envi-

1 ronmental protection, the department of agriculture and markets, commu-
2 nity-based nonprofit organizations with missions that specifically
3 involve monitoring, evaluating, mitigating, or preventing harmful algal
4 blooms, and any other institution or organization providing data
5 compiled pursuant to this section, and the contact information, relevant
6 research programs, clinics, labs, and published research of such insti-
7 tutions.

8 4. Rules and regulations. The commissioner shall, in a manner which is
9 coordinated with and supports efforts by federal, state, municipal, and
10 non-governmental organizations, promulgate rules and regulations to:

- 11 a. limit the causes of harmful algal bloom outbreaks; and
12 b. monitor and mitigate harmful algal bloom outbreaks.

13 5. Program development. The commissioner shall establish and support
14 new and existing programs and organizations relevant to the health of
15 waters of the state that have not implemented strategies to monitor,
16 evaluate, prevent, or mitigate harmful algal bloom outbreaks.

17 6. Harmful algal bloom grant program. In addition to the financing to
18 be identified pursuant to subparagraph iv of paragraph b of subdivision
19 three of this section:

20 a. The commissioner, in consultation with the commissioner of agricul-
21 ture and markets, the commissioner of health, and the president of the
22 empire state development corporation, shall establish a harmful algal
23 bloom grant program which shall provide funding to municipalities,
24 intermunicipal organizations, community-based nonprofits, or academic
25 institutions for the deployment of harmful algal bloom monitoring, eval-
26 uation, prevention, and mitigation strategies and best practices.

27 b. The program shall require that applicants for the harmful algal
28 bloom grant program conduct and submit a study, as part of their appli-
29 cation, assessing the most appropriate mitigation and prevention strate-
30 gies for relevant waters of the state and best practices therefor, as
31 informed by the harmful algal bloom database created pursuant to subdi-
32 vision three of this section.

33 c. In determining which applicants shall be awarded grants pursuant to
34 this subdivision, first preference shall be given to applicants who
35 propose strategies that incorporate principles of least harm and great-
36 est safety to applicators, the public, and the environment, and utilize
37 passive or non-chemical physical controls, including but not limited to:

- 38 i. aeration;
39 ii. hydrological manipulations;
40 iii. mechanical mixing;
41 iv. reservoir drawdown or desiccation;
42 v. surface skimming;
43 vi. ultrasound; or
44 vii. other emerging technologies, as approved by the department.

45 d. In determining which applicants shall be awarded grants pursuant to
46 this subdivision, second preference shall be given to applicants who
47 demonstrate expertise with previous experience treating water bodies in
48 the United States larger than one thousand acres, with proven success
49 using accepted strategies, including but not limited to strategies that:

- 50 i. are aimed at reducing cyanotoxins in the water to less than harmful
51 levels;
52 ii. employ ready-to-use technology that is means tested, reproducible,
53 and generalizable, without limitation of size or shape of the water
54 body;
55 iii. employ technology which allows for application under emergency
56 situations and within less than ninety-six hours from approval;

1 iv. utilize products that are modular and can be used as a preventa-
2 tive measure;

3 v. utilize products that are quick and easy to apply and are generally
4 recognized as safe to the applicator, public, and environment;

5 vi. utilize products that float on the surface of the water and do not
6 sink immediately to the bottom of the water column;

7 vii. utilize products that are distributed autonomously across the
8 water body after a localized application;

9 viii. utilize products with a time-release mechanism that applies
10 constant and prolonged oxidative stress of the cyanobacteria triggered
11 by the programmed cell death signaling cascade, resulting in their
12 collapse; and

13 ix. utilize products manufactured in the United States.

14 e. The commissioner shall make monies available from the harmful algal
15 bloom monitoring and prevention fund, as established pursuant to section
16 ninety-nine-ss of the state finance law, within amounts appropriated
17 therefor, pursuant to this section.

18 § 4. The state finance law is amended by adding a new section 99-ss to
19 read as follows:

20 § 99-ss. Harmful algal bloom monitoring and prevention fund. 1. There
21 is hereby established in the joint custody of the state comptroller and
22 commissioner of taxation and finance a special fund to be known as the
23 "harmful algal bloom monitoring and prevention fund".

24 2. Such fund shall consist of all revenues received by the comptroller
25 and all other moneys appropriated, credited, or transferred thereto from
26 the general fund or any other fund or source pursuant to law. Nothing
27 contained in this section shall prevent the state from receiving grants,
28 gifts, or bequests for the purposes of such fund and depositing them
29 into such fund according to law.

30 3. Moneys shall be paid out of the fund on the audit and warrant of
31 the comptroller on vouchers certified or approved by the commissioner of
32 environmental conservation or the commissioner of environmental conser-
33 vation's designee.

34 4. Moneys of the fund shall be available to the commissioner of envi-
35 ronmental conservation for the harmful algal bloom monitoring and
36 prevention program established pursuant to section 15-0519 of the envi-
37 ronmental conservation law.

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

43 PART JJJ

44 Section 1. The environmental conservation law is amended by adding a
45 new section 37-0123 to read as follows:

46 § 37-0123. Perfluoroalkyl and polyfluoroalkyl substances removal treat-
47 ment installation grant program.

48 1. Definitions. For purposes of this section, "perfluoroalkyl and
49 polyfluoroalkyl substances" or "PFAS" shall have the same meaning as in
50 subdivision seven of section 37-0101 of this title.

51 2. Grant program. The department, within amounts from any source
52 appropriated or otherwise provided for such purpose, shall establish a
53 perfluoroalkyl and polyfluoroalkyl substances removal treatment instal-
54 lation grant program. The department shall provide a one-time grant to

1 private well users for up to five thousand dollars for the installation
2 of PFAS treatment, or up to ten thousand dollars for a service
3 connection to a public water system.

4 3. Eligibility. (a) The following persons shall be eligible to apply
5 for such grant program:

6 (i) owners of a single or multiple-unit residential property; and

7 (ii) tenants or occupants of a residential property where the owner of
8 such property has not applied for the grant for such property.

9 (b) Installers of such treatments may apply for such grant on behalf
10 of an eligible applicant, provided there is a waiver of claims between
11 such parties.

12 (c) An applicant shall not be eligible to apply for such grant program
13 if such applicant has an offer of an alternate water source from a third
14 party, including bottled water, treatment, or service connection.

15 4. Application. (a) Applicants shall submit an application to the
16 department in a manner and form to be determined by the commissioner,
17 and shall include the following documentation:

18 (i) analytical results from a laboratory certified to test for PFAS by
19 the department of health environmental laboratory approval program. Such
20 results must show a PFAS result greater than the maximum contaminant
21 level or other drinking water cleanup standard set for PFAS by the
22 department of health or the United States environmental protection agen-
23 cy;

24 (ii) an estimate for the cost of treatment installation or service
25 connection; and

26 (iii) specification sheets for treatment and equipment to be
27 installed, if applicable and available.

28 (b) Grants awarded pursuant to this section shall be used solely for
29 the purpose of purchasing and installing PFAS treatment equipment.

30 (c) The commissioner, upon review of an applicant's application, shall
31 determine if such applicant is eligible for a grant pursuant to this
32 section.

33 5. Public awareness. The department shall publish information about
34 the grant program on the department's website and create public educa-
35 tion materials to publicize the grant program and distribute these mate-
36 rials to local governments, community organizations, and other relevant
37 institutions. The department shall also compile and distribute a list of
38 vendors that offer treatment technology or service connection to a
39 public water system for residents of this state, provided that such a
40 list does not imply an endorsement of the vendors by the department.

41 § 2. The environmental conservation law is amended by adding a new
42 section 37-0125 to read as follows:

43 § 37-0125. Perfluoroalkyl and polyfluoroalkyl substances removal treat-
44 ment maintenance rebate program.

45 1. Definitions. For purposes of this section, "perfluoroalkyl and
46 polyfluoroalkyl substances" or "PFAS" shall have the same meaning as in
47 subdivision seven of section 37-0101 of this title.

48 2. Rebate program. The department, within amounts from any source
49 appropriated or otherwise provided for such purpose, shall establish a
50 perfluoroalkyl and polyfluoroalkyl substances removal treatment mainte-
51 nance rebate program. The department shall provide a rebate for the
52 maintenance of PFAS treatment equipment installed by private well users.

53 3. Eligibility. The following persons shall be eligible to apply for
54 such rebate program:

55 (a) owners of a single or multiple-unit residential property where
56 PFAS treatment is installed; and

(b) tenants or occupants of a residential property where PFAS treatment is installed.

4. Application. (a) Applicants shall submit an application to the department in a manner and form to be determined by the commissioner, and shall include the following documentation:

(i) specification sheets for treatment and equipment installed, if applicable and available;

(ii) photo documentation of the treatment installation of service connection; and

(iii) post-treatment analytical results from a laboratory certified to test for PFAS by the department of health environmental laboratory approval program. Such results must show PFAS concentrations below the maximum contaminant level or other drinking water cleanup standard set for PFAS, if applicable.

(b) The commissioner, upon review of an applicant's application, shall determine if such applicant is eligible for a rebate pursuant to this section. The commissioner shall make the determination as to the amount of rebate approved, provided that such amount shall in no event exceed one thousand five hundred dollars.

(c) The commissioner shall promulgate rules and regulations regarding how often an applicant may submit an application pursuant to this subdivision.

5. Public awareness. The department shall publish information about the rebate program on the department's website and create public education materials to publicize the rebate program and distribute these materials to local governments, community organizations, and other relevant institutions.

§ 3. This act shall take effect immediately.

PART KKK

Section 1. This act shall be known and may be cited as the "climate corporate data accountability act".

§ 2. The environmental conservation law is amended by adding a new article 74 to read as follows:

ARTICLE 74

CLIMATE CORPORATE DATA ACCOUNTABILITY ACT

Section 74-0101. Definitions.

74-0102. Climate corporate data accountability act.

§ 74-0101. Definitions.

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

1. "Emissions reporting organization" means either: (a) an organization within the department created by the department pursuant to paragraph b of subdivision two of section 74-0102 of this article; or (b) a nonprofit emissions reporting organization contracted by the department pursuant to paragraph b of subdivision two of section 74-0102 of this article that both:

a. Currently operates a greenhouse gas emissions reporting organization for organizations operating in the United States; and

b. Has experience with greenhouse gas emissions disclosure by entities operating in New York.

2. "Reporting entity" means:

a. A partnership, corporation, limited liability company, or other business entity formed under the laws of this state, the laws of any

1 other state of the United States or the District of Columbia, or under
2 an act of the Congress of the United States that both:

3 i. Does business in this state and is deriving receipts from activity
4 in this state within the meaning of section two hundred nine of the tax
5 law; and

6 ii. Has total revenues in excess of one billion dollars in the preced-
7 ing fiscal year, including but not limited to revenues received by all
8 of the business entity's subsidiaries that do business in this state.

9 b. A foreign entity shall not be considered to be doing business in
10 this state exclusively by reason of carrying on in this state any of the
11 activities enumerated in subsection (b) of section thirteen hundred one
12 of the business corporation law. If a reporting entity is included as a
13 consolidated subsidiary in the consolidated financial statements of an
14 ultimate parent entity, then such ultimate parent entity may be the
15 reporting entity for purposes of this definition. If a subsidiary of a
16 parent company qualifies as a reporting entity for the purposes of this
17 definition, the subsidiary is not required to prepare a separate report
18 so long as the parent company prepares a report.

19 3. "Scope 1 emissions" means all direct greenhouse gas emissions that
20 stem from sources that a reporting entity owns or directly controls,
21 regardless of location, including, but not limited to, fuel combustion
22 activities.

23 4. "Scope 2 emissions" means indirect greenhouse gas emissions from
24 consumed electricity, steam, heating, or cooling purchased or acquired
25 by a reporting entity, regardless of location.

26 5. "Scope 3 emissions" means indirect upstream and downstream green-
27 house gas emissions, other than scope 2 emissions, from sources that the
28 reporting entity does not own or directly control and may include, but
29 are not limited to, purchased goods and services, business travel,
30 employee commutes, and processing and use of sold products and services.

31 6. "Assurance provider" means a firm or entity which carries out an
32 assurance engagement.

33 7. "Assurance engagement" means an engagement in which an assurance
34 provider expresses an independent opinion on the reports issued under
35 this section, to enhance the degree of confidence of the department,
36 consumers, and investors about the information disclosed by the report-
37 ing entity.

38 § 74-0102. Climate corporate data accountability act.

39 1. a. The department shall adopt regulations on or before December
40 thirty-first, two thousand twenty-six to require a reporting entity to
41 annually disclose to the emissions reporting organization, and to obtain
42 an assurance engagement performed by an independent third-party assur-
43 ance provider on, all of the reporting entity's scope 1 emissions, scope
44 2 emissions, and scope 3 emissions. The regulations adopted pursuant to
45 this subdivision shall require that:

46 i. (1) (A) Starting in two thousand twenty-seven on a date to be
47 determined by the department, and annually thereafter, a reporting enti-
48 ty shall publicly disclose to the emissions reporting organization all
49 of the reporting entity's scope 1 emissions and scope 2 emissions for
50 the prior fiscal year.

51 (B) Starting in two thousand twenty-eight and annually thereafter, a
52 reporting entity shall publicly disclose its scope 3 emissions to the
53 emissions reporting organization for the prior fiscal year on a schedule
54 set by the department pursuant to regulations developed pursuant to this
55 article.

1 (2) In complying with the requirements of this section, a reporting
2 entity shall measure and report its emissions of greenhouse gases in
3 conformance with the Greenhouse Gas Protocol Corporate Accounting and
4 Reporting Standard and the Greenhouse Gas Protocol Corporate Value Chain
5 (Scope 3) Accounting and Reporting Standard developed by the World
6 Resources Institute and the World Business Council for Sustainable
7 Development, including guidance for scope 3 emissions calculations that
8 detail acceptable use of both primary and secondary data sources,
9 including the use of industry average data, proxy data, and other gener-
10 ic data in its scope 3 emissions calculations.

11 (3) (A) Starting in two thousand thirty-four, the department may
12 survey and assess currently available greenhouse gas accounting and
13 reporting standards. At the conclusion of this assessment the department
14 may adopt a globally recognized alternative accounting and reporting
15 standard if it determines its use would more effectively further the
16 goals of this section. This review process shall include consultation
17 with the stakeholders identified in paragraph d of this subdivision.

18 (B) If the department adopts an alternative accounting and reporting
19 standard, the department shall develop and adopt new regulations, pursu-
20 ant to this paragraph, to ensure full conformance with the new standard
21 and reporting of scopes 1, 2, and 3 emissions and other requirements of
22 this section.

23 (4) On or before January first, two thousand thirty-one, the depart-
24 ment shall review, and update as necessary, the public disclosure dead-
25 lines established pursuant to clause one of this subparagraph to evalu-
26 ate trends in scope 3 emissions reporting and consider changes to the
27 disclosure deadlines to ensure that scope 3 emissions data is disclosed
28 to the emissions reporting organization as close in time as practicable
29 to the deadline for reporting entities to disclose scope 1 emissions and
30 scope 2 emissions data.

31 (5) The reporting timelines shall take into account the timelines by
32 which reporting entities typically receive scope 1, scope 2, and scope 3
33 emissions data, as well as the capacity for an independent assurance
34 engagement to be performed by a third-party assurance provider.

35 ii. A reporting entity's public disclosure shall maximize access for
36 consumers, investors, and other stakeholders to comprehensive and
37 detailed greenhouse gas emissions data across scope 1 emissions, scope 2
38 emissions and scope 3 emissions, as defined by this section, and be made
39 in a manner that is easily understandable and accessible.

40 iii. A reporting entity's public disclosure shall include the name of
41 the reporting entity and any fictitious names, trade names, assumed
42 names, subsidiaries and logos used by the reporting entity.

43 iv. A reporting entity's emissions reporting shall be structured in a
44 way that minimizes duplication of effort and allows a reporting entity
45 to submit to the emissions reporting organization reports prepared to
46 meet other state, national, and international reporting requirements,
47 including any reports required by the federal government or other states
48 or reports voluntarily prepared, including those prepared using the
49 International Financial Reporting Standards Foundation Sustainability
50 Disclosure Standards as issued by the International Sustainability Stan-
51 dards Board, as long as those reports satisfy all of the requirements of
52 this section.

53 v. A reporting entity's disclosure shall take into account acquisi-
54 tions, divestments, mergers, and other structural changes that can
55 affect the greenhouse gas emissions reporting, and is disclosed in a
56 manner consistent with the Greenhouse Gas Protocol standards and guid-

1 ance or an alternative standard, if one is adopted after two thousand
2 thirty-four.

3 vi. (1) A reporting entity shall obtain an assurance engagement,
4 performed by an independent third-party assurance provider, of their
5 public disclosure. The reporting entity shall ensure that a copy of the
6 complete assurance provider's report on the greenhouse gas emissions
7 inventory, including the name of the third-party assurance provider, is
8 provided to the emissions reporting organization as part of or in
9 connection with the reporting entity's public disclosure.

10 (2) The assurance engagement for scope 1 emissions and scope 2 emis-
11 sions shall be performed at a limited assurance level beginning in two
12 thousand twenty-seven and at a reasonable assurance level beginning in
13 two thousand thirty-one.

14 (3) On or before January first, two thousand twenty-eight, the depart-
15 ment shall review and evaluate trends in third-party assurance require-
16 ments for scope 3 emissions, and on or before such date, the department
17 may establish an assurance requirement for third-party assurance engage-
18 ments of scope 3 emissions. If any such requirement is established, the
19 assurance engagement for scope 3 emissions shall be performed at a
20 limited assurance level beginning in two thousand thirty-one.

21 (4) A third-party assurance provider shall have significant experience
22 in measuring, analyzing, reporting, or attesting to the emission of
23 greenhouse gases and sufficient competence and capabilities necessary to
24 perform engagements in accordance with professional standards and appli-
25 cable legal and regulatory requirements. The assurance provider shall be
26 able to issue reports that are appropriate under the circumstances and
27 independent with respect to the reporting entity, and any of the report-
28 ing entity's affiliates for which it is providing the assurance report.
29 On or before January first, two thousand thirty-one, the department
30 shall review, and update as necessary, the qualifications for third-par-
31 ty assurance providers based on an evaluation of trends in education
32 relating to the emission of greenhouse gases and the qualifications of
33 third-party assurance providers.

34 (5) The department shall ensure that the assurance process minimizes
35 the need for reporting entities to engage multiple assurance providers
36 and ensures sufficient assurance provider capacity, as well as timely
37 reporting implementation as required under clause one of subparagraph i
38 of this paragraph.

39 vii. (1) A reporting entity shall pay an annual fee to the department
40 for the administration and implementation of this section.

41 (2) The department shall set the fee established pursuant to clause
42 one of this subparagraph in an amount sufficient to cover the depart-
43 ment's full costs of administrating and implementing this section. The
44 total amount of fees collected shall not exceed the department's actual
45 and reasonable costs to administer and implement this section.

46 (3) The proceeds of the fees imposed pursuant to clause one of this
47 subparagraph shall be deposited in the climate accountability and emis-
48 sions disclosure fund established by section ninety-nine-ss of the state
49 finance law.

50 b. The department shall create or contract with an emissions reporting
51 organization to develop a reporting program to receive and make publicly
52 available disclosures required by this section. Emissions reporting
53 organizations shall not be authorized to provide services to a company
54 where a conflict of interest exists. A conflict of interest shall
55 include:

1 i. The emissions reporting organization and reporting entity sharing
2 any management staff or board of directors membership, or any of the
3 senior management staff of the reporting entity having been employed by
4 the emissions reporting organization or reporting entity within the
5 previous five years.

6 ii. Any employee of the emissions reporting organization, or any
7 employee of a related entity, or a subcontractor who is a member of the
8 emissions reporting organization having provided the reporting entity
9 with services related to the areas of emissions reporting organization,
10 or any services designated by the department, within the previous five
11 years.

12 iii. Any staff member of the emissions reporting organization provid-
13 ing any type of non-monetary incentive to a reporting entity to secure a
14 services contract.

15 c. The department may adopt or update any other regulations that it
16 deems necessary and appropriate to implement this subdivision.

17 d. In developing the regulations required pursuant to this subdivi-
18 sion, the department shall consult with all of the following:

19 i. the attorney general;

20 ii. other government stakeholders, including, but not limited to,
21 experts in climate science and corporate carbon emissions accounting and
22 reporting;

23 iii. investors;

24 iv. stakeholders representing consumer and environmental justice
25 interests; and

26 v. reporting entities that have demonstrated leadership in full-scope
27 greenhouse gas emissions accounting and public disclosure and greenhouse
28 gas emissions reductions.

29 e. This section does not require additional reporting of emissions of
30 greenhouse gases beyond the reporting of scope 1 emissions, scope 2
31 emissions, and scope 3 emissions required pursuant to the Greenhouse Gas
32 Protocol standards and guidance or an alternative standard, if one is
33 adopted after two thousand thirty-four.

34 2. a. The department shall prepare a report on the public disclosures
35 made by reporting entities to the emissions reporting organization
36 pursuant to subdivision one of this section and the regulations adopted
37 by the department pursuant to such subdivision. In preparing the report,
38 consideration shall be given to, at a minimum, greenhouse gas emissions
39 from reporting entities in the context of state greenhouse gas emissions
40 reduction and climate goals. The department shall issue the report of
41 its findings to the governor, the speaker of the assembly and the tempo-
42 rary president of the senate and shall publish such report on its
43 website.

44 b. The emissions reporting organization shall make the reporting enti-
45 ties' disclosures publicly available on the digital platform required to
46 be created by the emissions reporting organization pursuant to subdivi-
47 sion four of this section.

48 3. a. i. The emissions reporting organization, on or before July
49 first, two thousand twenty-seven pursuant to clause one of subparagraph
50 i of paragraph a of subdivision one of this section, shall create a
51 digital platform, which shall be accessible to the public, that will
52 feature the emissions data of reporting entities in conformance with the
53 regulations adopted by the department pursuant to subdivision one of
54 this section and the report prepared for the department pursuant to
55 subdivision two of this section. The emissions reporting organization

1 shall make the reporting entities' disclosures and the department's
2 report available on the digital platform within ninety days of receipt.

3 ii. The digital platform shall be capable of featuring individual
4 reporting entity disclosures, and shall allow consumers, investors, and
5 other stakeholders to view reported data elements aggregated in a varie-
6 ty of ways, including multiyear data, in a manner that is easily under-
7 standable and accessible to residents of the state. All data sets and
8 customized views shall be available in electronic format for access and
9 use by the public.

10 b. The emissions reporting organization shall submit, within thirty
11 days of receipt, the report prepared for the department pursuant to this
12 subdivision to the temporary president of the senate, the speaker of the
13 assembly, and the governor.

14 4. a. The attorney general may bring a civil action against a report-
15 ing entity seeking civil penalties of up to one hundred thousand dollars
16 per day for willful failure to comply with the requirements of this
17 section or regulations set forth by the department, including for
18 nonfiling, late filing, or other failure to meet the requirements of
19 this section. The civil penalties imposed on a reporting entity for
20 such violations shall not exceed five hundred thousand dollars in a
21 reporting year. In seeking civil penalties for a violation of this
22 section, the attorney general shall consider all relevant circumstances,
23 including both of the following:

24 i. the violator's past and present compliance with this section; and
25 ii. whether the violator took any good faith measures to comply with
26 this section and when those measures were taken.

27 b. A reporting entity shall not be subject to a civil action under
28 this section for any misstatements with regard to scope 3 emissions
29 disclosures made with a reasonable basis and disclosed in good faith.

30 c. Penalties assessed on scope 3 reporting, between two thousand twen-
31 ty-eight and two thousand thirty-one, shall only occur for nonfiling.

32 5. This section applies to the state university and city university of
33 New York only to the extent that the regents of the state university or
34 city university, by resolution, make any of these provisions applicable
35 to the university.

36 § 3. The state finance law is amended by adding a new section 99-ss to
37 read as follows:

38 § 99-ss. Climate accountability and emissions disclosure fund. 1.
39 There is hereby established in the joint custody of the state comp-
40 trroller and the department of tax and finance a special fund to be known
41 as the "climate accountability and emissions disclosure fund". Moneys in
42 this account shall be kept separate and not commingled with any other
43 moneys in the custody of the comptroller.

44 2. Such fund shall consist of all revenues received by the department
45 of taxation and finance, pursuant to the provisions of section 74-0102
46 of the environmental conservation law, the tax law and all other moneys
47 credited or transferred thereto from any other fund or source pursuant
48 to law. Nothing contained in this section shall prevent the state from
49 receiving grants, gifts or bequests for the purposes of the fund as
50 defined in this section and depositing them into the fund according to
51 law. Any interest received by the comptroller on moneys on deposit
52 shall be retained and become part of the fund, unless otherwise directed
53 by law.

54 § 4. 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 § 5. This act shall take effect on the one hundred eightieth day after
8 it shall have become a law. Effective immediately, the addition, amend-
9 ment and/or repeal of any rule or regulation necessary for the implemen-
10 tation of this act on its effective date are authorized to be made and
11 completed on or before such effective date.

12 PART LLL

13 Section 1. The environmental conservation law is amended by adding a
14 new article 78 to read as follows:

15 ARTICLE 78

16 SAFE WATER AND INFRASTRUCTURE ACTION PROGRAM

17 Section 78-0101. Safe water and infrastructure action program.

18 § 78-0101. Safe water and infrastructure action program.

19 1. Notwithstanding any other provisions of this chapter or any other
20 law and subject to an appropriation made therefor and in accordance with
21 the provisions of this section and with the rules and regulations
22 promulgated by the commissioner in connection therewith, on and after
23 the first day of April, two thousand twenty-six, a consolidated local
24 infrastructure program is hereby established for the purpose of making
25 payments toward the replacement and rehabilitation of existing local
26 municipally-owned and funded drinking water, storm water and sanitary
27 sewer systems. For purposes of this section, such program shall apply to
28 any drinking water system, storm water system or sanitary sewer system
29 within the state that is under the maintenance and/or operational juris-
30 isdiction of a county, city, town, village or public authority; provided,
31 however, that such system shall not be under the maintenance and/or
32 operational jurisdiction of a private entity; and provided further that
33 no more than ten percent of the moneys paid under the program shall be
34 paid toward replacement and rehabilitation of drinking water, storm
35 water, and sanitary sewer systems under the maintenance and/or opera-
36 tional jurisdiction of any one county, city, town, village, or public
37 authority. The commissioner, in conjunction with the environmental
38 facilities corporation, shall promulgate all necessary rules and regu-
39 lations to carry out the program so that an equitable distribution of
40 aid shall be made for the general operation and/or general maintenance
41 of any such existing drinking water system, storm water system or sani-
42 tary sewer system. Existing water infrastructure includes all the man-
43 made and natural features that move and treat water in terms of drinking
44 water, waste water, and storm water. Monies from this fund may be used
45 for maintenance and repairs of existing water infrastructure as well as
46 new water infrastructure expansion, but only into already developed
47 areas so as not to support sprawl and development of natural areas.
48 Already developed areas are those that are zoned/defined by munici-
49 palties as of January first, two thousand twenty-five as commercial and
50 residential use.

51 2. On or before the twenty-fifth day of April, June, September and
52 November of each state fiscal year commencing with the state fiscal year
53 beginning on April first, two thousand twenty-seven, there shall be
54 distributed and paid to counties, cities, towns, villages and public

1 authorities an amount equal to the moneys appropriated for the purposes
2 of this section divided by the number of payment dates in that state
3 fiscal year. Such amounts shall be distributed and paid pursuant to
4 subdivision three of this section.

5 3. Amounts shall be distributed for local drinking water, storm water
6 and sanitary sewer systems based upon a funding formula that the depart-
7 ment and the department of health shall create taking into consideration
8 factors including but not limited to: the system's length and width of
9 pipes; other physical assets maintained by the system, including treat-
10 ment facilities and pumping stations; the age of the system's infras-
11 tructure; and relevant socioeconomic factors, including the presence of
12 disadvantaged communities within a system's service area, to achieve an
13 equitable distribution of aid.

14 4. Monies made available may be used to match other state and federal
15 funds made available for such projects. The remainder of the apportion-
16 ment may be used for any existing drinking water, storm water or sewer
17 system purchases, including but not limited to, the acquisition of mate-
18 rials for the replacement or rehabilitation.

19 5. For any city, town, village or public authority which proposes
20 infrastructure consolidation under this section or merges with another
21 municipality, the funds appropriated under this section may fund costs
22 associated with such consolidation.

23 6. For each fiscal year, starting in two thousand twenty-seven, funds
24 are to be made available to the local infrastructure assistance account
25 of the general fund, and distributed from that account.

26 7. At the end of each fiscal year, each county, city, town, village
27 and public authority that receives funding pursuant to this section
28 shall submit an annual report to the department detailing how such money
29 was used. The department shall compile all reports and submit them to
30 the comptroller for their review. Once a report is finalized, it shall
31 be made publicly available on the department's website. The department
32 and the comptroller shall reserve the right to conduct sight visits to
33 ensure the money is being used accurately.

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

36 PART MMM

37 Section 1. The public service law is amended by adding a new section
38 24-c to read as follows:

39 § 24-c. Utility intervenor reimbursement. 1. As used in this
40 section, the following terms shall have the following meanings:

41 (a) "Compensation" means payment from the utility intervenor account
42 fund established by section ninety-seven-uuuu of the state finance law,
43 for all or part, as determined by the department, of reasonable advo-
44 cate's fees, reasonable expert witness fees, and other reasonable costs
45 for preparation and participation in a proceeding.

46 (b) "Participant" means a group of persons that apply jointly for an
47 award of compensation under this section and who represent the interests
48 of a significant number of residential or small business customers, or a
49 not-for-profit organization in this state authorized pursuant to its
50 articles of incorporation or bylaws to represent the interests of resi-
51 dential or small business utility customers. For purposes of this
52 section, a participant does not include a non-profit organization or
53 other organization whose principal interests are the welfare of a public
54 utility or its investors or employees, or the welfare of one or more

1 businesses or industries which receive utility service ordinarily and
2 primarily for use in connection with the profit-seeking manufacture,
3 sale, or distribution of goods or services.

4 (c) "Other reasonable costs" means reasonable out-of-pocket expenses
5 directly incurred by a participant that are directly related to the
6 contentions or recommendations made by the participant that resulted in
7 a substantial contribution.

8 (d) "Party" means any interested party, respondent public utility, or
9 commission staff in a hearing or proceeding.

10 (e) "Proceeding" means a complaint, or investigation, rulemaking, or
11 other formal proceeding before the commission, or alternative dispute
12 resolution procedures in lieu of formal proceedings as may be sponsored
13 or endorsed by the commission, provided however such proceedings shall
14 be limited to those arising under and proceeding pursuant to the follow-
15 ing articles of this chapter: (1) the regulation of the price of gas and
16 electricity, pursuant to article four of this chapter except those
17 described in subparagraph (ii) of paragraph (c) of subdivision twelve of
18 section sixty-six of this chapter; (2) the regulation of the price of
19 steam, pursuant to article four-A of this chapter; (3) the submetering,
20 remetering or resale of electricity to residential premises, pursuant to
21 sections sixty-five and sixty-six of this chapter, and pursuant to regu-
22 lations regarding the submetering, remetering, or resale of electricity
23 adopted by the commission; and (4) such sections of this chapter as are
24 applicable to a proceeding in which the commission makes a finding on
25 the record that the public interest requires the reimbursement of utili-
26 ty intervenor fees pursuant to this section.

27 (f) "Significant financial hardship" means that the participant will
28 be unable to afford, without undue hardship, to pay the costs of effec-
29 tive participation, including advocate's fees, expert witness fees, and
30 other reasonable costs of participation.

31 (g) "Small business" means a business with a gross annual revenue of
32 two hundred fifty thousand dollars or less.

33 (h) "Substantial contribution" means that, in the judgment of the
34 department, the participant's application may substantially assist the
35 commission in making its decision because the decision may adopt in
36 whole or in part one or more factual contentions, legal contentions, or
37 specific policy or procedural recommendations that will be presented by
38 the participant.

39 2. A participant may apply for an award of compensation under this
40 section in a proceeding in which such participant has sought active
41 party status as defined by the department. The department shall deter-
42 mine appropriate procedures for accepting and responding to such appli-
43 cations. At the time of application, such participant shall serve on
44 every party to the proceeding notice of intent to apply for an award of
45 compensation.

46 An application shall include:

47 (a) A statement of the nature and extent and the factual and legal
48 basis of the participant's planned participation in the proceeding as
49 far as it is possible to describe such participation with reasonable
50 specificity at the time the application is filed.

51 (b) At minimum, a reasonably detailed description of anticipated advo-
52 cates and expert witness fees and other costs of preparation and partic-
53 ipation that the participant expects to request as compensation.

54 (c) If participation or intervention will impose a significant finan-
55 cial hardship and the participant seeks payment in advance to an award
56 of compensation in order to initiate, continue or complete participation

1 in the hearing or proceeding, such participant must include evidence of
2 such significant financial hardship in its application.

3 (d) Any other requirements as required by the department.

4 3. (a) Within thirty days after the filing of an application the
5 department shall issue a decision that determines whether or not the
6 participant may make a substantial contribution to the final decision in
7 the hearing or proceeding. If the department finds that the participant
8 requesting compensation may make a substantial contribution, the depart-
9 ment shall describe this substantial contribution and determine the
10 amount of compensation to be paid pursuant to subdivision four of this
11 section.

12 (b) Notwithstanding subdivision four of this section, if the depart-
13 ment finds that the participant has a significant financial hardship,
14 the department shall provide all or part of the compensation to the
15 participant from any funds in the utility intervenor account appropri-
16 ated for such purpose, or where such funds are insufficient, the depart-
17 ment may direct the public utility or utilities subject to the proceed-
18 ing to pay all or part of the compensation to the department to be
19 provided to the participant prior to the end of the proceeding. In the
20 event that the participant discontinues its participation in the
21 proceeding without the consent of the department, the department shall
22 be entitled to, in whole or in part, recover any payments made to such
23 participant to be refunded to the utility intervenor account or the
24 public utility or utilities that provided such payment.

25 (c) The computation of compensation pursuant to paragraph (a) of this
26 subdivision shall take into consideration the market rates paid to
27 persons of comparable training and experience who offer similar
28 services. The compensation awarded may not, in any case, exceed the
29 comparable market rate for services paid by the department or the public
30 utility, whichever is greater, to persons of comparable training and
31 experience who are offering similar services.

32 (d) Any compensation awarded to a participant and not used by such
33 participant shall be returned to the department for refund to the utili-
34 ty intervenor account or the public utility or utilities that provided
35 such payment.

36 (e) The department shall require that participants seeking payment
37 maintain an itemized record of all expenditures incurred as a result of
38 such proceeding.

39 (i) The department may use the itemized record of expenses to verify
40 the claim of financial hardship by a participant seeking payment pursu-
41 ant to paragraph (c) of subdivision two of this section.

42 (ii) The department may use the record of expenditures in determining,
43 after the completion of a proceeding, if any unused funds remain.

44 (iii) The department shall preserve the confidentiality of the partic-
45 ipant's records in making any audit or determining the availability of
46 funds after the completion of a proceeding.

47 (f) In the event that the department finds that two or more partic-
48 ipants' applications have substantially similar interests, the depart-
49 ment may require such participants to apply jointly in order to receive
50 compensation.

51 4. Any compensation pursuant to this section shall be paid at the
52 conclusion of the proceeding, using funds appropriated to the utility
53 intervenor account for such purpose, or where such funds are not suffi-
54 cient for such payment, by the public utility or utilities subject to
55 the proceeding within thirty days. Such compensation shall be remitted

1 to the department which shall then remit such compensation to the
2 participant.

3 5. The department shall deny any award to any participant who attempts
4 to delay or obstruct the orderly and timely fulfillment of the depart-
5 ment's responsibilities.

6 § 2. The state finance law is amended by adding a new section 97-uuuu
7 to read as follows:

8 § 97-uuuu. Utility intervenor account. 1. There is hereby established
9 in the joint custody of the state comptroller and the commissioner of
10 taxation and finance a fund to be known as the utility intervenor
11 account.

12 2. Such account shall consist of any monies appropriated for the
13 purpose of providing compensation pursuant to section twenty-four-c of
14 the public service law, and all utility intervenor reimbursement monies
15 received from utilities pursuant to section twenty-four-c of the public
16 service law.

17 § 3. This act shall take effect on the thirtieth day after it shall
18 have become a law.

19 PART NNN

20 Section 1. Section 15-0601 of the environmental conservation law is
21 amended by adding four new subdivisions 4, 5, 6 and 7 to read as
22 follows:

23 4. "Resident applicant" shall mean a single or multifamily dwelling.

24 5. "Commercial applicant" shall mean a commercial business, private
25 school, university, not-for-profit corporation, or other nonprofit
26 organization located within Nassau or Suffolk counties.

27 6. "Eligible smart irrigation device" shall mean a smart irrigation
28 device that is new, has not been used or previously owned, and is
29 purchased from an in-person or online retailer.

30 7. "Smart irrigation device" shall mean any device which is intended
31 to be used or is actually used for irrigation and the monitoring of
32 local weather data to automatically alter irrigation schedules based on
33 such data, and shall include such devices as smart irrigation control-
34 lers and smart sprinkler systems.

35 § 2. The environmental conservation law is amended by adding a new
36 section 15-0609 to read as follows:

37 § 15-0609. Smart irrigation device rebate pilot program in Nassau and
38 Suffolk counties.

39 1. There is hereby created within the department a smart irrigation
40 device rebate pilot program. The legislature finds that the supply of
41 water from Long Island's aquifers is a precious and finite resource that
42 is specifically threatened by saltwater intrusion. Saltwater intrusion
43 affects many communities on Long Island, including the city of Long
44 Beach, which over the past forty-five years at least, has seen the slow
45 yet steady intrusion of such saltwater into the shallower layers of the
46 Lloyd aquifer, which supplies the city's water. It is essential to
47 properly manage the use of water in order to assure that the water
48 supply will be sufficient to meet current and future needs. The irri-
49 gation of commercial and residential lawns and gardens places a signif-
50 icant demand on the water supply and conservation efforts are a crit-
51 ically important part of proper management of such water supply. Data
52 provided by the United States Geological Survey indicates that Long
53 Island residents use seventy percent more water than the national aver-
54 age; and, consumption spikes in the peak water pumpage season during the

1 summer, mainly because of lawn irrigation. Furthermore, in two thousand
2 seventeen, the department required public water suppliers to develop
3 plans to reduce peak season water pumpage by fifteen percent. According
4 to data from a two thousand twenty-three report from the Long Island
5 commission for aquifer protection, increased irrigation control is need-
6 ed as peak water pumpage in Nassau County was three and one-half percent
7 lower than the average for the previous decade; and, in Suffolk County,
8 water use actually increased. Additionally, smart irrigation systems
9 have a beneficial impact on conserving water and ensure a high level of
10 lawncare beautification by commercial businesses and residents. There-
11 fore, the purpose of the program is to reduce water consumption, proper-
12 ly manage the use of water to meet current and future needs, enhance
13 conservation efforts and increase effective irrigation techniques. The
14 counties of Nassau and Suffolk can benefit from such program.

15 2. The department shall create a program, subject to appropriation
16 therefore, to award rebates to commercial applicants and resident appli-
17 cants within Nassau and Suffolk counties for eligible smart irrigation
18 devices in amounts determined by the department. The program shall open
19 for applications on March first, two thousand twenty-six.

20 3. The department shall determine the maximum rebate allowable for
21 commercial applicants and for resident applicants in accordance with the
22 requirements of this section and rules promulgated by the department,
23 taking into consideration the effectiveness of products at the lowest
24 price point. Rebates shall be allocated to eligible applicants on a
25 first-come, first-served basis, determined by the date the application
26 is received, for systems purchased after the effective date of this
27 section, until the earlier of the expenditure of all appropriated funds
28 or the program end date.

29 4. The department shall promulgate rules and regulations to implement
30 and administer the provisions of this section no later than January
31 thirty-first, two thousand twenty-six, including rules and regulations
32 relating to the types of smart irrigation devices eligible under this
33 section and rebate amounts for such devices, the forms, procedure and
34 guidelines required to claim a rebate, the required documentation and
35 basis for establishing eligibility for a rebate, the collection of
36 economic impact data from applicants, and any other requirements the
37 department deems necessary. In the course of developing such rules and
38 regulations, the department shall consult with relevant stakeholders,
39 including the Nassau county department of health, the Suffolk county
40 department of health and retailers selling eligible smart irrigation
41 devices. The department shall conduct education and outreach, with
42 informational materials made available in English and at least the three
43 most common non-English languages spoken by individuals with limited-
44 English proficiency in Nassau and Suffolk counties, based on United
45 States census data, as necessary to inform potential applicants and
46 manufacturers and retailers of smart irrigation devices about the smart
47 irrigation equipment rebate pilot program.

48 5. The department shall determine and publish on its website on an
49 ongoing basis the amount of available funding for rebates remaining in
50 each fiscal year.

51 6. No later than one year after the program has opened for applica-
52 tions, the department shall issue a report to the temporary president of
53 the senate and the speaker of the assembly detailing the status of the
54 smart irrigation device rebate pilot program in Nassau and Suffolk coun-
55 ties. Such report shall include:

- 1 (a) the amount of funding dedicated by the department for the program
2 in the preceding year;
3 (b) the amount of eligible purchases for which a rebate was awarded;
4 (c) the amount and geographic distribution of rebates;
5 (d) recommendations to improve program effectiveness, including wheth-
6 er such eligible smart irrigation devices should become tax exempt to
7 increase uptake by commercial and residential applicants; and
8 (e) any other information the department deems necessary.

9 § 3. This act shall take effect immediately and shall expire and be
10 deemed repealed three years after it shall have become a law.

11 PART 000

12 Section 1. Section 56-0501 of the environmental conservation law is
13 amended by adding a new subdivision 3 to read as follows:

14 3. Beginning in state fiscal year two thousand twenty-five--two thou-
15 sand twenty-six, environmental restoration projects may be funded within
16 available appropriations.

17 § 2. Subdivision 1 of section 56-0502 of the environmental conserva-
18 tion law is REPEALED.

19 § 3. Subdivisions 1-a and 5 of section 56-0502 of the environmental
20 conservation law, subdivision 1-a as added and subdivision 5 as amended
21 by section 2 of part D of chapter 577 of the laws of 2004, are amended
22 and two new subdivisions 1 and 7 are added to read as follows:

23 1. "Contaminant" shall mean hazardous waste as defined in section
24 27-1301 of this chapter, petroleum as defined in section one hundred
25 seventy-two of the navigation law, the chemicals identified in paragraph
26 c of subdivision three of section eleven hundred twelve of the public
27 health law whether or not listed pursuant to the authority of the
28 department of health under such section and any other emerging contam-
29 inants as defined in section eleven hundred twelve of the public health
30 law, and any other PFAS substances for which a testing method has been
31 recommended, certified, approved or is in use by the federal environ-
32 mental protection agency, the department of health or the department.

33 1-a. "Contamination" or "contaminated" shall [~~have the same meaning as~~
34 ~~provided in section 27-1405 of this chapter~~] mean the presence of a
35 contaminant in any environmental media, including soil, surface water,
36 groundwater, air, or indoor air.

37 5. "Municipality", for purposes of this title, shall have the same
38 meaning as provided in subdivision fifteen of section 56-0101 of this
39 article, except that such term shall not refer to a municipality that
40 [~~generated, transported, or disposed of, arranged for, or that caused~~
41 ~~the generation, transportation, or disposal of contamination located at~~
42 ~~real property proposed to be investigated or to be remediated under an~~
43 ~~environmental restoration project. For purposes of this title, the term~~
44 ~~municipality includes a municipality acting in partnership with a commu-~~
45 ~~nity based organization~~], through gross negligence or willful or inten-
46 tional misconduct, caused or contributed to contamination which threat-
47 ens public health or the environment, at real property to be
48 investigated or remediated under an environmental restoration project.

49 7. "PFAS substances" shall mean a class of fluorinated organic chemi-
50 cals containing at least one fully fluorinated carbon atom.

51 § 4. Paragraph (c) of subdivision 2 of section 56-0503 of the environ-
52 mental conservation law, as amended by section 38 of part BB of chapter
53 56 of the laws of 2015, is amended to read as follows:

1 (c) A provision that the municipality shall assist in identifying a
2 responsible party by searching local records, including property tax
3 rolls, or document reviews, and if, in accordance with the required
4 departmental approval of any settlement with a responsible party, any
5 responsible party payments become available to the municipality, before,
6 during or after the completion of an environmental restoration project,
7 which were not included when the state share was calculated pursuant to
8 this section, [~~the state assistance share shall be recalculated, and~~
9 the value of such settlement shall be used by the municipality to fund
10 its municipal share, and the state assistance share shall not be recal-
11 culated, to the extent that the total of all such settlement amounts is
12 equal to or less than the municipal share. To the extent the total of
13 all such settlement amounts exceeds the municipal share, the munici-
14 pality shall pay such exceedance to the state, for deposit into the
15 environmental restoration project account of the hazardous waste remedi-
16 al fund established under section ninety-seven-b of the state finance
17 law[~~, the difference between the original state assistance payment and~~
18 ~~the recalculated state share. Recalculation of the state share shall be~~
19 ~~done each time a payment from a responsible party is received by the~~
20 ~~municipality~~];

21 § 5. Paragraphs (a), (d), and (e) of subdivision 1 of section 56-0505
22 of the environmental conservation law, as amended by section 5 of part D
23 of chapter 1 of the laws of 2003, are amended and a new paragraph (f) is
24 added to read as follows:

25 (a) the benefit to the environment and public health realized by the
26 expeditious remediation of the property proposed to be subject to such
27 project;

28 (d) real property in a designated brownfield opportunity area pursuant
29 to section nine hundred seventy-r of the general municipal law or real
30 property in a disadvantaged community pursuant to subdivision five of
31 section 75-0101 of this chapter; [~~and~~]

32 (e) the opportunity for other funding sources to be available for the
33 investigation or remediation of such property, including, but not limit-
34 ed to, enforcement actions against responsible parties (other than the
35 municipality to which state assistance was provided under this title; or
36 a successor in title, lender, or lessee who was not otherwise a respon-
37 sible party prior to such municipality taking title to the property),
38 state assistance payments pursuant to title thirteen of article twenty-
39 seven of this chapter, and the existence of private parties willing to
40 remediate such property using private funding sources. Highest priority
41 shall be granted to projects for which other such funding sources are
42 not available[~~+~~]; and

43 (f) for drinking water contamination sites as defined in section
44 27-1201 of this chapter, any requirements made by the commissioner of
45 health pursuant to section 27-1205 of this chapter, for a municipally
46 owned public water system to take action to reduce exposure to an emerg-
47 ing contaminant or contaminants.

48 § 6. Subdivision 2 of section 56-0505 of the environmental conserva-
49 tion law is REPEALED.

50 § 7. Subdivisions 3, 4, and 5 of section 56-0505 of the environmental
51 conservation law are renumbered subdivisions 2, 3, and 4 and subdivision
52 2, as amended by section 5 of part D of chapter 1 of the laws of 2003
53 and as renumbered by this section, is amended to read as follows:

54 2. The remediation objective of an environmental restoration remedi-
55 ation project shall meet the same standard for protection of public

1 health and the environment that applies to remedial actions undertaken
2 pursuant to ~~[section]~~ sections 27-1313 and 27-1205 of this chapter.

3 § 8. Subdivision 3 of section 56-0509 of the environmental conserva-
4 tion law, as amended by section 4 of part D of chapter 577 of the laws
5 of 2004, is amended to read as follows:

6 3. (a) The state shall indemnify and save harmless any municipality[7]
7 that completes an environmental restoration remediation project in
8 compliance with the terms and conditions of a state assistance contract
9 or written agreement pursuant to subdivision three of section 56-0503 of
10 this title providing such assistance and any successor in title, lessee,
11 or lender ~~[identified in paragraph (a) of subdivision one of this~~
12 ~~section]~~ in the amount of any judgment or settlement, obtained against
13 such municipality, successor in title, lessee, or lender in any court
14 for any common law cause of action arising out of: (i) the presence of
15 any contamination in or on property at anytime before the effective date
16 of a contract entered into pursuant to this title; or (ii) municipal
17 actions related to the implementation of the environmental restoration
18 remediation project.

19 (b) Such municipality, successor in title, lessee, or lender shall be
20 entitled to representation by the attorney general, unless the attorney
21 general determines, or a court of competent jurisdiction determines,
22 that such representation would constitute a conflict of interest, in
23 which case the attorney general shall certify to the comptroller that
24 such party is entitled to private counsel of its choice, and reasonable
25 attorneys' fees and expenses shall be reimbursed by the state. Any
26 settlement of such an action shall be subject to the approval of the
27 attorney general as to form and amount, and this subdivision shall not
28 apply to any settlement of any such action which has not received such
29 approval.

30 § 9. Notwithstanding subdivisions a, b, and c of section 32 of chapter
31 413 of the laws of 1996, a memorandum of understanding shall not be
32 required to make available twenty million dollars (\$20,000,000) from the
33 Clean Water/Clean Air Bond Act of 1996 for state assistance payments to
34 municipalities for environmental remediation in accordance with title 5
35 of article 56 of the environmental conservation law.

36 § 10. This act shall take effect immediately.

37 PART PPP

38 Section 1. The public authorities law is amended by adding a new
39 section 1885 to read as follows:

40 § 1885. Previously owned zero-emission vehicles rebate program. 1.
41 There is hereby created within the authority a zero-emission vehicles
42 rebate program. The purpose of the program is to reduce greenhouse gas
43 emissions, improve air quality, and reduce noise pollution by promoting
44 the adoption of quieter, zero-emission vehicles.

45 2. As used in this section:

46 (a) "Institutional or commercial applicant" shall mean a commercial
47 business, or a state agency, state authority, local authority, town,
48 county, village, school district, private school, university, not-for-
49 profit corporation, or other nonprofit organization.

50 (b) "Individual applicant" shall mean a person, who is not an institu-
51 tional or commercial applicant, and who intends to use an eligible zero-
52 emission vehicle for private home use and not for any commercial
53 purposes.

1 (c) "Zero-emission vehicle" shall have the same meaning as under part
2 two hundred eighteen of title six of the New York codes, rules and regu-
3 lations.

4 (d) "Eligible zero-emission vehicle" shall mean a zero-emission vehi-
5 cle that has been used or previously owned, and is purchased or leased
6 from a storefront or online retailer.

7 (e) "Local authority" shall have the same meaning as in subdivision
8 two of section two of this chapter.

9 (f) "State agency" shall mean all state departments, boards, commis-
10 sions, offices or institutions.

11 (g) "State authority" shall have the same meaning as in subdivision
12 one of section two of this chapter.

13 3. The authority shall award rebates to institutional or commercial
14 applicants and individual applicants at the point of sale for eligible
15 zero-emission vehicles in amounts up to two thousand dollars, as deter-
16 mined by the authority.

17 4. The authority shall determine the rebate eligibility of each appli-
18 cant in accordance with the requirements of this section and rules
19 promulgated by the authority. The total amount of rebates allocated to
20 certified applicants in each fiscal year shall not exceed the amount of
21 funds available for the program in such fiscal year. Rebates shall be
22 allocated to applicants on a first-come, first-served basis, determined
23 by the date the application is received, until all appropriated funds
24 for the fiscal year are expended or the program ends, whichever comes
25 first.

26 5. The authority shall promulgate rules and regulations to implement
27 and administer the provisions of this section no later than one year
28 after the effective date of this section, including rules and regu-
29 lations relating to the forms required to claim a rebate under this
30 section, the required documentation and basis for establishing eligibil-
31 ity for a rebate, procedures and guidelines for claiming a rebate, the
32 collection of economic impact data from applicants, and any other
33 requirements the authority deems necessary. The authority shall conduct
34 education and outreach, with informational materials made available in
35 at least English and the three most common non-English languages spoken
36 by individuals with limited-English proficiency in the state of New
37 York, based on United States census data, as necessary to inform poten-
38 tial applicants and manufacturers and retailers of eligible zero-emis-
39 sion vehicles about the zero-emission vehicles rebate program.

40 6. The authority shall determine and publish on its website on an
41 ongoing basis the amount of available funding for rebates remaining in
42 each fiscal year.

43 7. No later than two years after the effective date of this section,
44 and annually thereafter on the first of January, the authority shall
45 issue a report to the temporary president of the senate, the speaker of
46 the assembly, the chair of the senate committee on energy and telecommu-
47 nications and the chair of the assembly committee on energy detailing
48 the status of the zero-emission vehicles rebate program. Such report
49 shall include:

50 (a) the amount of funding dedicated by the authority for the program
51 in the preceding year;

52 (b) the amount of eligible purchases for which a rebate was awarded;

53 (c) the amount and geographic distribution of rebates; and

54 (d) any other information the authority deems necessary.

55 § 2. This act shall take effect immediately and shall expire and be
56 deemed repealed January 1, 2031.

PART QQQ

Section 1. The public authorities law is amended by adding a new section 1885 to read as follows:

§ 1885. Floating solar incentive and education program. 1. As used in this section the term "floating solar" shall mean solar photovoltaic systems mounted on floating structures or platforms on the surface of a body of water, including but not limited to canals, lakes, reservoirs, and ponds.

2. The authority shall establish and maintain a floating solar incentive and education program pursuant to standards and criteria promulgated by the authority which shall provide information and resources including technical assistance, access to industry standards, and financing available through the authority or other public or private sector sources, to municipalities, developers, builders, design professionals, and potential owners for the construction of floating solar.

3. The program shall include, but shall not be limited to:

(a) Grants for the development of floating solar on sites that are constructed on canals, reservoirs, commercial and industrial ponds, and any other artificially created body of water suitable for siting a floating solar project;

(b) Identification of best practices and strategies for siting floating solar projects that protect the ecosystems of bodies of water;

(c) Monitoring any impacts floating solar may have on water quality, water conservation, and algae control; and

(d) Establishing and distributing educational materials and resources about siting, construction, maintenance, and available incentives on floating solar.

4. The authority, in consultation with the public service commission and the department of environmental conservation, shall promulgate all rules and regulations necessary for the implementation of the program.

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

PART RRR

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

§ 66-x. Advancing grid enhancement technologies. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Grid enhancing technology" means any hardware or software technology that enables enhanced or more efficient performance from the electric transmission system, including, but not limited to, dynamic line rating, advanced power flow control technology, topology optimization and advanced reconductoring.

(b) "Advanced reductors" means hardware technology that can conduct electricity across transmission lines and demonstrate enhanced performance over traditional conductor products.

(c) "Dynamic line rating" means hardware and/or software technologies used to appropriately update the calculated thermal limits of existing transmission lines based on real-time and forecasted weather conditions.

(d) "Advanced power flow control" means hardware and/or software technologies used to push or pull electric power in a manner that balances

1 overloaded lines and underutilized corridors within the transmission
2 network.

3 (e) "Topology optimization" means hardware and/or software technolo-
4 gies that identify reconfigurations of the transmission grid and can
5 enable the routing of power flows around congested or overloaded trans-
6 mission elements.

7 (f) "Electric corporation" and "combination electric and gas corpo-
8 ration" shall have the same meaning as in section two of this chapter.

9 (g) "Transmission" shall have the same meaning as "major electric
10 transmission facility" as defined in section one hundred thirty-seven of
11 this chapter.

12 2. For proceedings before the commission in which an electric corpo-
13 ration or combination electric and gas corporation proposes capital
14 improvements or additions to the transmission system, the department may
15 authorize such electric corporations or combination electric and gas
16 corporations to conduct a cost-effectiveness analysis of multiple strat-
17 egies, including, but not limited to, the deployment of grid enhancing
18 technologies, and advanced reconductoring. Where grid enhancing tech-
19 nologies or advanced reconductoring, whether in combination with or
20 instead of other capital investments, offer a more cost-effective strat-
21 egy to achieve transmission goals, including, but not limited to,
22 distributed energy resource interconnection, the commission may approve
23 the deployment of grid enhancing technologies or advanced reconductoring
24 as part of the overall solutions strategy.

25 3. As part of a proceeding before the commission in which it proposes
26 capital improvements or additions to the transmission system, an elec-
27 tric corporation or combination electric and gas corporation may propose
28 a performance incentive mechanism that provides a financial incentive
29 for the cost-effective deployment of grid enhancing technologies or
30 advanced reconductoring.

31 4. The department shall promulgate any rules and/or regulations it
32 deems necessary to implement the provisions of this section.

33 5. Beginning five years after the effective date of this section, and
34 every five years thereafter, each electric corporation or combination
35 electric and gas corporation shall report to the federally designated
36 bulk system operator, and the commission on or before September first on
37 the deployment of any grid enhancing technologies or advanced reconduc-
38 toring in a format determined by the department.

39 § 2. Section 1005 of the public authorities law is amended by adding a
40 new subdivision 31 to read as follows:

41 31. For any transmission facility the authority constructs or upgrades
42 in connection with this section the authority may conduct a cost-effec-
43 tiveness analysis of multiple strategies, including, but not limited to,
44 the deployment of grid enhancing technologies and advanced reconduc-
45 ting. Where grid enhancing technologies or advanced reconductoring,
46 whether in combination with or instead of other capital investments,
47 offer a more cost-effective strategy to achieve transmission goals,
48 including, but not limited to, distributed energy resource intercon-
49 nection, the authority, as deemed feasible and advisable by the trustees
50 and with any necessary approval from the public service commission, is
51 authorized to deploy grid enhancing technologies or advanced reconduc-
52 toring, as part of the overall solutions strategy.

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

1 Section 1. Paragraphs (a) and (b) of subdivision 2-a of section 314 of
2 the executive law, as amended by chapter 96 of the laws of 2019, subpar-
3 agraph (i) of paragraph (a) as amended by chapter 669 of the laws of
4 2022, are amended to read as follows:

5 (a) The director shall establish a procedure [~~enabling~~] requiring the
6 office to accept New York municipal corporation certification verifica-
7 tion for minority and women-owned business enterprise applicants in lieu
8 of requiring the applicant to complete the state certification process
9 separately. [~~The~~] Any municipal corporation that chooses to use such
10 procedure shall first enter into a memorandum of understanding regarding
11 acceptance of such municipal corporation certification verification with
12 the office, and the director shall promulgate rules and regulations to
13 set forth criteria for the acceptance of municipal corporation certif-
14 ication. [~~All eligible municipal corporation certifications~~] An appli-
15 cant certified in lieu of completing the state certification process
16 separately pursuant to this section shall [~~require~~] meet the definition
17 of a minority-owned business [~~enterprises seeking certification to meet~~
18 ~~the following standards:~~

19 ~~(i) have at least fifty-one percent ownership by a minority]~~ enter-
20 prise or a women-owned business enterprise [~~and be owned by United~~
21 ~~States citizens or permanent resident noncitizens,~~

22 ~~(ii) be an enterprise in which the minority and/or women ownership~~
23 ~~interest is real, substantial and continuing,~~

24 ~~(iii) be an enterprise in which the minority and/or women ownership~~
25 ~~has and exercises the authority to control independently the day-to-day~~
26 ~~business decisions of the enterprise,~~

27 ~~(iv) be an enterprise authorized to do business in this state,~~

28 ~~(v) be subject to a physical site inspection to verify the fifty one~~
29 ~~percent ownership requirement,~~

30 ~~(vi) be owned by an individual or individuals, whose ownership,~~
31 ~~control and operation are relied upon for certification, with a personal~~
32 ~~net worth that does not exceed fifteen million dollars and such other~~
33 ~~amount as the director shall set forth in regulations, as adjusted annu-~~
34 ~~ally for inflation according to the consumer price index; and~~

35 ~~(vii) be an enterprise that is a small business pursuant to subdivi-~~
36 ~~sion twenty of]~~ as set forth in section three hundred ten of this arti-
37 cle in order to receive state certification.

38 (b) The director shall work with all municipal corporations that have
39 a municipal minority and women-owned business enterprise program to
40 develop standards to accept state certification to meet the municipal
41 corporation minority and women-owned business enterprise certification
42 standards whenever a municipal corporation requests assistance. Upon
43 entering into a memorandum of understanding pursuant to paragraph (a) of
44 this subdivision, each municipal corporation that has a municipal minor-
45 ity and women-owned business enterprise program shall establish a proce-
46 cedure requiring such municipality to accept state certification verifica-
47 tion for minority and women-owned business enterprise applicants in lieu
48 of requiring applicants to apply to each entity separately. The municipi-
49 pal corporation shall develop rules and regulations in order to accept
50 state certification in situations where an applicant who is certified as
51 a minority or women-owned business enterprise pursuant to the law or
52 rule for such municipal corporation's certification program also meets
53 the definition of a minority-owned business enterprise or women-owned
54 business enterprise as set forth in section three hundred ten of this
55 article.

1 § 2. This act shall take effect on the two hundred seventieth day
2 after it shall have become a law; provided, however, that the amendments
3 to paragraphs (a) and (b) of subdivision 2-a of section 314 of the execu-
4 tive law made by section one of this act shall not affect the repeal of
5 such section and shall be deemed repealed therewith.

6 PART TTT

7 Section 1. Legislative intent. The legislature finds and declares
8 that:

9 1. The increasing burden of high utility rates leaves New York resi-
10 dents with extreme financial difficulties. Soaring electricity rates
11 leave one in five New York residents at risk of having their electricity
12 cut off. Meanwhile, the long-term trend of utilities receiving record
13 profits threatens the livelihood of millions of New Yorkers who struggle
14 to afford utility bills.

15 2. The current process in which the public service commission (herein-
16 after the "commission") and regulated utilities set rates for utility
17 bills to ratepayers has historically been inaccessible and indeciphera-
18 ble to the public and often runs contrary to the stated goals of the
19 commission to ensure affordable, safe, secure, and reliable utility
20 service for New York residential and business consumers.

21 3. Regulated utilities are entitled to earn a fair and reasonable rate
22 of return on their capital investments, pursuant to Supreme Court
23 rulings in Federal Power Commission et al. v. Hope Natural Gas Co.
24 (1944) and Bluefield Water Works and Improvement Co. v. Public Service
25 Commission of West Virginia (1923). However, recent trends suggest that
26 the "fair and reasonable" legal standard is not always reflected in
27 actual utility rates for consumers. Aligning the incentives of regu-
28 lated utilities and ratepayers is essential to protect the interests of
29 all New York residents by establishing a more accurate standard for a
30 regulated utility's right to earn a fair and reasonable rate of return.

31 § 2. The public service law is amended by adding a new section 65-c to
32 read as follows:

33 § 65-c. Setting a rate of return on equity and common equity ratio. 1.
34 Definitions. For the purposes of this section, the following terms shall
35 have the following meanings:

36 (a) "Regulated utility" means an "electric corporation", "gas corpo-
37 ration", "steam corporation", or "water-works corporation" as defined in
38 section two of this chapter.

39 (b) "Generic financing methodology" means a standardized procedure for
40 determining the authorized rates of return on equity and common equity
41 ratios of utilities regulated by the commission.

42 (c) "Authorized common equity ratio" means the authorized percentage
43 of a utility's total capitalization, such as common equity, preferred
44 stock, and long-term debt, that consists of common equity, retained
45 earnings, and capital surplus.

46 (d) "Actual common equity ratio" means the actual percentage of a
47 utility's total capitalization, such as common equity, preferred stock,
48 and long-term debt, that consists of common equity, retained earnings,
49 and capital surplus.

50 (e) "Authorized rate of return on equity" also known as return on
51 equity ("ROE") or the cost of equity capital, means the return on the
52 equity portion of the rate base that regulated utilities are authorized
53 to collect in rates.

1 (f) "Actual rate of return on equity" means a measure of financial
2 performance calculated by dividing net income by shareholders' equity.

3 (g) "Rate period" means the time period in which a regulated utility
4 collects rates that are authorized and approved by the commission.

5 (h) "Publicly available data" means published data that is openly
6 accessible via the internet, or indirectly accessible through a public
7 library or similar institution.

8 2. Setting the generic financing methodology; common equity ratio;
9 rate of return on equity. (a) On an annual basis, the commission shall
10 promulgate rules and regulations that:

11 (i) update the generic financing methodology such that, to the great-
12 est extent possible, all of its calculations are based upon publicly
13 available data;

14 (ii) set a fair and reasonable authorized common equity ratio for each
15 regulated utility and a single authorized rate of return on equity for
16 all regulated utilities, based on the generic financing methodology; and

17 (iii) reconcile the prior rate period's authorized rate of return on
18 equity to a calculation of the average monthly rate of return on equity
19 produced by the generic financing methodology for that rate period, such
20 as a "true-up mechanism". In making this determination, the commission
21 shall require that: (A) any revenues derived from an authorized rate of
22 return on equity exceeding the average monthly rate of return on equity
23 be returned to ratepayers in the form of a surcredit to their bills for
24 the following rate period; and (B) any revenues that would have been
25 derived from an average monthly rate of return on equity exceeding the
26 authorized rate of return on equity shall be recovered from ratepayers
27 in the form of a surcharge to their bills for the following rate period.

28 (b) The promulgated generic financing methodology, authorized common
29 equity ratio, authorized rate of return on equity, and the prior year's
30 average monthly rate of return on equity shall clearly state the methods
31 used to justify and explain its proposed guidance.

32 (c) The promulgated generic financing methodology, authorized common
33 equity ratio, authorized rate of return on equity, and prior rate peri-
34 od's average monthly rate of return on equity shall be subject to tradi-
35 tional notice and comment procedures, as outlined in the state adminis-
36 trative procedure act, which shall include input from public interest
37 organizations, utility accounting experts, representatives from regu-
38 lated utilities, and other organizations and interested parties, includ-
39 ing residents of this state, as necessary.

40 (d) The final generic financing methodology, authorized common equity
41 ratio, authorized rate of return on equity, and prior rate period's
42 average monthly rate of return on equity adopted by the commission,
43 following the notice and comment period, shall give preference to the
44 best interest of the ratepayers.

45 3. Adopting the authorized common equity ratio, authorized rate of
46 return on equity and/or prior rate period's average monthly rate of
47 return on equity. Except as provided in subdivision four of this
48 section, every regulated utility shall:

49 (a) adopt the authorized common equity ratio based on the generic
50 financing methodology for the following rate period as set specifically
51 for each regulated utility by the commission;

52 (b) adopt the authorized rate of return on equity based on the generic
53 financing methodology for the following rate period; and

54 (c) adopt the surcredit/surcharge based on the prior rate period's
55 average monthly rate of return on equity, as outlined in subdivision two
56 of this section, for the following rate period.

1 4. Rebutting the authorized common equity ratio, rate of return on
2 equity, and prior rate period's average monthly rate of return on equi-
3 ty. (a) The burden of rebutting the authorized common equity ratio,
4 authorized rate of return on equity, and/or prior rate period's average
5 monthly rate of return on equity shall rest exclusively with the regu-
6 lated utility during a public hearing facilitated by the commission. In
7 order to rebut the authorized common equity ratio and/or authorized rate
8 of return on equity, the regulated utility shall first initiate a
9 request for public hearing through procedures outlined by the commis-
10 sion. Should the commission find a substantial basis for the claims
11 outlined by the regulated utility in its request, it shall publish a set
12 of dates from which a public hearing shall take place.

13 (b) During the public hearing the regulated utility shall:

14 (i) present documentary evidence, including but not limited to exhib-
15 its, written and oral testimony, and data, describing why the authorized
16 common equity ratio, authorized rate of return on equity, or prior rate
17 period's average monthly rate of return on equity is insufficient to
18 meet its current or future operating and capital needs;

19 (ii) present documentary evidence, including but not limited to exhib-
20 its, written and oral testimony, and data, describing why the authorized
21 common equity ratio, authorized rate of return on equity, or prior rate
22 period's average monthly rate of return on equity does not provide a
23 fair and reasonable return;

24 (iii) describe with sufficient detail why the authorized common equity
25 ratio, authorized rate of return on equity or prior rate period's aver-
26 age monthly rate of return on equity adopted by the commission is insuf-
27 ficient for the regulated utility to attract capital at reasonable
28 terms; and

29 (iv) describe with sufficient detail why the authorized common equity
30 ratio, authorized rate of return on equity, or prior rate period's aver-
31 age monthly rate of return on equity is insufficient for the regulated
32 utility to maintain its financial integrity during the rate year.

33 (c) If the commission determines, by a preponderance of the evidence,
34 after the conclusion of the public hearing, that the regulated utility
35 has sufficiently demonstrated that the authorized common equity ratio,
36 authorized rate of return on equity, or prior rate period's average
37 monthly rate of return on equity is insufficient to meet the regulated
38 utilities' operating needs, capital needs, or both, then the commission
39 and the regulated utility shall then enter into settlement negotiations
40 through adjudication pursuant to the procedures set out under this arti-
41 cle.

42 5. Settlement negotiations following successful rebuttal. All settle-
43 ment negotiations shall take into consideration the following factors
44 prior to reaching a final authorized common equity ratio, authorized
45 rate of return on equity, or prior rate period's average monthly rate of
46 return on equity:

47 (a) testimonies and exhibits from expert witnesses, including those
48 from outside public interest organizations;

49 (b) how the negotiated settlement reduces delivery rates for consum-
50 ers;

51 (c) how the negotiated settlement improves equity for, minimizes
52 impacts on, and prioritizes benefits to utility rates for disadvantaged
53 communities as defined in section 75-0101 of the environmental conserva-
54 tion law;

1 (d) whether the testimony and exhibits of the regulated utility
 2 reflect positions that are in the best interest of the public and
 3 promote principles of equity for disadvantaged communities;

4 (e) whether the proposals of the regulated utility would result in the
 5 lowest possible delivery cost to the benefit of the rate payer; and

6 (f) whether the new settlement agreement provides a just and reason-
 7 able return for the regulated utility.

8 6. Reports and legislative hearing on findings between the commission
 9 and regulated utilities. (a) Annually, the commission shall submit to
 10 the governor and the legislature, a report outlining the findings and
 11 determinations of the final authorized common equity ratio, authorized
 12 rate of return on equity and/or prior rate period's average monthly rate
 13 of return on equity, whether set through the procedures outlined in
 14 subdivisions three and four of this section or through negotiated
 15 settlements outlined in subdivision five of this section, between a
 16 regulated utility and the commission during the previous year.

17 (b) Such report shall analyze and describe in clear, accessible
 18 language how the final authorized common equity ratio, authorized rate
 19 of return on equity, and/or prior rate period's average monthly rate of
 20 return on equity has changed, reflects new circumstances, or remained
 21 the same during the previous year.

22 (c) Such report shall include all monthly data used for generic
 23 financing methodology calculations that is not publicly available data,
 24 together with an explanation of why it was necessary to use such non-
 25 public data instead of a publicly available data source.

26 (d) The annual report shall be published online on the commission's
 27 website and be made publicly available.

28 § 3. This act shall take effect one year after it shall have become a
 29 law.

30 PART UUU

31 Section 1. Subsection (i) of section 3216 of the insurance law is
 32 amended by adding a new paragraph 41 to read as follows:

33 (41) (A) Every policy which provides medical coverage that includes
 34 coverage for physician services in a physician's office and every policy
 35 which provides major medical or similar comprehensive-type coverage
 36 shall include coverage for inhalers for the treatment of asthma if
 37 recommended or prescribed by a physician or other licensed health care
 38 provider legally authorized to prescribe under title eight of the educa-
 39 tion law.

40 (B) Such coverage may be subject to annual deductibles and coinsurance
 41 as may be deemed appropriate by the superintendent and as are consistent
 42 with those established for other benefits within a given policy;
 43 provided however, the total amount that a covered person is required to
 44 pay out of pocket for covered inhalers shall be capped at an amount not
 45 to exceed thirty-five dollars per thirty-day supply, regardless of
 46 the insured's deductible, copayment, coinsurance or any other cost shar-
 47 ing requirement.

48 § 2. Subsection (1) of section 3221 of the insurance law is amended by
 49 adding a new paragraph 23 to read as follows:

50 (23) (A) Every group or blanket accident and health insurance policy
 51 issued or issued for delivery in this state which provides medical
 52 coverage that includes coverage for physician services in a physician's
 53 office and every policy which provides major medical or similar compre-
 54 hensive-type coverage shall include coverage for inhalers for the treat-

1 ment of asthma if recommended or prescribed by a physician or other
2 licensed health care provider legally authorized to prescribe under
3 title eight of the education law.

4 (B) Such coverage may be subject to annual deductibles and coinsurance
5 as may be deemed appropriate by the superintendent and as are consistent
6 with those established for other benefits within a given policy;
7 provided however, the total amount that a covered person is required to
8 pay out of pocket for covered inhalers shall be capped at an amount not
9 to exceed thirty-five dollars per thirty-day supply, regardless of
10 the insured's deductible, copayment, coinsurance or any other cost shar-
11 ing requirement.

12 § 3. Section 4303 of the insurance law is amended by adding a new
13 subsection (ww) to read as follows:

14 (ww) (1) A medical expense indemnity corporation or a health service
15 corporation which provides medical coverage that includes coverage for
16 physician services in a physician's office and every policy which
17 provides major medical or similar comprehensive-type coverage shall
18 include coverage for inhalers for the treatment of asthma if recommended
19 or prescribed by a physician or other licensed health care provider
20 legally authorized to prescribe under title eight of the education law.

21 (2) Such coverage may be subject to annual deductibles and coinsurance
22 as may be deemed appropriate by the superintendent and as are consistent
23 with those established for other benefits within a given policy;
24 provided however, the total amount that a covered person is required to
25 pay out of pocket for covered inhalers shall be capped at an amount not
26 to exceed thirty-five dollars per thirty-day supply, regardless of
27 the insured's deductible, copayment, coinsurance or any other cost shar-
28 ing requirement.

29 § 4. This act shall take effect January 1, 2026 and shall apply to all
30 policies and contracts issued, renewed, modified, altered, or amended on
31 or after such date.

32 PART VVV

33 Section 1. Section 2878-a of the public authorities law is amended by
34 adding a new subdivision 3 to read as follows:

35 3. (a) A transportation authority established under this chapter may,
36 by resolution approved by a two-thirds vote of its members then in
37 office, or by a declaration that competitive bidding is impractical or
38 inappropriate with respect to electric-powered omnibuses, rolling stock,
39 vehicles or other related equipment because the item is available
40 through an existing contract between a vendor and (i) another public
41 authority provided that such other authority utilized a process of
42 competitive bidding or a process of competitive requests for proposals
43 to award such contracts, or (ii) the state of New York, or (iii) a poli-
44 tical subdivision of the state of New York, provided that in any case
45 when under this subdivision the authority determines that obtaining such
46 item thereby would be in the public interest and sets forth the reasons
47 for such determination. The authority shall accept sole responsibility
48 for any payment due the vendor as a result of the authority's order. In
49 each case where the authority declares competitive bidding impractical
50 or inappropriate, it shall state the reason therefor in writing and
51 summarize any negotiations that have been conducted. The authority shall
52 not award any contract pursuant to this subdivision earlier than thirty
53 days from the date on which the authority declares that competitive
54 bidding is impractical or inappropriate. All procurements approved

1 pursuant to this subdivision shall be subject to audit and inspection by
2 the department of audit and control or any successor agencies. For
3 purposes of this subdivision, "transportation authority" shall not
4 include transportation authorities governed under titles nine, nine-A
5 and eleven of article five of this chapter or title three of article
6 three of this chapter. For the purposes of this subdivision, "electric-
7 powered omnibuses" shall include any bus owned, leased, rented or other-
8 wise controlled by the authority that otherwise meets the definition of
9 bus provided in section five hundred nine-a of the vehicle and traffic
10 law that is propelled by an electric motor and associated power elec-
11 tronics which provide acceleration torque to the drive wheels during
12 normal vehicle operation and draws electricity from a hydrogen fuel cell
13 or from a battery which is capable of being recharged from an external
14 source of electricity; or otherwise operates without direct emission of
15 atmospheric pollutants.

16 (b) (i) Notwithstanding any provision of law to the contrary, all
17 rights or benefits, including terms and conditions of employment, and
18 protection of civil service and collective bargaining status of all
19 existing employees of authorized entities shall be preserved and
20 protected. Nothing in this section shall result in the: (1) displacement
21 of any currently employed worker or loss of position, including partial
22 displacement such as a reduction in the hours of non-overtime work,
23 wages, or employment benefits, or result in the impairment of existing
24 collective bargaining agreements; (2) transfer of existing duties and
25 functions related to maintenance and operations currently performed by
26 existing employees of authorized entities to a contracting entity; or
27 (3) transfer of future duties and functions ordinarily performed by
28 employees of authorized entities to a contracting entity.

29 (ii) At least one year prior to the beginning of the procurement proc-
30 ess for new electric-powered omnibuses, rolling stock, vehicles or
31 related equipment, the authority shall create and implement a workforce
32 development report that (1) forecasts the number of jobs provided by
33 existing omnibuses, rolling stock, vehicles or equipment that would be
34 eliminated or substantially changed after the purchase, as well as the
35 number of jobs expected to be created at the authority by the proposed
36 purchase over a six-year period from the date of the publication of the
37 workforce development report, (2) identifies gaps in skills needed to
38 operate and maintain the new electric-powered omnibuses, rolling stock,
39 vehicles or related equipment, (3) includes a comprehensive plan to
40 transition, train, or retrain employees that are impacted by the
41 proposed purchase, and (4) contains an estimated budget to transition,
42 train, or retrain employees that are impacted by the proposed purchase.

43 (c) Nothing contained herein shall be construed to affect (i) the
44 existing rights of employees pursuant to an existing collective bargain-
45 ing agreement, or (ii) the existing representational relationships among
46 employee organizations or the bargaining relationships between the
47 employer and an employee organization. Prior to beginning the procure-
48 ment process for new electric-powered omnibuses, rolling stock, vehicles
49 or related equipment, the transit agency or municipality shall inform
50 the respective collective bargaining agent of any potential jobs that
51 may be affected, altered, or eliminated as a result of the purchase, and
52 it shall be a mandatory subject for collective bargaining.

53 § 2. Section 104 of the general municipal law is amended by adding a
54 new subdivision 3 to read as follows:

55 3. (a) Notwithstanding the provisions of section one hundred three of
56 this article or of any other general, special or local law, any chief

1 executive officer of a political subdivision or agency which operates a
2 public transportation system is authorized to make purchases of elec-
3 tric-powered omnibuses or other related equipment upon a resolution
4 approved by a two-thirds vote of its board then in office because the
5 item is available through an existing contract between a vendor and (i)
6 a public authority of the state provided that such other authority
7 utilized a process of competitive bidding or a process of competitive
8 requests for proposals to award such contracts, or (ii) the state of New
9 York, or (iii) a political subdivision of the state of New York,
10 provided that in any case when under this subdivision the political
11 subdivision determines that obtaining such item thereby would be in the
12 public interest and sets forth the reasons for such determination. The
13 political subdivision shall not award any contract pursuant to this
14 subdivision earlier than thirty days from the date on which the poli-
15 tical subdivision declares that competitive bidding is impractical or
16 inappropriate. All purchases shall be subject to audit and inspection by
17 the political subdivision for which made, in addition to the department
18 of audit and control of New York state. For purposes of this subdivi-
19 sion, "political subdivision or agency which operates a public transpor-
20 tation system" shall not include transportation authorities governed
21 under titles nine, nine-A and eleven of article five of the public
22 authorities law or title three of article three of the public authori-
23 ties law. For the purposes of this subdivision, "electric-powered omni-
24 buses" shall include any bus owned, leased, rented or otherwise
25 controlled by the political subdivision that otherwise meets the defi-
26 nition of bus provided in section five hundred nine-a of the vehicle and
27 traffic law that is propelled by an electric motor and associated power
28 electronics which provide acceleration torque to the drive wheels during
29 normal vehicle operation and draws electricity from a hydrogen fuel cell
30 or from a battery which is capable of being recharged from an external
31 source of electricity; or otherwise operates without direct emission of
32 atmospheric pollutants.

33 (b) (i) Notwithstanding any provision of law to the contrary, all
34 rights or benefits, including terms and conditions of employment, and
35 protection of civil service and collective bargaining status of all
36 existing employees of authorized entities shall be preserved and
37 protected. Nothing in this section shall result in the: (1) displacement
38 of any currently employed worker or loss of position, including
39 partial displacement such as a reduction in the hours of non-overtime
40 work, wages, or employment benefits, or result in the impairment of
41 existing collective bargaining agreements; (2) transfer of existing
42 duties and functions related to maintenance and operations currently
43 performed by existing employees of authorized entities to a contracting
44 entity; or (3) transfer of future duties and functions ordinarily
45 performed by employees of authorized entities to a contracting entity.

46 (ii) At least one year prior to the beginning of the procurement proc-
47 ess for new electric-powered omnibuses, rolling stock, vehicles or
48 related equipment, the transit agency or municipality shall create and
49 implement a workforce development report that (1) forecasts the number
50 of jobs provided by existing omnibuses, rolling stock, vehicles or
51 equipment that would be eliminated or substantially changed after the
52 purchase, as well as the number of jobs expected to be created at the
53 transit provider by the proposed purchase over a six-year period from
54 the date of the publication of the workforce development report, (2)
55 identifies gaps in skills needed to operate and maintain the new elec-
56 tric-powered omnibuses, rolling stock, vehicles or related equipment,

1 (3) includes a comprehensive plan to transition, train, or retrain
2 employees that are impacted by the proposed purchase, and (4) contains
3 an estimated budget to transition, train, or retrain employees that are
4 impacted by the proposed purchase.

5 (c) Nothing contained herein shall be construed to affect (i) the
6 existing rights of employees pursuant to an existing collective bargain-
7 ing agreement, or (ii) the existing representational relationships among
8 employee organizations or the bargaining relationships between the
9 employer and an employee organization. Prior to beginning the procure-
10 ment process for new electric-powered omnibuses, rolling stock, vehicles
11 or related equipment, the transit agency or municipality shall inform
12 the respective collective bargaining agent of any potential jobs that
13 may be affected, altered, or eliminated as a result of the purchase, and
14 it shall be a mandatory subject for collective bargaining.

15 § 3. Section 104 of the general municipal law, as amended by section
16 27 of part L of chapter 55 of the laws of 2012, is amended to read as
17 follows:

18 § 104. Purchase through office of general services. 1. Notwithstanding
19 the provisions of section one hundred three of this article or of any
20 other general, special or local law, any officer, board or agency of a
21 political subdivision, of a district therein, of a fire company or of a
22 voluntary ambulance service is authorized to make purchases of commod-
23 ities and services available pursuant to section one hundred sixty-three
24 of the state finance law, may make such purchases through the office of
25 general services subject to such rules as may be established from time
26 to time pursuant to section one hundred sixty-three of the state finance
27 law or through the general services administration pursuant to section
28 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355;
29 provided that any such purchase shall exceed five hundred dollars and
30 that the political subdivision, district, fire company or voluntary
31 ambulance service for which such officer, board or agency acts shall
32 accept sole responsibility for any payment due the vendor. All purchases
33 shall be subject to audit and inspection by the political subdivision,
34 district, fire company or voluntary ambulance service for which made. No
35 officer, board or agency of a political subdivision, or a district ther-
36 ein, of a fire company or of a voluntary ambulance service shall make
37 any purchase through such office when bids have been received for such
38 purchase by such officer, board or agency, unless such purchase may be
39 made upon the same terms, conditions and specifications at a lower price
40 through such office. Two or more fire companies or voluntary ambulance
41 services may join in making purchases pursuant to this section, and for
42 the purposes of this section such groups shall be deemed "fire companies
43 or voluntary ambulance services."

44 2. (a) Notwithstanding the provisions of section one hundred three of
45 this article or of any other general, special or local law, any chief
46 executive officer of a political subdivision or agency which operates a
47 public transportation system is authorized to make purchases of elec-
48 tric-powered omnibuses or other related equipment upon a resolution
49 approved by a two-thirds vote of its board then in office because the
50 item is available through an existing contract between a vendor and (a)
51 a public authority of the state provided that such other authority
52 utilized a process of competitive bidding or a process of competitive
53 requests for proposals to award such contracts, or (b) the state of New
54 York, or (c) a political subdivision of the state of New York, provided
55 that in any case when under this subdivision the political subdivision
56 determines that obtaining such item thereby would be in the public

1 interest and sets forth the reasons for such determination. The poli-
2 tical subdivision shall not award any contract pursuant to this subdivi-
3 sion earlier than thirty days from the date on which the political
4 subdivision declares that competitive bidding is impractical or inappro-
5 priate. All purchases shall be subject to audit and inspection by the
6 political subdivision for which made, in addition to the department of
7 audit and control of New York state. For purposes of this subdivision,
8 "political subdivision or agency which operates a public transportation
9 system" shall not include transportation authorities governed under
10 titles nine, nine-A and eleven of article five of the public authorities
11 law or title three of article three of the public authorities law. For
12 the purposes of this subdivision, "electric-powered omnibuses" shall
13 include any bus owned, leased, rented or otherwise controlled by the
14 political subdivision that otherwise meets the definition of bus
15 provided in section five hundred nine-a of the vehicle and traffic law
16 that is propelled by an electric motor and associated power electronics
17 which provide acceleration torque to the drive wheels during normal
18 vehicle operation and draws electricity from a hydrogen fuel cell or
19 from a battery which is capable of being recharged from an external
20 source of electricity; or otherwise operates without direct emission of
21 atmospheric pollutants.

22 (b) (i) Notwithstanding any provision of law to the contrary, all
23 rights or benefits, including terms and conditions of employment, and
24 protection of civil service and collective bargaining status of all
25 existing employees of authorized entities shall be preserved and
26 protected. Nothing in this section shall result in the: (1) displacement
27 of any currently employed worker or loss of position, including
28 partial displacement such as a reduction in the hours of non-overtime
29 work, wages, or employment benefits, or result in the impairment of
30 existing collective bargaining agreements; (2) transfer of existing
31 duties and functions related to maintenance and operations currently
32 performed by existing employees of authorized entities to a contracting
33 entity; or (3) transfer of future duties and functions ordinarily
34 performed by employees of authorized entities to a contracting entity.

35 (ii) At least one year prior to the beginning of the procurement proc-
36 ess for new electric-powered omnibuses, rolling stock, vehicles or
37 related equipment, the transit agency or municipality shall create and
38 implement a workforce development report that (1) forecasts the number
39 of jobs provided by existing omnibuses, rolling stock, vehicles or
40 equipment that would be eliminated or substantially changed after the
41 purchase, as well as the number of jobs expected to be created at the
42 transit provider by the proposed purchase over a six-year period from
43 the date of the publication of the workforce development report, (2)
44 identifies gaps in skills needed to operate and maintain the new elec-
45 tric-powered omnibuses, rolling stock, vehicles or related equipment,
46 (3) includes a comprehensive plan to transition, train, or retrain
47 employees that are impacted by the proposed purchase, and (4) contains
48 an estimated budget to transition, train, or retrain employees that are
49 impacted by the proposed purchase.

50 (c) Nothing contained herein shall be construed to affect (i) the
51 existing rights of employees pursuant to an existing collective bargain-
52 ing agreement, or (ii) the existing representational relationships among
53 employee organizations or the bargaining relationships between the
54 employer and an employee organization. Prior to beginning the procure-
55 ment process for new electric-powered omnibuses, rolling stock, vehicles
56 or related equipment, the transit agency or municipality shall inform

1 the respective collective bargaining agent of any potential jobs that
2 may be affected, altered, or eliminated as a result of the purchase, and
3 it shall be a mandatory subject for collective bargaining.

4 § 4. Severability. The provisions of this act shall be severable, and
5 if the application of any clause, sentence, paragraph, subdivision,
6 section or part of this act to any person or circumstance shall be
7 adjudged by any court of competent jurisdiction to be invalid, such
8 judgment shall not necessarily affect, impair or invalidate the applica-
9 tion of any such clause, sentence, paragraph, subdivision, section or
10 part of this act or remainder thereof, as the case may be, to any other
11 person or circumstance, but shall be confined in its operation to the
12 clause, sentence, paragraph, subdivision, section or part thereof
13 directly involved in the controversy in which such judgment shall have
14 been rendered.

15 § 5. This act shall take effect immediately; provided, however, that
16 the amendments to section 104 of the general municipal law made by
17 section two of this act shall be subject to the expiration and reversion
18 of such section pursuant to section 9 of subpart A of part C of chapter
19 97 of the laws of 2011, as amended, when upon such date the provisions
20 of section three of this act shall take effect.

21

PART WWW

22 Section 1. A temporary state commission, to be known as the New York
23 state public bank commission, hereinafter referred to as the commission,
24 is hereby established to hire a consultant to study the feasibility of
25 establishing a bank owned by the state of New York or by a public
26 authority constituted by the state of New York for the public interest.

27 § 2. (a) The commission shall consist of thirteen members, to be
28 appointed as follows: (i) six members shall be appointed by the gover-
29 nor, one of whom shall be a representative of the New York state depart-
30 ment of financial services, one shall be a representative from the New
31 York state department of taxation and finance, the remaining four gover-
32 nor's appointees shall not be employees of the executive branch and at
33 least one member shall represent the banking and financial industries of
34 the state including, but not limited to, the New York bankers associ-
35 ation, at least one member shall represent community banking, and no
36 more than one member may be a representative of any financial services
37 firm located within the state, including, but not limited to, the New
38 York state small business development center;

39 (ii) three members shall be appointed by the temporary president of
40 the senate, one of whom shall be a member of the senate;

41 (iii) three members shall be appointed by the speaker of the assembly,
42 one of whom shall be a member of the assembly; and

43 (iv) the state comptroller or a proxy.

44 (b) The majority of the members of the entire commission shall desig-
45 nate one of the commissioners to serve as the chair of the commission.

46 (c) The members of the commission shall be appointed no later than
47 ninety days after the effective date of this act.

48 (d) The commission is directed to hire a reputable consultant that has
49 the capacity, capability, and experience to conduct a feasibility study
50 to evaluate and make recommendations concerning the formation and
51 control of a state public bank. Consultants that have conducted a previ-
52 ous feasibility study of a public bank at the request of a government
53 entity in the United States will be given preference. Such study shall
54 make recommendations, with the advice of the department of financial

1 services, including but not limited to, on the feasibility of establish-
2 ing a state bank in New York and may recommend legislation for the
3 legislature to consider in order to create a state public bank for New
4 York.

5 § 3. The scope of such study shall include, but shall not be limited
6 to:

- 7 (a) the purposes of such public bank in the public interest;
8 (b) an analysis of cost savings, impacts on the state's finances,
9 economic development and infrastructure, housing and additional needs of
10 the state, including but not limited to:
11 (i) appropriate governance structures;
12 (ii) minimum capitalization requirements;
13 (iii) appropriate insurance and risk management tools;
14 (iv) charter requirements;
15 (v) financial and operations framework;
16 (vi) deposits;
17 (vii) permitted activities;
18 (viii) benefits;
19 (ix) potential challenges that such public banks may encounter;
20 (x) how the lack of accessible financial services contributes to the
21 cycle of poverty;
22 (xi) barriers to small business formation and growth;
23 (xii) impacts of such public banks on small businesses, including
24 minority- and women-owned business enterprises;
25 (xiii) impacts of such public banks on the unbanked, the underbanked
26 and banking deserts; and
27 (xiv) how a state public bank may provide banking to the cannabis
28 industry;
29 (c) a fiscal analysis of costs associated with formation;
30 (d) an analysis that considers the effects of an economic recession on
31 the financial results of such public banks;
32 (e) a legal analysis of whether the proposed structure and operation
33 of such public bank complies with the New York state constitution;
34 (f) an analysis of how the proposed governance structure of such
35 public bank would protect such public bank from unlawful insider trans-
36 actions and apparent conflicts of interest;
37 (g) a fiscal analysis of the benefits associated with the creation of
38 such public bank, including, but not limited to, cost savings, jobs
39 created, jobs retained, economic activity generated and private capital
40 leveraged;
41 (h) a qualitative assessment of social and environmental benefits of
42 such public bank;
43 (i) a review of feasibility studies on public banking, including the
44 city of Philadelphia public bank feasibility study and the city of San
45 Francisco public bank feasibility study; and
46 (j) a review of AB-857 (2019 Cal. Stats. Ch. 442).

47 § 4. The sum of five hundred thousand dollars (\$500,000), or so much
48 thereof as may be necessary, is hereby appropriated to the department of
49 financial services from any moneys in the state treasury in the general
50 fund to the credit of the state purposes account not otherwise appropri-
51 ated for the purposes of carrying out the provisions of this act. Such
52 sum shall be payable on the audit and warrant of the state comptroller
53 on vouchers certified or approved by the superintendent of financial
54 services, or such superintendent's duly designated representative in the
55 manner provided by law.

1 § 5. No earlier than six months and no later than seven months after
2 the effective date of this act, the commission shall submit a report to
3 the governor, the temporary president of the senate, the speaker of the
4 assembly, the chair of the senate banks committee and the chair of the
5 assembly banks committee on the findings and conclusions of the study
6 conducted pursuant to sections two and three of this act and shall
7 submit any legislative recommendations deemed to be necessary. Such
8 report shall be contemporaneously published on the official website of
9 the department of financial services.

10 § 6. This act shall take effect on the thirtieth day after it shall
11 have become a law and shall expire and be deemed repealed one year after
12 such effective date.

13 PART XXX

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

16 § 2. This act shall take effect immediately.

17 PART YYY

18 Section 1. Definitions. For the purposes of this act, the following
19 terms shall have the following meanings:

20 1. "Harriman campus" means the W. Averell Harriman state office build-
21 ing campus located in Albany, New York.

22 2. "Wadsworth project" means the project under which 27 acres of the
23 Harriman campus are, at the time of this act's effective date, targeted
24 for development of the department of health's new Wadsworth center
25 public health laboratory.

26 § 2. Mixed-use property at Harriman campus. 1. Empire state develop-
27 ment in conjunction with the office of general services, shall create a
28 development plan under which 7 acres of the portion of the Harriman
29 campus targeted for the Wadsworth project shall be developed into mixed-
30 use commercial and residential property.

31 2. Empire state development, in conjunction with the office of general
32 services, shall complete the development plan created under subdivision
33 one of this section, and make such development plan available for public
34 comment, no later than 180 days after the effective date of this act.

35 § 3. Redesign of Harriman campus. 1. Empire state development, in
36 conjunction with the office of general services, shall create a master
37 plan for a redesign of the Harriman campus. Such a plan shall include
38 but not be limited to: (a) the identification of sites on the Harriman
39 campus for mixed-use commercial and retail development; (b) the repur-
40 posing or redesign of portions of the ring road surrounding the campus;
41 and (c) an analysis of parking needs in surface lots.

42 2. The master plan created under subdivision one of this section shall
43 prioritize: (a) the identification of opportunities to increase the
44 integration and connectivity of the Harriman campus with surrounding
45 neighborhoods in the city of Albany; (b) the development of workforce
46 and low-to-middle-income housing; and (c) the development of infrastruc-
47 ture needed to further the utilization of multi-modal transportation.

48 3. Empire state development, in conjunction with the office of general
49 services, shall complete the master plan created under subdivision one
50 of this section and make such master plan available for public comment
51 no later than one year after the effective date of this act.

52 § 4. This act shall take effect immediately.

1

PART ZZZ

2 Section 1. The insurance law is amended by adding a new section 7013
3 to read as follows:

4 § 7013. Captive insurance program for commuter vans, pre-arranged
5 for-hire vehicles, and accessible vehicles. (a) The superintendent
6 shall utilize and implement a captive insurance program for commuter
7 vans, pre-arranged for-hire vehicles, and accessible vehicles that are
8 engaged in the business of carrying or transporting passengers for hire.
9 The program shall include, but shall not be limited to:

10 (1) identifying and licensing a captive insurance company or companies
11 to provide necessary insurance coverage to commuter vans, pre-arranged
12 for-hire vehicles, and accessible vehicles;

13 (2) standards for enrollment of eligible commuter vans, pre-arranged
14 for-hire vehicles, and accessible vehicles including mechanisms for
15 determining eligibility; and

16 (3) standards for monitoring the performance of such captive insurance
17 company or companies in providing affordable insurance coverage to
18 commuter vans, pre-arranged for-hire vehicles, and accessible vehicles
19 participating in the program pursuant to subsection (c) of this section.

20 (b) For the purposes of this section, the following terms shall have
21 the following meanings:

22 (1) "commuter van" shall mean a commuter van service having a seating
23 capacity of nine passengers but not more than twenty-four passengers or
24 such greater capacity as the superintendent may establish by rule and
25 carrying passengers for hire. The term "commuter van" shall include, but
26 not be limited to, shuttles and transportation vans.

27 (2) "pre-arranged for-hire vehicle" shall mean a motor vehicle that is
28 used in the business of transporting passengers for compensation on a
29 pre-arranged basis, and operated in such business under a license or
30 permit issued by a licensing jurisdiction. Such term shall include, but
31 not be limited to, small school buses pursuant to section one hundred
32 forty-two or sixteen hundred forty-two-a of the vehicle and traffic law.
33 The term "pre-arranged for-hire vehicle" shall apply to vehicles as
34 defined in this paragraph regardless of any other provision of local law
35 or rule defining or describing such vehicles by any other terms such as
36 school bus, charter bus, livery, taxi, black car, or luxury limousine.

37 (3) "accessible vehicle" shall mean a vehicle that:

38 (A) complies with the accessibility requirements of the Americans with
39 Disabilities Act of 1990, as amended, and the regulations promulgated
40 thereunder;

41 (B) is equipped with a lift, ramp or any other device, arrangement or
42 alteration, so it is capable of transporting individuals who use wheel-
43 chairs, scooters, or other mobility aids while they remain seated in
44 their wheelchairs, scooters, or other mobility aids;

45 (C) is equipped with an assistive listening system for persons with
46 hearing impairments that is connected with any intercom, video or audio
47 system, when such a system is installed or designed and approved to
48 provide service to persons with disabilities;

49 (D) is equipped with standardized signs printed in: (i) braille; and
50 (ii) large-print text so that such signs are visible to persons with low
51 vision;

52 (E) provides sufficient floor space to accommodate a service animal;

53 (F) if powered by a hybrid-electric motor, is equipped with an appro-
54 priate device to enable persons who are blind to hear the approach of

1 the vehicle as readily as they can hear a conventional gasoline-powered
2 vehicle;

3 (G) shall include, but not be limited to, "ambulette" which shall have
4 the same meaning set forth in 17 NYCRR Part 720.8 or "paratransit" vehi-
5 cle which means a special-purpose vehicle, designed and equipped to
6 provide nonemergency transport, that has wheelchair-carrying capacity,
7 stretcher-carrying capacity, or the ability to carry disabled persons as
8 defined in section fifteen-b of the transportation law.

9 (c) Insurance companies shall maintain requirements, including but not
10 limited to: \$500,000 combined single limits (CSL); \$50,000 personal
11 injury protection (PIP) (Basic); and \$25,000/\$50,000 uninsured motorist
12 coverage (UM/UIM). In addition, all no fault insurance related to
13 commuter vans, pre-arranged for-hire vehicles, and accessible vehicles
14 insured in this program will rely on the medical treatment guidelines
15 promulgated in existing workers' compensation law.

16 § 2. This act shall take effect immediately.

17 PART AAAAA

18 Section 1. Short title. This act shall be known and may be cited as
19 the "Farebox Assistance to Relieve Essential Straphangers Act" or the
20 "FARES Act".

21 § 2. This act enacts into law major components of legislation neces-
22 sary to implement the FARES Act. Each component is wholly contained
23 within a Subpart identified as Subparts A through C. The effective date
24 for each particular provision contained within such Subpart is set forth
25 in the last section of such Subpart. Any provision in any section
26 contained within a Subpart, including the effective date of the Subpart,
27 which makes a reference to a section "of this act", when used in
28 connection with that particular component, shall be deemed to mean and
29 refer to the corresponding section of the Subpart in which it is found.
30 Section four of this act sets forth the general effective date of this
31 act.

32 SUBPART A

33 Section 1. Legislative findings. The New York state legislature finds
34 that the City of New York's "Fair Fares" program, which provides reduced
35 fares on New York City Transit Authority subways and buses for individ-
36 uals earning under one hundred twenty percent of the poverty level, is a
37 tool that can help ensure that mass transit remains affordable for all
38 New Yorkers. However, Fair Fares does not currently apply to intracity
39 commuter rail trips taken in the City, and the legislature finds that
40 expanding this discount to include commuter rail could provide signif-
41 icant affordability benefits for New Yorkers below or near the poverty
42 level and improve the quality of life for many outer borough New Yorkers
43 lacking easy access to subways.

44 § 2. Section 1266 of the public authorities law is amended by adding a
45 new subdivision 16-a to read as follows:

46 16-a. (a) Notwithstanding any other provisions of law or the terms of
47 any contract, the authority, in consultation with the city of New York,
48 shall expand the Fair Fares NYC program to permit individuals who are
49 eligible for the program and any individual whose income is two hundred
50 percent of the federal poverty level to receive a fifty percent discount
51 on trips using the Long Island Rail Road or Metro-North Railroad within
52 the city of New York.

1 (b) For purposes of this subdivision, "Fair Fares NYC program" shall
2 have the same meaning and eligibility standards as set forth in chapter
3 twelve of title sixty-eight of the rules of the city of New York, which
4 provides a fifty percent fare discount for designated transit options.

5 (c) Additionally, the authority shall consult with the city of New
6 York in conducting a public outreach campaign to increase public aware-
7 ness and expand usage of the Fair Fares NYC program by eligible individ-
8 uals.

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

11 SUBPART B

12 Section 1. Legislative findings. The New York state legislature finds
13 that the Metropolitan Transportation Authority's "City Ticket" which
14 provides reduced fares on commuter rail trips within New York City, has
15 been incredibly successful in promoting New Yorkers' use of the commuter
16 rail system, and has particularly helped the MTA fill seats during off-
17 peak trips. City Ticket is an important tool for ensuring that mass
18 transit remains affordable for New Yorkers, as well as improving the
19 quality of life for many outer borough New Yorkers lacking easy access
20 to subways. Additional analysis since City Ticket's implementation and
21 expansion has found that providing a weekly ticket option, similar to a
22 previous Atlantic Ticket option, could assist riders with financial
23 planning, ensure greater access to transit, and increase commuter rail
24 ridership.

25 § 2. Section 1266 of the public authorities law is amended by adding a
26 new subdivision 16-b to read as follows:

27 16-b. Notwithstanding any other provisions of law or the terms of any
28 contract, the authority, in consultation with the Long Island Rail Road
29 and Metro-North Railroad and in conjunction with the New York city tran-
30 sit authority, shall offer a weekly and a monthly optional, discounted
31 ticket for Long Island Rail Road and Metro-North Railroad service that
32 is also valid for optional, discounted transfers between the commuter
33 rail services and the city transit authority's subways and buses for
34 trips within the city of New York.

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

37 SUBPART C

38 Section 1. Section 1266 of the public authorities law is amended by
39 adding a new subdivision 16-c to read as follows:

40 16-c. Notwithstanding any other provisions of law or the terms of any
41 contract, the authority, in consultation with the Long Island Rail Road
42 and Metro-North Railroad, shall develop a lower cost, intra-city combi-
43 nation ticket valid for transfers between the Long Island Rail Road and
44 Metro-North Commuter Railroad Company for both peak and off-peak trains.

45 § 3. This act shall take effect eighteen months after it shall have
46 become a law.

47 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
48 sion, section, subpart or part of this act shall be adjudged by any
49 court of competent jurisdiction to be invalid, such judgment shall not
50 affect, impair, or invalidate the remainder thereof, but shall be
51 confined in its operation to the clause, sentence, paragraph, subdivi-
52 sion, section, subpart or part thereof directly involved in the contro-

1 versy in which such judgment shall have been rendered. It is hereby
2 declared to be the intent of the legislature that this act would have
3 been enacted even if such invalid provisions had not been included here-
4 in.

5 § 4. This act shall take effect immediately provided, however, that
6 the applicable effective date of Subparts A through C of this act shall
7 be as specifically set forth in the last section of such Subpart.

8 PART BBBB

9 Section 1. Short title. This act shall be known and may be cited as
10 the "Make Transit Affordable Act".

11 § 2. Legislative findings and intent. The legislature hereby finds and
12 declares the importance of the New York Metropolitan Transportation
13 Authority (MTA) and affirms the duty of the legislature to ensure that
14 the MTA remains affordable. The MTA provides an essential service:
15 transporting millions of New Yorkers on billions of trips each year to
16 and from places of work, worship, and gathering. For many New Yorkers,
17 however, the cost is prohibitive, especially as inflation climbs and
18 wages remain stagnant. As the MTA begins to implement congestion pric-
19 ing, it has never been more important to promote public transit as a
20 truly viable alternative to vehicular transport. To that end, the state
21 of New York must fund a second, more expansive fare-free bus pilot
22 program, building on the success of the 2023-2024 pilot program. It is
23 the intent of the legislature to include \$45,000,000 in additional
24 appropriations in the SFY26 budget to Make Transit Affordable by provid-
25 ing an expanded, world-class free bus pilot program.

26 § 3. The public authorities law is amended by adding a new section
27 1266-n to read as follows:

28 § 1266-n. Fare-free bus pilot program. Subject to appropriation, the
29 authority shall allocate forty-five million dollars in state funds
30 received to expand the fare-free bus pilot program within the city of
31 New York.

32 1. The fare-free bus pilot program expansion shall last for at least
33 one year.

34 2. The fare-free bus pilot program expansion shall consist of at least
35 fifteen new fare-free bus routes and shall cost no more than forty-five
36 million dollars in net operating costs. Net operating costs shall be
37 determined by the total costs of implementing the fare-free bus pilot
38 program expansion and shall not accrue to the city of New York.

39 3. The fare-free bus routes included in the fare-free bus pilot
40 program expansion shall be selected by the authority, and may include
41 either New York City Transit Authority or MTA bus routes, provided that
42 there shall be at least three new fare-free bus routes within each of
43 the following counties: Bronx county, Kings county, New York county,
44 Queens county, Richmond county.

45 4. The factors considered by the authority in selecting such fare-free
46 bus routes shall include but not be limited to:

47 (a) addressing service adequacy and equity for low-income and econom-
48 ically disadvantaged communities;

49 (b) access to employment and commercial activity in areas served by
50 such fare-free routes; and

51 (c) addressing routes facing high rates of operator assaults.

52 5. The routes selected shall rank in the top twenty-five percent of
53 ridership for the given borough.

1 6. Thirty days prior to the implementation of the fare-free bus pilot
2 program expansion, the authority shall provide to the temporary presi-
3 dent of the senate and speaker of the assembly, and prominently publish
4 on its website, a report justifying the authority's choice of fare-free
5 bus routes, according to the criteria in subdivision four of this
6 section and any additional criteria specified by the authority.

7 7. The authority shall report to its board on the fare-free bus pilot
8 program expansion after it has been in effect for three months, six
9 months, and again upon the conclusion of the fare-free bus pilot program
10 expansion. Such reports shall also be prominently published, with copies
11 sent to the governor, temporary president of the senate and speaker of
12 the assembly and shall include, but not be limited to, the following
13 comparative performance metrics:

14 (a) ridership totals relative to equivalent time periods before the
15 fare-free bus pilot program expansion took effect;

16 (b) percent of scheduled service delivered;

17 (c) average end-to-end bus speed changes;

18 (d) customer journey time performance;

19 (e) dwell time at bus stops;

20 (f) the cost to provide such service itemized by route;

21 (g) scheduled service frequency; and

22 (h) data on bus operator assaults per fare-free route in comparison
23 with system wide.

24 8. The authority shall also survey riders on the fare-free routes, by
25 in-person methods at the three-, six- and twelve-month marks on topics
26 including but not limited to:

27 (a) overall rider satisfaction;

28 (b) experience of security and safety when riding the fare-free bus;

29 (c) demographic information including annual income, vehicle access,
30 race and ethnicity, disability status, age, and enrollment status in the
31 fair-fares program; and

32 (d) open-ended questions such as how fare-free buses at the point of
33 service have impacted the rider.

34 9. The authority shall implement all-door boarding on all fare-free
35 buses beginning the first day of the fare-free bus pilot program expan-
36 sion.

37 10. The authority shall promote the fare-free routes through the
38 following methods at a minimum: signage on buses, signage at bus stops,
39 intersecting subway stops, announcement on the authority "fares & tolls"
40 webpage, digital advertisements on subways, and across MTA social media
41 accounts. Any messaging promoting the fare-free routes shall also
42 include messaging reminding riders that such program is on select routes
43 and that such riders should treat their bus operators with respect and
44 decorum.

45 11. The authority shall present the fare-free bus pilot program expan-
46 sion to its board for approval no later than sixty days after the effec-
47 tive date of this section, for implementation no later than ninety days
48 after board adoption.

49 § 4. This act shall take effect immediately.

50

PART CCCC

51 Section 1. Section 4 of subpart A of part TT of chapter 58 of the laws
52 of 2024, amending the economic development law and the urban development
53 corporation act relating to establishing the New York state empire arti-
54 ficial intelligence research program and the empire AI consortium, and

1 relating to the plan of operation and financial oversight of the empire
2 AI consortium, is amended to read as follows:

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

6 § 2. Subdivision 2 of section 361 of the economic development law, as
7 added by section 1 of subpart A of part TT of chapter 58 of the laws of
8 2024, is amended and two new subdivisions 5 and 6 are added to read as
9 follows:

10 2. Empire AI research institute at the university of Buffalo. A state-
11 owned research and computing facility at the state university of New
12 York at Buffalo shall be established, to be known as the empire AI
13 research institute, to promote responsible research and development to
14 advance the ethical and public interest uses of artificial intelligence
15 technology in the state. The institute shall be operated and managed by
16 the consortium in a manner consistent with the plan of operation filed
17 pursuant to section three of subpart A of part TT of chapter fifty-eight
18 of the laws of two thousand twenty-four. Construction of the institute
19 shall be completed by the university at Buffalo, its affiliates or
20 related entities at the direction of the consortium, or the consortium.

21 5. Policy and procedures. The consortium shall establish and publish
22 the policy and procedures for procurement of any equipment and services
23 related to the institute.

24 6. Ex-officio members. The chairs of the science and technology
25 committee in the assembly and internet and technology committee in the
26 senate shall serve as ex-officio, non-voting members on the board of the
27 consortium.

28 § 3. This act shall take effect immediately.

29 PART DDDD

30 Section 1. Subdivisions 1 and 2 of section 27-1003 of the environ-
31 mental conservation law, as amended by section 2 of part SS of chapter
32 59 of the laws of 2009, are amended to read as follows:

33 1. "Beverage" means carbonated soft drinks, noncarbonated drinks,
34 carbonated fruit beverages, water, beer, other malt beverages and [a]
35 wine [~~product~~] products as defined in [~~subdivision thirty-six-a-of~~]
36 section three of the alcoholic beverage control law. "Malt beverages"
37 means any beverage obtained by the alcoholic fermentation or infusion or
38 decoction of barley, malt, hops, or other wholesome grain or cereal and
39 water including, but not limited to ale, stout or malt liquor. "Noncar-
40 bonated drinks" means any noncarbonated liquid intended for drinking by
41 humans, excluding: cider, mead, spirits, and wine as such terms are
42 defined in section three of the alcoholic beverage control law; beverag-
43 es with dairy milk as the primary (first) ingredient; plant-based dairy
44 alternatives; drugs regulated under the federal food, drug and cosmetic
45 act; infant formula; meal replacement liquids; syrups; medicinals; tinc-
46 tures; products that are frozen at the time of sale or intended to be
47 consumed in a frozen state; drink powders; and broths and soups. "Water"
48 means any beverage identified through the use of letters, words or
49 symbols on its product label as a type of water, including any flavored
50 water or nutritionally enhanced water~~[, provided, however, that "water"~~
51 ~~does not include any beverage identified as a type of water to which a~~
52 ~~sugar has been added]~~.

53 2. "Beverage container" means the individual, separate, sealed glass,
54 metal, aluminum, steel or plastic bottle, can or jar used for containing

1 less than one gallon or 3.78 liters of liquid at the time of sale or
2 offer for sale of a beverage intended for use or consumption in this
3 state. Beverage containers sold or offered for sale or distributed
4 aboard aircraft or ships shall be considered as intended for use or
5 consumption outside this state.

6 § 2. Subdivision 12 of section 27-1003 of the environmental conserva-
7 tion law, as added by section 3 of part SS of chapter 59 of the laws of
8 2009, is amended and a new subdivision 14 is added to read as follows:

9 12. "Reverse vending machine" means an automated device that uses a
10 laser scanner, microprocessor, or other technology to accurately recog-
11 nize the universal product code (UPC) on containers to determine if the
12 container is redeemable and accumulates information regarding containers
13 redeemed, including the number of such containers redeemed, thereby
14 enabling the reverse vending machine to accept containers from redeemers
15 and to issue legal tender or a scrip ~~[ex]~~, receipt, or other form of
16 credit for their refund value. Such definition shall also apply to
17 alternative technology approved by the commissioner pursuant to subpara-
18 graph (iii) of paragraph (b) of subdivision one of section 27-1007 of
19 this title. Nothing in this definition shall be construed to relieve a
20 dealer specified in subparagraph (iii) of paragraph (b) of subdivision
21 one of section 27-1007 of this title of the requirement to provide an
22 immediate form of deposit repayment if the reverse vending machine or
23 alternative technology does not provide such.

24 14. "Redemption rate" means the percentage of beverage containers sold
25 that are redeemed for the refund value.

26 § 3. Paragraphs (a) and (b) of subdivision 1 and subdivisions 3, 6 and
27 11 of section 27-1007 of the environmental conservation law, paragraph
28 (a) of subdivisions 1 and subdivisions 3, 6 and 11 as added by section 4
29 of part SS of chapter 59 of the laws of 2009 and paragraph (b) of subdivi-
30 sion 1 as amended by chapter 459 of the laws of 2011, are amended and
31 two new subdivisions 13 and 14 are added to read as follows:

32 (a) A dealer shall accept at ~~[his or her]~~ such dealer's place of busi-
33 ness from a redeemer any empty beverage containers of the design, shape,
34 size, color, composition and brand sold or offered for sale by the deal-
35 er, and shall pay to the redeemer the refund value of each such beverage
36 container as established in section 27-1005 of this title. Redemptions
37 of refund value must be in legal tender, or a scrip or receipt from a
38 reverse vending machine, provided that the scrip or receipt can be
39 exchanged for legal tender for a period of not less than sixty days
40 without requiring the purchase of other goods. In the event such scrip
41 or receipt expires, such scrip or receipt must indicate any expiration
42 date and the dealer must post a conspicuous sign indicating how many
43 days a redeemer has to exchange the scrip or receipt for legal tender.
44 If such notification is not provided, a dealer must redeem the full
45 refund value indicated on any legible scrip or receipt. The use or pres-
46 ence of a reverse vending machine shall not relieve a dealer of any
47 obligations imposed pursuant to this section. If a dealer utilizes a
48 reverse vending machine to redeem containers, the dealer shall provide
49 redemption of beverage containers when the reverse vending machine is
50 full, broken, under repair or does not accept a type of beverage
51 container sold or offered for sale by such dealer and may not limit the
52 hours or days of redemption except as provided by subdivision three of
53 this section.

54 (b) Beginning March first, two thousand ten, a dealer whose place of
55 business is part of a chain engaged in the same general field of busi-
56 ness which operates ten or more units in this state under common owner-

1 ship and whose business has at least: (i) forty thousand but less than
2 sixty thousand square feet devoted to the display of merchandise for
3 sale to the public shall install and maintain at least two reverse vend-
4 ing machines at the dealer's place of business; (ii) sixty thousand but
5 less than eighty-five thousand square feet devoted to the display of
6 merchandise for sale to the public shall install and maintain at least
7 three reverse vending machines at the dealer's place of business; or
8 (iii) eighty-five thousand square feet devoted to the display of
9 merchandise for sale to the public shall install and maintain at least
10 four reverse vending machines at the dealer's place of business. The
11 requirements of [~~paragraph (b) of~~] this subdivision to install and main-
12 tain reverse vending machines shall not apply to a dealer that: (i)
13 sells only beverage containers of twenty ounces or less where such
14 beverage containers are packaged in quantities fewer than six; (ii)
15 sells beverage containers and devotes no more than five percent of its
16 floor space to the display and sale of consumer commodities, as defined
17 in section two hundred fourteen-h of the agriculture and markets law; or
18 (iii) obtains a waiver from the commissioner authorizing dealers to
19 provide consumers with an alternative technology that: (A) determines if
20 the container is redeemable, (B) provides protections against fraud
21 through a system that validates each container redeemed by reading the
22 universal product code and, except with respect to refillable contain-
23 ers, renders the container unredeemable, (C) accumulates information
24 regarding containers redeemed, and (D) issues legal tender, or a scrip,
25 receipt, or other form of credit for the refund value, that can be
26 exchanged for legal tender for a period of not less than sixty days
27 without requiring the purchase of other goods and includes any expira-
28 tion date on the scrip, receipt, or other form of credit. Notwithstand-
29 ing the foregoing, if the alternative technology does not allow consum-
30 ers to immediately obtain the refund value of the redeemed container, a
31 dealer shall be permitted to deploy such alternative technology only if
32 it also offers an alternative that allows consumers to conveniently and
33 immediately obtain such refund value through a reverse vending machine
34 or other alternative method.

35 3. On or after June first, two thousand nine, a dealer may limit the
36 number of empty beverage containers to be accepted for redemption at the
37 dealer's place of business to no less than seventy-two containers [~~per~~
38 ~~visit,~~] per redeemer, per day, provided that:

39 (a) The dealer has a written agreement with a redemption center, be it
40 either at a fixed physical location within the same county and within
41 [~~one-half~~] one mile of the dealer's place of business, or a mobile
42 redemption center, operated by a redemption center, that is located
43 within one-quarter mile of the dealer's place of business. The redemp-
44 tion center must have a written agreement with the dealer to accept
45 containers on behalf of the dealer; and the redemption center's hours of
46 operation must cover at least [~~9:00 a.m. through 7:00 p.m.~~] eight hours
47 daily or in the case of a mobile redemption center, the hours of opera-
48 tion must cover at least four consecutive hours between 8:00 a.m. and
49 8:00 p.m. daily. The dealer must post a conspicuous, permanent sign,
50 meeting the size and color specifications set forth in subdivision two
51 of this section, open to public view, identifying the location and hours
52 of operation of the affiliated redemption center or mobile redemption
53 center; and

54 (b) The dealer provides, at a minimum, a consecutive two hour period
55 between 7:00 a.m. and 7:00 p.m. daily whereby the dealer will accept up
56 to two hundred forty containers, per redeemer, per day, and posts a

1 conspicuous, permanent sign, meeting the size and color specifications
2 set forth in subdivision two of this section, open to public view, iden-
3 tifying those hours. The dealer may not change the hours of redemption
4 without first posting a thirty day notice; and

5 (c) The dealer's primary business is the sale of food or beverages for
6 consumption off-premises, and the dealer's place of business is less
7 than ten thousand square feet in size.

8 6. In addition to the refund value of a beverage container as estab-
9 lished by section 27-1005 of this title, a deposit initiator shall pay
10 to any dealer or operator of a redemption center a handling fee of three
11 and one-half cents for each beverage container accepted by the deposit
12 initiator from such dealer or operator of a redemption center. Begin-
13 ning July first, two thousand twenty-five, the handling fee shall be
14 four and one-half cents. Beginning July first, two thousand twenty-sev-
15 en, the handling fee shall be five cents. Payment of the handling fee
16 shall be as compensation for collecting, sorting and packaging of empty
17 beverage containers for transport back to the deposit initiator or its
18 designee. Payment of the handling fee may not be conditioned on the
19 purchase of any goods or services, nor may such payment be made out of
20 the refund value account established pursuant to section 27-1012 of this
21 title. A distributor who does not initiate deposits on a type of bever-
22 age container is considered a dealer only for the purpose of receiving a
23 handling fee from a deposit initiator.

24 11. Notwithstanding the provisions of subdivision two of section
25 27-1009 of this title, a deposit initiator or distributor shall accept
26 and redeem beverage containers as provided in this title, if the dealer
27 or operator of a redemption center shall have accepted and paid the
28 refund value of such beverage containers, subject to the prohibitions
29 set forth in subdivisions nine and ten of this section.

30 13. The department and the department of taxation and finance are
31 authorized to audit any reverse vending machine.

32 14. Notwithstanding any provision of this section to the contrary, a
33 dealer shall not be required to accept from a redeemer any empty bever-
34 age container at a farmers' market as such term is defined by the
35 department of agriculture and markets.

36 § 4. Section 27-1009 of the environmental conservation law, as amended
37 by section 4 of part F of chapter 58 of the laws of 2013, is amended to
38 read as follows:

39 § 27-1009. Refusal of acceptance.

40 1. a. A dealer or operator of a redemption center may refuse to accept
41 from a redeemer, and a deposit initiator or distributor may refuse to
42 accept from a dealer or operator of a redemption center any empty bever-
43 age container which does not state thereon a refund value as established
44 by section 27-1005 and provided by section 27-1011 of this title.

45 b. Any person who accepts any such container for redemption shall not
46 be entitled to payment of any handling fee or refund value on such
47 container.

48 c. Nothing in this subdivision shall prohibit any such person, at such
49 person's option, from accepting such a container for recycling or
50 disposal.

51 2. a. A dealer or operator of a redemption center and a deposit initi-
52 ator or distributor may also refuse to accept any broken bottle, corroded,
53 crushed or dismembered container, or any beverage container which
54 contains a significant amount of foreign material, as determined in
55 rules and regulations to be promulgated by the commissioner, other than
56 non-corroded containers compacted by a reverse vending machine, as

1 determined in rules and regulations to be promulgated by the commission-
2 er.

3 b. Any person who accepts any such container for redemption shall not
4 be entitled to payment of any handling fee or refund value on such
5 container.

6 c. Nothing in this subdivision shall prohibit any such person, at such
7 person's option, from accepting such a container for recycling or
8 disposal.

9 3. A dealer or operator of a redemption center and a deposit initiator
10 or distributor shall refuse to accept for refund an empty beverage
11 container that the dealer, redemption center, deposit initiator, or
12 distributor knows was purchased outside of the state.

13 § 5. Paragraphs a and c of subdivision 4 of section 27-1012 of the
14 environmental conservation law, as added by section 8 of part SS of
15 chapter 59 of the laws of 2009, are amended to read as follows:

16 a. Quarterly payments.

17 (i) An amount equal to [~~eighty~~] sixty percent of the balance outstand-
18 ing in the refund value account at the close of each quarter shall be
19 paid to the commissioner of taxation and finance at the time the report
20 provided for in subdivision three of this section is required to be
21 filed. The commissioner of taxation and finance may require that the
22 payments be made electronically. The remaining [~~twenty~~] forty percent of
23 the balance outstanding at the close of each quarter shall be the monies
24 of the deposit initiator and may be withdrawn from such account by the
25 deposit initiator.

26 (ii) Notwithstanding subparagraph (i) of this paragraph, a deposit
27 initiator who demonstrates to the satisfaction of the commissioner that
28 at least seventy-five percent of deposits it initiates are redeemed
29 shall pay an amount equal to fifty-five percent of the balance outstand-
30 ing in the refund value account specifically attributable to refillable
31 beverage containers at the close of each quarter to the commissioner of
32 taxation and finance at the time the report provided for in subdivision
33 three of this section is required to be filed.

34 (iii) If the provisions of this section with respect to such account
35 have not been fully complied with, each deposit initiator shall pay to
36 such commissioner at such time, in lieu of the amount described in the
37 preceding sentence, an amount equal to the balance which would have been
38 outstanding on such date had such provisions been fully complied with.
39 The commissioner of taxation and finance may require that the payments
40 be made electronically.

41 c. Final report. A deposit initiator who ceases to do business in this
42 state as a deposit initiator shall file a final report and remit payment
43 of [~~eighty~~] sixty percent of all amounts remaining in the refund value
44 account as of the close of the deposit initiator's last day of business.
45 The commissioner of taxation and finance may require that the payments
46 be made electronically. The deposit initiator shall indicate on the
47 report that it is a "final report". The final report is due to be filed
48 with payment twenty days after the close of the quarterly period in
49 which the deposit initiator ceases to do business. In the event the
50 deposit initiator pays out more in refund values than it collects in
51 such final quarterly period, the deposit initiator may apply to the
52 commissioner of taxation and finance for a refund of the amount of such
53 excess payment of refund values from sources other than the refund value
54 account, in the manner as provided by the commissioner of taxation and
55 finance.

1 § 6. Subdivision 5 of section 27-1012 of the environmental
2 conservation law, as amended by section 2 of part JJ of chapter 58 of
3 the laws of 2017, is amended to read as follows:

4 5. All moneys collected or received by the department of taxation and
5 finance pursuant to this title shall be deposited to the credit of the
6 comptroller with such responsible banks, banking houses or trust compa-
7 nies as may be designated by the comptroller. Such deposits shall be
8 kept separate and apart from all other moneys in the possession of the
9 comptroller. The comptroller shall require adequate security from all
10 such depositories. Of the total revenue collected, the comptroller shall
11 retain the amount determined by the commissioner of taxation and finance
12 to be necessary for refunds out of which the comptroller must pay any
13 refunds to which a deposit initiator may be entitled. Of the revenue
14 remaining following payments of any refunds, the comptroller shall annu-
15 ally, through the state fiscal year ending March thirty-first, two thou-
16 sand twenty-nine, retain an amount equal to three million dollars for
17 the beverage container assistance program established pursuant to
18 section 27-1018 of this title. After reserving the amount to pay
19 refunds, the comptroller must, by the tenth day of each month, pay into
20 the state treasury to the credit of the general fund the revenue depos-
21 ited under this subdivision during the preceding calendar month and
22 remaining to the comptroller's credit on the last day of that preceding
23 month; provided, however, that, beginning April first, two thousand
24 thirteen, nineteen million dollars, and all fiscal years thereafter,
25 twenty-three million dollars plus all funds received from the payments
26 due each fiscal year pursuant to subdivision four of this section in
27 excess of the greater of the amount received from April first, two thou-
28 sand twelve through March thirty-first, two thousand thirteen or one
29 hundred twenty-two million two hundred thousand dollars, shall be depos-
30 ited to the credit of the environmental protection fund established
31 pursuant to section ninety-two-s of the state finance law.

32 § 7. Section 27-1012 of the environmental conservation law is amended
33 by adding a new subdivision 13 to read as follows:

34 13. Annually the department, in consultation with the department of
35 taxation and finance, shall use available information to produce an
36 annual report at a minimum containing information on: redemption rates;
37 container material types by percent usage; refillable container usage;
38 fraud and enforcement actions; an analysis of the handling fee and
39 consumer price index; the financial health of redemption centers in the
40 state, including an analysis of regional variation; and an analysis of
41 redemption rates and relevant incentive structures for deposit initi-
42 ators, dealers, redeemers, redemption centers, and distributors. Such
43 report shall be provided to the legislature and posted publicly on the
44 department's website.

45 § 8. Paragraph a of subdivision 7 of section 27-1012 of the environ-
46 mental conservation law, as amended by section 8 of part SS of chapter
47 59 of the laws of 2009, is amended to read as follows:

48 a. Any person who is a deposit initiator under this title before April
49 first, two thousand nine, must apply by June first, two thousand nine to
50 the commissioner of taxation and finance for registration as a deposit
51 initiator. Any person who becomes a deposit initiator on or after April
52 first, two thousand nine shall apply for registration prior to collect-
53 ing any deposits as such a deposit initiator. Such application shall be
54 in a form prescribed by the commissioner of taxation and finance and
55 shall require such information deemed to be necessary for proper admin-
56 istration of this title. The commissioner of taxation and finance may

1 require that applications for registration must be submitted electron-
2 ically. The commissioner of taxation and finance shall electronically
3 issue a deposit initiator registration certificate in a form prescribed
4 by the commissioner of taxation and finance within fifteen days of
5 receipt of such application or may take an additional ten days if the
6 commissioner of taxation and finance deems it necessary to consult with
7 the commissioner before issuing such registration certificate. A regis-
8 tration certificate issued pursuant to this subdivision may be issued
9 for a specified term of not less than three years and shall be subject
10 to renewal in accordance with procedures specified by the commissioner
11 of taxation and finance. The commissioner of taxation and finance shall
12 furnish to the commissioner a complete list of registered deposit initi-
13 ators and shall continually update such list as warranted. The commis-
14 sioner shall share any information with the commissioner of taxation and
15 finance that is necessary for the administration of this subdivision.
16 The commissioner shall publish on its website and annually update the
17 list of registered deposit initiators and their covered products, and a
18 list of registered redemption centers and the total combined number of
19 redeemed containers handled by all such redemption centers in the prior
20 year on the department's website.

21 § 9. Section 27-1013 of the environmental conservation law, as amended
22 by section 7 of part F of chapter 58 of the laws of 2013, is amended to
23 read as follows:

24 § 27-1013. Redemption centers.

25 1. (a)(i) As of the effective date of the chapter of the laws of two
26 thousand twenty-five that amended this section and subject to applicable
27 provisions of local and state law, any person, firm or corporation which
28 establishes a redemption center shall submit an application to the
29 commissioner for registration as a condition of operation.

30 (ii) Any redemption center in business on or before April first, two
31 thousand twenty-five may continue to operate as if the department had
32 issued such redemption center a registration required by regulations
33 adopted under this section; provided, however, that such redemption
34 center shall submit a renewal application to the commissioner in accord-
35 ance with applicable regulations by April first, two thousand twenty-
36 six.

37 (iii) An application for registration or renewal shall be in a form
38 prescribed by the commissioner and shall, at a minimum, require the name
39 and physical address of the redemption center, the name, address and
40 contact information of the owner and/or operator of the redemption
41 center, the names and addresses of each dealer or distributor with which
42 the redemption center has contracted to collect, sort and obtain the
43 refund value and handling fee of empty beverage containers, as applica-
44 ble, the number of beverage containers redeemed by the redemption center
45 during the preceding twelve months, as applicable, and such other infor-
46 mation as the commissioner deems necessary for proper administration of
47 this title. The commissioner shall issue a redemption center registra-
48 tion certificate or renewal certificate in a form prescribed by the
49 commissioner within thirty days of receipt of such application. A regis-
50 tration certificate or renewal certificate issued pursuant to this
51 subdivision shall be subject to renewal every three years in accordance
52 with procedures specified by the commissioner.

53 (iv) Any redemption center that ceases operations shall notify the
54 commissioner of such cessation in writing within thirty days in a form
55 prescribed by the commissioner.

1 (b) The commissioner shall issue a registration or renewal within
2 thirty days of the submission of an application by a person, firm or
3 corporation which establishes a redemption center in accordance with the
4 provisions of this section, subject to applicable provisions of local
5 and state laws. An application for registration or renewal shall be
6 deemed approved if the department fails to act on such application with-
7 in thirty days of submission. Registrations and renewals shall be issued
8 at no cost to the applicant.

9 (c) After due notice and an opportunity to be heard, the department
10 may deny an application for registration or renewal or revoke a regis-
11 tration. In determining whether or not to revoke a registration, the
12 commissioner shall, at a minimum, take into consideration the compliance
13 history of an applicant, results from audits, good faith efforts of an
14 applicant to comply, any economic benefit from noncompliance, and wheth-
15 er any violation was procedural in nature. The commissioner's determi-
16 nation to revoke a registration is subject to review under article
17 seventy-eight of the civil practice law and rules.

18 (d) Any person, firm or corporation required to be registered under
19 this section which, without being registered, redeems beverage contain-
20 ers in this state, shall not be eligible to receive a handling fee for
21 any such redeemed beverage containers, and if such person, firm or
22 corporation has received a handling fee after the effective date of this
23 paragraph, it shall be promptly refunded to the distributor or deposit
24 initiator which paid such handling fee.

25 2. The commissioner is hereby empowered to promulgate rules and regu-
26 lations governing:

27 (a) the circumstances in which deposit initiators, dealers and
28 distributors, individually or collectively, are required to accept the
29 return of empty beverage containers, including beverage containers proc-
30 essed through reverse vending machines and make payment therefor;

31 (b) the sorting of the containers which a deposit initiator or
32 distributor may require of dealers and redemption centers;

33 (c) the collection of returned beverage containers by deposit initi-
34 ators or distributors, including the party to whom such expense is to be
35 charged, the frequency of such pick ups and the payment for refunds and
36 handling fees thereon;

37 (d) the right of dealers to restrict or limit the number of containers
38 redeemed, the rules for redemption at the dealers' place of business,
39 and the redemption of containers from a beverage for which sales have
40 been discontinued;

41 (e) ~~[to issue] registrations and renewals issued to persons, firms or~~
42 ~~corporations which establish redemption centers, subject to applicable~~
43 ~~provisions of local and state laws, [at which redeemers and dealers may~~
44 ~~return empty beverage containers and receive payment of the refund value~~
45 ~~of such beverage containers. Such registrations shall be issued at no~~
46 ~~cost. Should the department require by regulations adopted pursuant to~~
47 ~~this paragraph that redemption centers must obtain a registration as a~~
48 ~~condition of operation, any redemption center in business as of March~~
49 ~~first, two thousand thirteen that previously provided the department~~
50 ~~with the notification information required by regulations in effect as~~
51 ~~of such date may continue to operate as if the department had issued~~
52 ~~such redemption center a registration required by regulations adopted~~
53 ~~under this paragraph; provided, however, that such redemption center~~
54 ~~shall provide the department with any other information required by~~
55 ~~regulations adopted pursuant to this paragraph. The department may,~~
56 ~~after due notice and opportunity of hearing, pursuant to the provisions~~

~~of section 71-1709 of this chapter, deny an application or revoke a registration. In determining whether or not to revoke a registration the commissioner shall at a minimum, take into consideration the compliance history of a violator, good faith efforts of a violator to comply, any economic benefit from noncompliance and whether the violation was procedural in nature. The commissioner's determination to revoke a registration is subject to review under article seventy-eight of the civil practice law and rules]~~ pursuant to subdivision one of this section; and

(f) the operation of mobile redemption centers in order to ensure that to the best extent practicable containers are not proffered for redemption to a deposit initiator or distributor outside of the geographic area where such deposit initiator sells containers and initiates deposits.

~~[2-]~~ 3. a. The commissioner shall set standards and promulgate rules and regulations governing the performance of audits in connection with pick-ups of redeemed beverage containers. Such audits shall be conducted by the department at least once annually at every redemption center in the state.

b. The department shall take into consideration complaints and requests for audits by distributors, deposit initiators, redemption centers, and dealers when determining how and when to conduct audits, and may coordinate audits with any of the foregoing persons. Audit results shall be promptly reported to the distributor, deposit initiator, redemption center and/or dealer whose pick-up transaction is the subject of such audit.

c. Where an audit finds that a party to a pickup transaction reported more beverage containers than were actually physically tendered, the department shall provide written notice to the redemption center of such shortfall and the redemption center shall provide a refund based on the actual tendered amount, provided that if such audit reveals a discrepancy between the redemption center's reported number of beverage containers and the actual physical count of ten percent or greater, the department may authorize the deposit initiator to withhold up to fifty percent of the handling fee otherwise payable to the redemption center for such tender, and provided further that upon any subsequent audit which produces a discrepancy of ten percent or more, the department may authorize a deposit initiator to withhold up to one hundred percent of the handling fee otherwise payable to such redemption center. For any such audit that reveals a discrepancy between the reported amount and the count of ten percent or greater, or that more than two percent of containers are ineligible, the department may find the applicable person in violation of this title.

4. The department may require a redemption center to obtain a permit, as an alternative to registration if such center is located at the same facility or site as another solid waste management facility otherwise subject to the requirements of title seven of this article or the regulations promulgated pursuant thereto.

~~[3-]~~ 5. No dealer or distributor, as defined in section 27-1003 of this title, shall be required to obtain a permit to operate a redemption center at the same location as the dealer's or distributor's place of business. Operators of such redemption centers shall receive payment of the refund value of each beverage container from the appropriate deposit initiator or distributor as provided under section 27-1007 of this title.

~~[4-]~~ 6. Each dealer and redemption center shall require any person tendering for redemption more than two thousand five hundred containers

1 at one time to such dealer or redemption center to provide; such
2 person's name and address [~~and~~]; the license plate of the vehicle used
3 to transport the containers, or, in the case of an agent or employee of
4 a not-for-profit corporation, a sales tax exemption certificate; and a
5 certification that to the best of such person's knowledge the containers
6 were originally sold as filled beverage containers in this state and
7 were not previously redeemed. After complying at least once with these
8 requirements, a person need not comply at each subsequent tender to a
9 dealer or redemption center for redemption of more than two thousand
10 five hundred containers if: all such containers were collected at one
11 location in this state; all proceeds of the refund value benefit a
12 nonprofit organization that has been determined by the United States
13 Internal Revenue Service to be exempt from taxation under the United
14 States Internal Revenue Code of 1986, Section 501(c)(3); and the person
15 tendering the containers for redemption signs a declaration indicating
16 the person's name, the address of the collection point and the name of
17 the organization or organizations that will receive the refund value.
18 The dealer or redemption center redeeming the beverage containers shall
19 keep [~~the~~] such information on file for a minimum of twelve months and
20 provide [~~same~~] such information to the department upon request.

21 § 10. Section 27-1014 of the environmental conservation law, as
22 amended by section 10 of part SS of chapter 59 of the laws of 2009, is
23 amended to read as follows:

24 § 27-1014. Authority to promulgate rules and regulations.

25 In addition to the authority of the commissioner[~~r~~] under sections
26 27-1007, 27-1009 [~~and~~], 27-1011, 27-1012, 27-1013, and 27-1018 of this
27 title, the commissioner shall have the power to promulgate rules and
28 regulations necessary and appropriate for the administration of this
29 title.

30 § 11. Section 27-1018 of the environmental conservation law, as added
31 by section 13 of part SS of chapter 59 of the laws of 2009, is amended
32 to read as follows:

33 § 27-1018. Beverage container assistance program.

34 1. Notwithstanding any other provision of law to the contrary, within
35 the amounts retained by the comptroller for use under the beverage
36 container assistance program pursuant to subdivision five of section
37 27-1012 of this title, and within the limits of appropriations therefor,
38 the commissioner shall make state assistance payments to [~~municipalities,~~
39 qualifying small businesses and not-for-profit organizations
40 located in the state, upon application, for (a) the cost and installa-
41 tion of reverse vending machines located or to be located in the state
42 [~~Such state assistance payments shall not exceed fifty percent of the~~
43 ~~costs of equipment, and/or the acquisition and/or rehabilitation of real~~
44 ~~property or structures located or to be located in the state related to~~
45 ~~the collecting, sorting, and packaging of empty beverage containers~~
46 ~~subject to the provisions of this title. Such payments may include costs~~
47 ~~related to the establishment of redemption centers, including mobile~~
48 ~~redemption centers], and (b) support for redemption centers that operate
49 independently from dealers, which support may take the form of a supple-
50 mental handling fee of no more than one additional cent per container
51 redeemed.~~

52 2. The department may develop policies and procedures for the evalu-
53 ation of redemption center eligibility and support. Preference shall be
54 given to redemption centers that do not own, lease, or utilize any
55 reverse vending machines, redemption centers demonstrating significant
56 financial distress, redemption centers that redeem a small number of

1 containers relative to other redemption centers, and not-for-profit
2 organizations and qualified small businesses that do not have a
3 redemption center within one mile.

4 3. Up to five percent of funds available under the beverage container
5 assistance program may be used for the department's administrative
6 costs to administer the program under this section, provided that any
7 such funds which are unused at the end of each fiscal year shall be made
8 available for program assistance in the following fiscal year. Any such
9 unused funds remaining upon the termination of the program shall be
10 deposited in the environmental protection fund established pursuant to
11 section ninety-two-s of the state finance law.

12 4. For the purposes of this section, [~~municipalities and~~] not-for-pro-
13 fit organizations shall have the meaning as defined in section 54-0101
14 of this chapter and qualified small businesses shall mean a dealer[~~r~~
15 ~~distributor~~] or redemption center as defined in this title that employs
16 less than fifty employees.

17 § 12. Section 27-1018 of the environmental conservation law is
18 REPEALED.

19 § 13. The multi-agency bottle bill fraud investigation team, led by
20 the department of environmental conservation and first announced on
21 October 23, 2023, shall submit a report to the governor, the temporary
22 president of the senate, and the speaker of the assembly no later than
23 one year after the effective date of this act. Such report shall
24 include, but not be limited to, any findings of pervasive beverage
25 container redemption fraud in New York state, and any recommendations
26 for legislative action in response to such fraud.

27 § 14. This act shall take effect immediately; provided, however, that
28 sections two, three, four, five, six, seven, eight, nine, ten and eleven
29 of this act shall take effect July 1, 2025; provided further, however,
30 that section one of this act shall take effect July 1, 2027; and
31 provided, further, that section twelve of this act shall take effect
32 January 1, 2039, with any remaining funds transferred to the environ-
33 mental protection fund established pursuant to section 92-s of the state
34 finance law. Effective immediately, the addition, amendment and/or
35 repeal of any rule or regulation necessary for the implementation of
36 this act on its effective date are authorized to be made and completed
37 on or before such effective date.

38 PART EEEE

39 Section 1. Section 88 of the highway law is amended by adding a new
40 subdivision 12-a to read as follows:

41 12-a. (a) The commissioner shall develop and implement, upon federal
42 approval if necessary, an official business directional sign program to
43 provide directional information regarding the presence of publicly
44 available zero-emission vehicle charging and refueling stations. Such
45 program may be incorporated into the official business directional sign
46 program implemented by the commissioner pursuant to subdivision twelve
47 of this section. The official business zero-emission vehicle station
48 directional sign program guidelines shall include the installation and
49 maintenance of signage designating where publicly accessible zero-emis-
50 sion vehicle charging and refueling stations are located within three
51 miles of a roadway exit or off-ramp in accordance with the manual on
52 uniform traffic control devices.

53 (b) The official business zero-emission vehicle station directional
54 sign program shall be integrated with, but not limited by, information

1 centers provided for in subdivision ten of this section to maximize the
2 information made available in the specific interest of the traveling
3 public.

4 (c) The installation of zero-emission vehicle charging and refueling
5 station signage shall only occur during the regular course of mainte-
6 nance for existing signage. The commissioner shall seek to speed federal
7 approval of the official business zero-emission vehicle directional sign
8 program if such approval is necessary.

9 (d) For purposes of this section "zero-emission vehicle" shall mean a
10 motor vehicle that is propelled by an electric motor and associated
11 power electronics which provide acceleration torque to the drive wheels
12 during normal vehicle operation and draws electricity from a hydrogen
13 fuel cell or from a battery which is capable of being recharged from an
14 external source of electricity; or otherwise operates without direct
15 emission of atmospheric pollutants.

16 § 1-a. The public authorities law is amended by adding a new section
17 359-b to read as follows:

18 § 359-b. Publicly available zero-emission vehicle charging and refuel-
19 ing station signage. 1. Upon board approval, the executive director of
20 the authority shall develop and implement, upon federal approval if
21 necessary, an official business directional sign program to provide
22 directional information regarding the presence of publicly available
23 zero-emission vehicle charging and refueling stations. Such program may
24 be incorporated into relevant business directional sign programs already
25 maintained by the authority as appropriate. The official business zero-
26 emission vehicle station directional sign program guidelines shall
27 include the installation and maintenance of signage designating where
28 publicly accessible zero-emission vehicle charging and refueling
29 stations are located within ten miles of a roadway exit or off-ramp in
30 accordance with the manual on uniform traffic control devices.

31 2. The official business zero-emission vehicle station directional
32 sign program may be integrated with, but not limited by, tourist infor-
33 mation facilities to maximize the information made available in the
34 specific interest of the traveling public.

35 3. The installation of zero-emission vehicle charging and refueling
36 station signage shall only occur during the regular course of mainte-
37 nance for existing signage. The executive director shall seek to expe-
38 dite federal approval of the official business zero-emission vehicle
39 directional sign program if such approval is necessary.

40 4. For purposes of this section "zero-emission vehicle" shall mean a
41 motor vehicle that is propelled by an electric motor and associated
42 power electronics which provide acceleration torque to the drive wheels
43 during normal vehicle operation and draws electricity from a hydrogen
44 fuel cell or from a battery which is capable of being recharged from an
45 external source of electricity; or otherwise operates without direct
46 emission of atmospheric pollutants.

47 § 2. This act shall take effect on the ninetieth day after it shall
48 have become a law and apply to signage installed or maintained by the
49 department of transportation on or after such effective date.

50

PART FFFF

51 Section 1. Subparagraph (i) of paragraph (a) of subdivision 4 of
52 section 502 of the vehicle and traffic law, as amended by chapter 379 of
53 the laws of 2022, is amended to read as follows:

1 (i) Upon submission of an application for a driver's license, the
2 applicant shall be required to take and pass a test, or submit evidence
3 of passage of a test, with respect to the laws relating to traffic, the
4 laws relating to driving while ability is impaired and while intoxicat-
5 ed, under the overpowering influence of "Road Rage", "Work Zone Safety"
6 awareness, "Motorcycle Safety" awareness and "Pedestrian and Bicyclist
7 Safety" awareness as defined by the commissioner, "School Bus Safety"
8 awareness, the law relating to exercising due care to avoid colliding
9 with a parked, stopped or standing authorized emergency vehicle or
10 hazard vehicle pursuant to section eleven hundred forty-four-a of this
11 chapter, the ability to read and comprehend traffic signs and symbols,
12 the responsibilities of a driver when stopped by a law enforcement offi-
13 cer and such other matters as the commissioner may prescribe, and to
14 satisfactorily complete a course prescribed by the commissioner of not
15 less than four hours and not more than five hours, consisting of class-
16 room driver training and highway safety instruction or the equivalent
17 thereof. Such test shall include at least seven written questions
18 concerning the effects of consumption of alcohol or drugs on the ability
19 of a person to operate a motor vehicle and the legal and financial
20 consequences resulting from violations of section eleven hundred nine-
21 ty-two of this chapter, prohibiting the operation of a motor vehicle
22 while under the influence of alcohol or drugs. Such test shall include
23 one or more written questions concerning the devastating effects of
24 "Road Rage" on the ability of a person to operate a motor vehicle and
25 the legal and financial consequences resulting from assaulting, threat-
26 ening or interfering with the lawful conduct of another person legally
27 using the roadway. Such test shall include one or more questions
28 concerning the potential dangers to persons and equipment resulting from
29 the unsafe operation of a motor vehicle in a work zone. Such test may
30 include one or more questions concerning motorcycle safety. Such test
31 may include one or more questions concerning the law for exercising due
32 care to avoid colliding with a parked, stopped or standing vehicle
33 pursuant to section eleven hundred forty-four-a of this chapter. Such
34 test may include one or more questions concerning school bus safety.
35 Such test shall include one or more questions concerning the responsi-
36 bilities of a driver when stopped by a law enforcement officer. Such
37 test may include one or more questions concerning pedestrian and bicy-
38 clist safety. Such test shall be administered by the commissioner. The
39 commissioner shall cause the applicant to take a vision test and a test
40 for color blindness. Upon passage of the vision test, the application
41 may be accepted and the application fee shall be payable.

42 § 2. Paragraph (b) of subdivision 4 of section 502 of the vehicle and
43 traffic law, as amended by chapter 379 of the laws of 2022, is amended
44 to read as follows:

45 (b) Upon successful completion of the requirements set forth in para-
46 graph (a) of this subdivision which shall include an alcohol and drug
47 education component as described in paragraph (c) of this subdivision, a
48 "Road Rage" awareness component as described in paragraph (c-1) of this
49 subdivision, a "Work Zone Safety" awareness component as described in
50 paragraph (c-2) of this subdivision, a "Motorcycle Safety" awareness
51 component as described in paragraph (c-3) of this subdivision, a "School
52 Bus Safety" awareness component as described in paragraph (c-4) of this
53 subdivision, [~~and~~] a "Pedestrian and Bicyclist Safety" awareness compo-
54 nent as described in paragraph (c-5) of this subdivision, and a traffic
55 stop instruction component as described in paragraph (c-6) of this
56 subdivision. the commissioner shall cause the applicant to take a road

1 test in a representative vehicle of a type prescribed by the commission-
2 er which shall be appropriate to the type of license for which applica-
3 tion is made, except that the commissioner may waive the road test
4 requirements for certain classes of applicants. Provided, however, that
5 the term "representative vehicle" shall not include a three-wheeled
6 motor vehicle that has two wheels situated in the front and one wheel in
7 the rear, has a steering mechanism and seating which does not require
8 the operator to straddle or sit astride, is equipped with safety belts
9 for all occupants and is manufactured to comply with federal motor vehi-
10 cle safety standards for motorcycles including, but not limited to, 49
11 C.F.R. part 571. The commissioner shall have the power to establish a
12 program to allow persons other than employees of the department to
13 conduct road tests in representative vehicles when such tests are
14 required for applicants to obtain a class A, B or C license. If [~~she~~]
15 the commissioner chooses to do so, [~~she~~] they shall set forth [~~her~~]
16 their reasons in writing and conduct a public hearing on the matter.
17 [~~She~~] The commissioner shall only establish such a program after holding
18 the public hearing.

19 § 3. Subdivision 4 of section 502 of the vehicle and traffic law is
20 amended by adding a new paragraph (c-6) to read as follows:

21 (c-6) Traffic stop instruction component. (i) The commissioner shall
22 provide in the pre-licensing course, set forth in paragraph (b) of this
23 subdivision, a mandatory component in traffic stop instruction as a
24 prerequisite for obtaining a license to operate a motor vehicle. The
25 purpose of this component is to educate prospective licensees on their
26 responsibilities when stopped by a law enforcement officer.

27 (ii) The commissioner shall establish a curriculum for the traffic
28 stop instruction component which shall include but not be limited to:
29 instruction describing appropriate actions to be taken by drivers during
30 traffic stops and appropriate interactions with law enforcement officers
31 who initiate traffic stops. The curriculum shall also explain a driver's
32 responsibilities when stopped by a law enforcement officer, including
33 moving the vehicle onto the shoulder of the highway or, where the high-
34 way has no shoulder, an area adjacent to the highway where the vehicle
35 can safely be stopped during a traffic stop; turning off the motor vehi-
36 cle's engine and radio; avoiding sudden movements and keeping the driv-
37 er's hands in plain view of the officer. The commissioner is authorized
38 to collaborate with the division of state police and non-profit organ-
39 izations focusing on defending or promoting civil liberties and any
40 other agencies or organizations they deem necessary in establishing the
41 curriculum.

42 § 4. Paragraph 1 of subsection (a) of section 2336 of the insurance
43 law, as amended by section 3 of chapter 4 of the laws of 2021, is
44 amended to read as follows:

45 (1) Any schedule of rates or rating plan for motor vehicle liability
46 and collision insurance submitted to the superintendent shall provide
47 for an actuarially appropriate reduction in premium charges for any
48 insured for a three year period after successfully completing a motor
49 vehicle accident prevention course, known as the national safety coun-
50 cil's defensive driving course, or any driver improvement course
51 approved by the department of motor vehicles as being equivalent to the
52 national safety council's defensive driving course, provided that,
53 except as provided in article twelve-C of the vehicle and traffic law,
54 there shall be no reduction in premiums for a self-instruction defensive
55 driving course or a course that does not provide for actual classroom
56 instruction for a minimum number of hours as determined by the depart-

1 ment of motor vehicles. Such reduction in premium charges shall be
2 subsequently modified to the extent appropriate, based upon analysis of
3 loss experience statistics and other relevant factors. All such accident
4 prevention courses shall be monitored by the department of motor vehi-
5 cles and shall include components of instruction in "Road Rage" aware-
6 ness [~~and~~] in "Work Zone Safety" awareness, and in traffic stops as
7 defined by the commissioner of motor vehicles. The provisions of this
8 section shall not apply to attendance at a program pursuant to article
9 twenty-one of the vehicle and traffic law as a result of any traffic
10 infraction.

11 § 5. Paragraph 1 of subsection (a) of section 2336 of the insurance
12 law, as amended by section 4 of chapter 4 of the laws of 2021, is
13 amended to read as follows:

14 (1) Any schedule of rates or rating plan for motor vehicle liability
15 and collision insurance submitted to the superintendent shall provide
16 for an actuarially appropriate reduction in premium charges for any
17 insured for a three year period after successfully completing a motor
18 vehicle accident prevention course, known as the national safety coun-
19 cil's defensive driving course, or any driver improvement course
20 approved by the department of motor vehicles as being equivalent to the
21 national safety council's defensive driving course, provided that in
22 either event there shall be no reduction in premiums for a self-instruc-
23 tion defensive driving course or a course that does not provide for
24 actual classroom instruction for a minimum number of hours as determined
25 by the department of motor vehicles. Such reduction in premium charges
26 shall be subsequently modified to the extent appropriate, based upon
27 analysis of loss experience statistics and other relevant factors. All
28 such accident prevention courses shall be monitored by the department of
29 motor vehicles and shall include components of instruction in "Road
30 Rage" awareness [~~and~~], in "Work Zone Safety" awareness and in traffic
31 stops as defined by the commissioner of motor vehicles. The provisions
32 of this section shall not apply to attendance at a program pursuant to
33 article twenty-one of the vehicle and traffic law as a result of any
34 traffic infraction.

35 § 6. This act shall take effect one year after it shall have become a
36 law; provided that the amendments to subsection (a) of section 2336 of
37 the insurance law made by section four of this act shall be subject to
38 the expiration and reversion of such subsection pursuant to section 5 of
39 chapter 751 of the laws of 2005, as amended, when upon such date the
40 provisions of section five of this act shall take effect. Effective
41 immediately, the addition, amendment and/or repeal of any rule or regu-
42 lation necessary for the implementation of this act on its effective
43 date are authorized to be made and completed on or before such effective
44 date.

45

PART GGGG

46 Section 1. Short title. This act shall be known and may be cited as
47 the "just energy transition act".

48 § 2. Legislative findings and statement of purpose. The legislature
49 hereby finds, determines and declares:

50 (a) New York state, especially New York city, is reliant on fossil
51 fuels for energy production, making the transition to renewable sources
52 for the downstate electricity system key to achieving the requirements
53 of section 4 of the New York state climate leadership and community
54 protection act, including that seventy percent of the state's electric-

1 ity be from renewable energy sources by the year 2030 and that one
2 hundred percent of the state's electricity be from zero-emission sources
3 by the year 2040.

4 (b) New York state is committed to the responsible replacement and
5 redevelopment of its fossil fueled generation facilities that currently
6 ensure resource adequacy in the state, especially in locations where the
7 health benefits to historically disadvantaged communities can be maxi-
8 mized, and where the cost effective phasing-out of such facilities can
9 be done while helping to ensure a just transition for the existing work-
10 force.

11 (c) A public policy purpose would be served and the interests of the
12 people of the state would be advanced by directing the New York state
13 energy research and development authority, in consultation with the
14 department of public service and the department of environmental conser-
15 vation, to continue the development of the study commenced in 2022, as
16 referenced in the climate action council scoping plan of strategies to
17 facilitate the replacement and redevelopment of New York's oldest and
18 most-polluting fossil fueled generation facilities and their sites by
19 2030, while ensuring resource adequacy, with renewable energy systems as
20 defined in paragraph (b) of subdivision 1 of section 66-p of the public
21 service law, energy storage systems, and electricity transmission and
22 distribution systems and equipment.

23 (d) It is the intent of the legislature in enacting this act to
24 empower the New York state energy research and development authority,
25 department of public service, and department of environmental conserva-
26 tion, to develop a study as described in the climate action council
27 scoping plan and paragraph (c) of section three of this act in the
28 manner authorized and directed herein, and for those entities and the
29 public service commission, and any other agencies or authorities of the
30 state as may be required, to commence any proceedings or other initi-
31 atives necessary to carry out the strategies described therein.

32 § 3. The New York state energy research and development authority is
33 authorized and directed to:

34 (a) develop a study of competitive options to facilitate the phase-
35 out, replacement and redevelopment of New York state's oldest and most-
36 polluting fossil fueled generation facilities and their sites by the
37 year 2030, with renewable generation options that include those
38 described in the scoping plan issued by the climate action council under
39 section 75-0103 of the environmental conservation law, renewable energy
40 systems as defined in paragraph (b) of subdivision 1 of section 66-p of
41 the public service law, energy storage systems, and electricity trans-
42 mission and distribution systems and equipment, while ensuring resource
43 adequacy and other reliability services are maintained, and to do so in
44 consultation with the department of public service, the department of
45 environmental conservation, Long Island power authority, and other rele-
46 vant state agencies and authorities with subject matter expertise, the
47 federally designated electric bulk system operator, the New York State
48 Reliability Council, and the owners of such facilities. The study should
49 prioritize the replacement and redevelopment of such fossil fueled
50 generation facilities with facilities that will directly assist in
51 achieving the energy, environmental justice and emissions reductions
52 requirements of section 66-p of the public service law. The study shall
53 address the phase-out of at least four gigawatts of fossil fueled gener-
54 ation statewide capacity in total and prioritize those facilities that
55 only operate when electricity usage is highest. The study shall include
56 recommendations of standards and requirements that:

1 (i) significantly reduce the state's electricity system reliance on
2 fossil fuels, taking into account the requirements and timing of the
3 state's emission reduction programs;

4 (ii) establish a competitive program to promote private sector invest-
5 ment in eligible technologies that the public service commission has
6 determined, after notice and provision for the opportunity to comment,
7 ensure resource adequacy, while achieving the requirements of section
8 66-p of the public service law;

9 (iii) provide significant environmental, health and other benefits to
10 disadvantaged communities as such communities will be defined under
11 section 75-0111 of the environmental conservation law; and

12 (iv) have significant potential for job creation and retention,
13 economic development, and just transition opportunities benefiting New
14 Yorkers and the state's workforce, as described in the scoping plan
15 issued by the climate action council under section 75-0103 of the envi-
16 ronmental conservation law; and

17 (v) ensure the availability of assistance under the electric gener-
18 ation facility cessation mitigation fund established in section 1 of
19 part BB of chapter 58 of the laws of 2016 to any local government entity
20 impacted by the replacement and redevelopment of fossil fueled gener-
21 ation facilities under this section;

22 (b) provide public notice of the study, and ensure the results of
23 the study are made easily accessible to members of disadvantaged commu-
24 nities, as defined in section 75-0101 of the environmental conservation
25 law, and provide an opportunity for public comment on the study of not
26 less than 60 days and conduct at least two public hearings on the
27 study, of which at least one shall be held in disadvantaged communities,
28 as defined in section 75-0101 of the environmental conservation law with
29 such public hearings offering video participation and accessibility;

30 (c) address public comments and update the study, as appropriate,
31 especially to ensure resource adequacy and reliability services are
32 maintained; and

33 (d) deliver the study to the governor, temporary president of the
34 senate and speaker of the assembly within 180 days of the effective date
35 of this section.

36 § 4. The department of public service, the department of environmental
37 conservation, and Long Island power authority shall commence proceedings
38 and stakeholder processes to establish programs and other initiatives
39 necessary to carry out the strategies, programs, standards, and require-
40 ments described in the study referred to in section three of this act
41 within 60 days of delivery of the study to the governor, temporary pres-
42 ident of the senate and speaker of the assembly.

43 § 5. The public service commission shall:

44 (a) commence a proceeding to implement the strategies, programs, stan-
45 dards, and requirements described in the study referred to in section
46 three of this act within 90 days of delivery of the study to the gover-
47 nor, temporary president of the senate and speaker of the assembly; and

48 (b) issue an order regarding implementation of the strategies,
49 programs, standards, and requirements described in the study referred to
50 in section three of this act no later than July 30, 2026. Such order
51 shall at a minimum:

52 (i) direct the New York state energy research and development authori-
53 ty to implement a competitive award process to facilitate the replace-
54 ment and redevelopment of at least four gigawatts of fossil fueled
55 generation facilities statewide while maintaining reliability consistent
56 with the recommendations of the study pursuant to section three of this

1 act, and that as part of such competitive award process, consideration
2 shall be given to security of offtake with respect to generation and
3 transmission; and

4 (ii) direct that with respect to the competitive award process
5 required, the only eligible electricity generation from hydroelectric
6 facilities shall be electricity that is generated from non-state-owned
7 low impact run-of-river facilities located in the state that provide a
8 year-round electricity capacity resource.

9 (c)(i) Any projects pursuant to this section, or the study provided
10 herein, shall be deemed public work and shall be subject to and
11 performed in accordance with articles 8 and 9 of the labor law. Each
12 contract for such project shall contain a provision that such project
13 shall only be undertaken pursuant to a project labor agreement. For
14 purposes of this section, "project labor agreement" shall mean a pre-
15 hire collective bargaining agreement between the New York state energy
16 research and development authority, a third party on behalf of the
17 authority, or a recipient of support under this section, and a bona fide
18 building and construction trade labor organization establishing the
19 labor organization as the collective bargaining representative for all
20 persons who will perform work on a public work project, and which
21 provides that only contractors and subcontractors who sign a pre-negoti-
22 ated agreement with the labor organization can perform project work. All
23 contractors and subcontractors associated with this work shall be
24 required to utilize apprenticeship agreements as defined by article 23
25 of the labor law.

26 (ii) The New York state energy research and development authority, or
27 public service commission, where appropriate, shall include requirements
28 in any procurement or development of a renewable energy generating
29 project, as defined in this subdivision, that the components and parts
30 shall be produced or made in whole or substantial part in the United
31 States, its territories or possessions. The New York state energy
32 research and development authority's president and chief executive offi-
33 cer, or their designee may waive the procurement and development
34 requirements set forth in this paragraph if such official determines
35 that: the requirements would not be in the public interest; the require-
36 ments would result in unreasonable costs; obtaining such infrastructure
37 components and parts in the United States would increase the cost of a
38 renewable energy generating project by an unreasonable amount; or such
39 components or parts cannot be produced, made, or assembled in the United
40 States in sufficient and reasonably available quantities or of satisfac-
41 tory quality. Such determination shall be made on an annual basis no
42 later than December thirty-first, after providing notice and an opportu-
43 nity for public comment, and such determination shall be made publicly
44 available, in writing, on the New York state energy research and devel-
45 opment authority's website with a detailed explanation of the findings
46 leading to such determination. If the New York state energy research and
47 development authority's president and chief executive officer, or their
48 designee, has issued determinations for three consecutive years finding
49 that no such waiver is warranted pursuant to this paragraph, then the
50 New York state energy research and development authority shall no longer
51 be required to provide the annual determination required by this para-
52 graph.

53 (d)(i) The commissioner of labor, in consultation with labor organiza-
54 tions, shall develop a comprehensive plan to transition, train, or
55 retrain employees that are impacted by projects undertaken pursuant to
56 this act, or the study provided in section three of this act. This plan

1 shall include a method of allowing displaced and transitioning workers,
2 including affected labor organizations, to notify the commissioner of
3 the loss of employment, their previous title, and previous wage rates
4 including whether they previously received medical and/or retirement
5 benefits. The plan shall require employers to notify the commissioner of
6 workers laid off or discharged due to this act.

7 (ii) The commissioner of labor shall create a program pursuant to
8 which, where applicable and feasible, newly created job opportunities
9 shall be offered to a pool of transitioning workers who have lost their
10 employment or will be losing their employment in the energy sector
11 through projects undertaken pursuant to this act, or the study provided
12 in section three of this act. Such program shall include a method for
13 the commissioner of labor to communicate names and contact information
14 for displaced or transitioning workers to public entities that may have
15 job opportunities for such workers every 90 days.

16 (e) Notwithstanding any provision of law to the contrary, all rights
17 or benefits, including terms and conditions of employment, and
18 protection of civil service and collective bargaining status of all
19 existing public employees and the work jurisdiction, covered job titles,
20 and work assignments, set forth in the civil service law and collective
21 bargaining agreements with labor organizations representing public
22 employees shall be preserved and protected. Nothing in this section
23 shall result in the: (i) displacement of any currently employed worker
24 or loss of position (including partial displacement as such a reduction
25 in the hours of non-overtime work, wages, or employment benefits) or
26 result in the impairment of existing collective bargaining agreements;
27 (ii) transfer of existing duties and functions related to maintenance
28 and operations currently performed by existing employees of authorized
29 entities to a contracting entity; or (iii) transfer of future duties and
30 functions ordinarily performed by employees of authorized entities to a
31 contracting entity.

32 § 6. The Long Island power authority shall establish a program or
33 programs in its service territory consistent with the recommendation of
34 the study conducted pursuant to section three of this act, the
35 provisions of section five of this act, and the objectives of this act.

36 § 7. This act shall take effect immediately.

37 PART HHHH

38 Section 1. Short title. This act shall be known and may be cited as
39 the "accountability for development assistance act".

40 § 2. The executive law is amended by adding a new section 170-i to
41 read as follows:

42 § 170-i. Accountability in economic development assistance provided by
43 the state. 1. Definitions. As used in this section:

44 (a) "Base years" means the first two complete calendar years following
45 the effective date of a recipient receiving development assistance.

46 (b) "Date of assistance" means the commencement date of the develop-
47 ment assistance agreement, which date triggers the period during which
48 the recipient is obligated to create or retain jobs and continue oper-
49 ations at the specific project site.

50 (c) "Development assistance" or "economic development assistance"
51 means economic development benefits as such term is defined in section
52 fifty-eight of the New York state urban development corporation act, or
53 any portion thereof, provided however, that for the purposes of this
54 section such term shall include any economic development benefits

1 provided by a state or local authority as such terms are defined in
2 section two of the public authorities law.

3 (d) "Full-time, permanent job" means a job in which the new employee
4 works for the recipient at a rate of at least thirty-five hours per
5 week.

6 (e) "New employee" means a full-time, permanent employee who repres-
7 ents a net increase in the number of the recipient's employees state-
8 wide. "New employee" may include an employee who previously filled a new
9 employee position with the recipient who was rehired or called back from
10 a layoff that occurs during or following the base years.

11 The term "new employee" does not include any of the following:

12 (1) An employee of the recipient who performs a job that was previous-
13 ly performed by another employee in this state, if that job existed in
14 this state for at least six months before hiring the employee.

15 (2) A child, grandchild, parent, or spouse, other than a spouse who is
16 legally separated from the individual, of any individual who has a
17 direct or indirect ownership interest of at least five percent in the
18 profits, capital, or value of any member of the recipient.

19 (f) "Part-time job" means a job in which the new employee works for
20 the recipient at a rate of less than thirty-five hours per week.

21 (g) "Recipient" means any entity that receives economic development
22 assistance.

23 (h) "Retained employee" means any employee defined as having a full-
24 time or full-time equivalent job preserved at a specific facility or
25 site, the continuance of which is threatened by a specific and demon-
26 strable threat, which shall be specified in the application for develop-
27 ment assistance.

28 (i) "Specific project site" means that distinct operational unit to
29 which any development assistance is applied.

30 (j) "Granting entity" or "granting body" means the department or any
31 other state department or state agency that provides development assist-
32 ance.

33 (k) "Temporary job" means a job in which the new employee is hired for
34 a specific duration of time or season.

35 (l) "Value of assistance" means the face value of any form of develop-
36 ment assistance.

37 2. Standardized applications for state economic development assist-
38 ance. (a) All final applications submitted to the department or any
39 state entity requesting development assistance shall be required to
40 contain, at a minimum:

41 (1) An application tracking number that is specific to both the grant-
42 ing entity and to each application.

43 (2) The office mailing address, office telephone number, and chief
44 officer of the granting body.

45 (3) The office mailing address, telephone number, and the name of the
46 chief officer of the applicant or authorized designee for the specific
47 project site for which development assistance is requested.

48 (4) The applicant's total number of employees at the specific project
49 site on the date that the application is submitted to the granting enti-
50 ty, including the number of full-time, permanent jobs, the number of
51 part-time jobs, and the number of temporary jobs.

52 (5) The type of economic development assistance and value of assist-
53 ance being requested.

54 (6) The number of jobs to be created and retained or both created and
55 retained by the applicant as a result of the development assistance,

1 including the number of full-time, permanent jobs, the number of part-
2 time jobs, and the number of temporary jobs.

3 (7) A detailed list of the occupation or job classifications and
4 number of new employees or retained employees to be hired in full-time,
5 permanent jobs, a schedule of anticipated starting dates of the new
6 hires and the anticipated average wage by occupation or job classifica-
7 tion and total payroll to be created as a result of the development
8 assistance.

9 (8) A list of all other forms of development assistance that the
10 applicant is requesting for the specific project site and the name of
11 each granting entity from which that development assistance is being
12 requested.

13 (9) A narrative, if necessary, describing why the development assist-
14 ance is needed and how the applicant's use of the development assistance
15 may reduce employment at any site in New York.

16 (10) A certification by the chief officer of the applicant or the
17 chief officer's authorized designee that the information contained in
18 the application submitted to the granting body contains no knowing
19 misrepresentation of material facts upon which eligibility for develop-
20 ment assistance is based.

21 (b) Every granting body either shall complete, or shall require the
22 applicant to complete, an application form that meets the minimum
23 requirements as prescribed in this section each time an applicant
24 applies for development assistance covered by this section.

25 (c) The department shall have the discretion to modify any standard-
26 ized application for state development assistance required under para-
27 graph (a) of this subdivision for any grants that are not given as an
28 incentive to a recipient business organization.

29 (d) For each development assistance agreement, the recipient shall
30 annually submit to the granting entity a progress report that shall
31 include all update information completion of the contractual obligations
32 of the recipient as provided in the development assistance agreement.

33 (e) If a recipient of development assistance fails to comply with
34 paragraph (d) of this subdivision, the department shall, within twenty
35 working days after the reporting submittal deadlines set forth in such
36 paragraph (d), suspend within thirty-three working days any current
37 development assistance to such recipient under its control, and shall be
38 prohibited from completing any current or providing any future develop-
39 ment assistance until it receives proof that such recipient has come
40 into compliance with the requirements of paragraph (d) of this subdivi-
41 sion.

42 (f) The department shall have the discretion to modify the information
43 required in the progress report required under paragraph (d) of this
44 subdivision consistent with the disclosure purpose of this subdivision
45 for any grants that are not given as an incentive to a recipient busi-
46 ness organization.

47 (g) The granting entity, or a successor agency, shall have full
48 authority to verify information contained in the recipient's application
49 and progress report, including the authority to inspect the specific
50 project site and inspect the records of the recipient that are subject
51 to the development assistance agreement.

52 3. Recapture. (a) All development assistance agreements shall
53 contain, at a minimum, the following provisions:

54 (1) The recipient shall:

55 (i) make the level of capital investment in the economic development
56 project specified in the development assistance agreement; and

1 (ii) create or retain, or both, the requisite number of jobs, paying
2 not less than specified wages for the created and retained jobs, within
3 and for the duration of the time period specified in the development
4 assistance programs and the development assistance agreement.

5 (2) If the recipient fails to create or retain the requisite number of
6 jobs within and for the time period specified, in the development
7 assistance programs and the development assistance agreement, the recip-
8 ient shall be deemed to no longer qualify for the state economic assist-
9 ance and the recipient shall:

10 (i) be required to pay to the state the full amount of the state tax
11 exemption that it received;

12 (ii) where the recipient receives a grant or loan, be required to
13 repay to the state a pro rata amount of the grant or loan, and such
14 amount shall reflect the percentage of the deficiency between the
15 requisite number of jobs to be created or retained by the recipient and
16 the actual number of such jobs in existence as of the date the depart-
17 ment determines the recipient is in breach of the job creation or
18 retention covenants contained in the development assistance agreement,
19 provided however, if the recipient ceases operations at the relevant
20 project site within five years of the date of assistance, the recipient
21 shall be required to repay the entire amount of the grant or to acceler-
22 ate repayment of the loan back to the state; and

23 (iii) where the recipient receives a tax credit, the development
24 assistance agreement shall provide that (A) if the number of new or
25 retained employees falls below the requisite number set forth in the
26 development assistance agreement, the allowance of the credit shall be
27 automatically suspended until the number of new and retained employees
28 equals or exceeds the requisite number in the development assistance
29 agreement; (B) if the recipient discontinues operations at the specific
30 project site during the first five years of the term of the development
31 assistance agreement, the recipient shall forfeit all credits taken by
32 the recipient during such five year period; and (C) in the event of a
33 revocation or suspension of the credit, the granting entity shall initi-
34 ate proceedings against the recipient to recover wrongfully exempted
35 state income taxes and the recipient shall promptly repay to the grant-
36 ing entity any wrongfully exempted state income taxes. The forfeited
37 amount of credits shall be deemed assessed on the date the granting
38 entity initiates proceedings against such recipient and the recipient
39 shall promptly repay to the granting entity any wrongfully exempted
40 state income taxes.

41 (b) The relevant granting entity may elect to waive enforcement of any
42 contractual provision arising out of the development assistance agree-
43 ment required by this section based on a finding that the waiver is
44 necessary to avert an imminent and demonstrable hardship to the recipi-
45 ent that may result in such recipient's insolvency or discharge of work-
46 ers. If a waiver is granted, the recipient shall agree to a contractual
47 modification, including recapture provisions, to the development assist-
48 ance agreement.

49 4. Unified economic development report. For each state fiscal year
50 ending on or after June thirtieth, two thousand twenty-six, the depart-
51 ment of economic development shall submit an annual unified economic
52 development report to the governor, senate and assembly. The unified
53 economic development report shall be due within three months after the
54 end of the fiscal year, and shall present all types of development
55 assistance granted during the prior fiscal year, including the aggregate
56 amount of uncollected or diverted state tax revenues resulting from each

1 type of development assistance provided by each agency pursuant to law,
2 as reported to the department of economic development pursuant to this
3 section.

4 5. Development assistance disclosure to the department of economic
5 development. (a) Beginning February first, two thousand twenty-seven
6 and each year thereafter, any granting entity that provided development
7 assistance shall submit to the department of economic development copies
8 of all development assistance agreements that it approved in the prior
9 calendar year.

10 (b) By June first, two thousand twenty-eight and by June first of each
11 year thereafter, any granting entity with an active development assist-
12 ance agreement shall submit to the department of economic development
13 copies of all progress reports compiled pursuant to paragraph (d) of
14 subdivision two of this section.

15 (c) The department of economic development shall compile and publish
16 all progress reports received pursuant to this subdivision.

17 § 3. This act shall take effect on the one hundred twentieth day after
18 it shall have become a law and shall apply to contracts and agreements
19 entered into on or after such effective date. Effective immediately,
20 the addition, amendment and/or repeal of any rule or regulation neces-
21 sary for the implementation of this act on its effective date are
22 authorized to be made and completed on or before such effective date.

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

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