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 perfluoroakyl 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:

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

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

PART A

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

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

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

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

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

§ 3. This act shall take effect immediately.

PART B

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

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

provisions contained herein and the amounts made available therefor by appropriation.

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

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

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

Local Jurisdiction	Percentage of Matching Payment
In the Metropolitan Commuter Transportation District:	
New York City	6.40
Dutchess	1.30
Nassau	39.60
Orange	0.50
Putnam	1.30
Rockland	0.10
Suffolk	25.70
Westchester	25.10
In the Capital District Transportation District:	
Albany	54.05
Rensselaer	22.45
Saratoga	3.95
Schenectady	15.90
Montgomery	1.44
Warren	2.21
In the Central New York Regional Transportation District:	
Cayuga	[~~5.11~~] **5.05**
Onondaga	[~~75.83~~] **74.94**
Oswego	[~~2.85~~] **2.82**
Oneida	[~~16.21~~] **16.02**
Cortland	**1.17**
In the Rochester-Genesee Regional Transportation District:	
Genesee	1.36
Livingston	.90
Monroe	90.14

Wayne	.98	
Wyoming	.51	
Seneca	.64	
Orleans	.77	
Ontario	4.69	
In the Niagara Frontier Transportation District: Erie		89.20
Niagara	10.80	

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

Notwithstanding the reporting date provision of section 17-a of the transportation law, the reports of each regional transportation authority and other major public transportation systems receiving mass transportation operating assistance shall be submitted on or before July 15 of each year in the format prescribed by the commissioner of transportation. Copies of such reports shall also be filed with the chairpersons of the senate finance committee and the assembly ways and means committee and the director of the budget. The commissioner of transportation may withhold future state operating assistance payments to public transportation systems or private operators that do not provide such reports.

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

The commissioner of transportation shall be required to annually evaluate the operating and financial performance of each major public transportation system. Where the commissioner's evaluation process has identified a problem related to system performance, the commissioner may request the system to develop plans to address the performance deficiencies. The commissioner of transportation may withhold future state operating assistance payments to public transportation systems or private operators that do not provide such operating, financial, or other information as may be required by the commissioner to conduct the evaluation process.

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

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

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

Notwithstanding the provisions of subdivision 4 of section 18-b of the transportation law, the commissioner of transportation is authorized to continue to use prior quarter statistics to determine current quarter payment amounts, as initiated in the April to June quarter of 1981. In the event that actual revenue passengers and actual total number of vehicle, nautical or car miles are not available for the preceding quarter, estimated statistics may be used as the basis of payment upon approval by the commissioner of transportation. In such event, the succeeding payment shall be adjusted to reflect the difference between the actual and estimated total number of revenue passengers and vehicle, nautical or car miles used as the basis of the estimated payment. The chief executive officer may apply for less aid than the system is eligible to receive. Each quarterly payment shall be attributable to operating expenses incurred during the quarter in which it is received, unless otherwise specified by such commissioner. In the event that a public transportation system ceases to participate in the program, operating assistance due for the final quarter that service is provided shall be based upon the actual total number of revenue passengers and the actual total number of vehicle, nautical or car miles carried during that quarter.

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

In the event that an audit of a public transportation system or private operator receiving funds discloses the existence of an overpayment of state operating assistance, regardless of whether such an overpayment results from an audit of revenue passengers and the actual number of revenue vehicle miles statistics, or an audit of private operators in cases where more than a reasonable return based on equity or operating revenues and expenses has resulted, the commissioner of transportation, in addition to recovering the amount of state operating assistance overpaid, shall also recover interest, as defined by the department of taxation and finance, on the amount of the overpayment.

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

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

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

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

PART C

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

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

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

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

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

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

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

PART D

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

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

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

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

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

PART E

Intentionally Omitted

PART F

Intentionally Omitted

PART G

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

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

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

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

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

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

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

§ 3. 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 H

Intentionally Omitted

PART I

Section 1. Section 3 of part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, as amended by section 1 of part A of chapter 58 of the laws of 2024, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(ix) a listing of all contract numbers, vendors, and contractors associated with the project;

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

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

For the purposes of this paragraph, sources of funding shall be specified as from the state of New York, the federal government, the city of New York, or any other relevant source. Funding from the state of New

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

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

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

(i) total operating cost per car per mile;

(ii) maintenance cost per car per mile;

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

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

(v) comparison of cost of individual capital projects completed during the year with average cost of projects of similar nature for other transit systems; and

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

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

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

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

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

PART J

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

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

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

§ 2. This act shall take effect immediately.

PART K

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

(a) Whenever the authority determines in consultation with the city of New York that it is necessary to obtain the temporary or permanent use, occupancy, control or possession of vacant or undeveloped or underutilized but replaceable real property, or any interest therein, or subsurface real property or any interest therein then owned by the city of New York for a project in the two thousand fifteen to two thousand nineteen [~~or the~~]**,** two thousand twenty to two thousand twenty-four**, or two thousand twenty-five to two thousand twenty-nine** approved capital programs to (i) install one or more elevators to make one or more subway stations more accessible, (ii) construct or reconstruct an electrical substation to increase available power to the subway system to expand passenger capacity or reliability, or (iii) in connection with the capital project to construct four commuter railroad passengers stations in the borough of the Bronx known as Penn Station access, the authority upon approval by the board of the metropolitan transportation authority and upon suitable notice and with the consent of the city of New York may cause the title to such real property, or any interest therein, to be transferred to the authority by adding it to the agreement of lease dated June first, nineteen hundred fifty-three, as amended, renewed and supplemented, authorized by section twelve hundred three of this article, or may itself acquire title to such property from the city of New York, and any such transfer or acquisition of real property shall be subject to the provisions of subdivision five of section twelve hundred sixty-six-c of this title. Nothing in this subdivision shall be deemed to authorize any temporary or permanent transfer or acquisition of real property, or interest therein, that is dedicated parkland without separate legislative approval of such alienation.

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

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

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

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

PART L

Intentionally Omitted

PART M

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

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

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

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

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

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

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

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

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

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

§ 5. This act shall take effect immediately.

PART N

Intentionally Omitted

PART O

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

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

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

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

PART P

Intentionally Omitted

PART Q

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

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

1. Notwithstanding any other provision of law, the commissioner of transportation is hereby authorized to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a highway construction or maintenance work area located on a controlled-access highway (i) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (ii) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. Such demonstration program shall empower the commissioner to install photo speed violation monitoring systems within no more than [~~twenty~~] **forty** highway construction or maintenance work areas located on controlled-access highways and to operate such systems within such work areas (iii) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The commissioner, in consultation with the superintendent of the division of state police, shall determine the location of the highway construction or maintenance work areas located on a controlled-access highway in which to install and operate photo speed violation monitoring systems. In selecting a highway construction or maintenance work area in which to install and operate a photo speed violation monitoring system, the commissioner shall consider criteria including, but not limited to, the speed data, crash history, and roadway geometry applicable to such highway construction or maintenance work area. A photo speed violation moni-

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

2. Notwithstanding any other provision of law, after holding a public hearing in accordance with the public officers law and subsequent approval of the establishment of a demonstration program in accordance with this section by a majority of the members of the entire board of the thruway authority, the chair of the thruway authority is hereby authorized to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a highway construction or maintenance work area located on the thruway (i) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (ii) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. Such demonstration program shall empower the chair to install photo speed violation monitoring systems within no more than [~~ten~~] twenty highway construction or maintenance work areas located on the thruway and to operate such systems within such work areas (iii) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The chair, in consultation with the superintendent of the division of state police, shall determine the location of the highway construction or maintenance work areas located on the thruway in which to install and operate photo speed violation monitoring systems. In selecting a highway construction or maintenance work area in which to install and operate a photo speed violation monitoring system, the chair shall consider criteria including, but not limited to, the speed data, crash history, and roadway geometry applicable to such highway construction or maintenance work area. A photo speed violation monitoring system shall not be installed or operated on a thruway exit ramp.

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

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

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

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

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

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

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

(h) Adjudication of the liability imposed upon owners of this section shall be by a traffic violations bureau established pursuant to section three hundred seventy of the general municipal law where the violation occurred or, if there be none, by [~~the court having jurisdiction over traffic infractions where the violation occurred, except that if a city has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations such city may, by local law, authorize such adjudication by such tribunal~~] **a hearing officer designated by the commissioner 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:

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

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

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

[~~(iii)~~] 4. Where the lessor complies with the provisions of this [~~paragraph~~] subdivision, 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 such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

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

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

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

nine construction or maintenance work areas located at Triborough bridge and tunnel authority projects and to operate such systems within such work areas (iii) when construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The Triborough bridge and tunnel authority shall determine the location of the construction or maintenance work areas located at a Triborough bridge and tunnel authority project in which to install and operate photo speed violation monitoring systems. In selecting a construction or maintenance work area in which to install and operate a photo speed violation monitoring system, the Triborough bridge and tunnel authority shall consider criteria including, but not limited to, the speed data, crash history, and roadway geometry applicable to such construction or maintenance work area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The notice of liability shall contain information advising the person charged of the manner and the time in which such person may contest the liability alleged in the notice. Such notice of liability shall also contain a prominent warning to advise the person charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

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

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

(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 Triborough bridge and tunnel authority.

(j) 1. 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 the owner sends to the Triborough Bridge and tunnel authority 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 Triborough bridge and tunnel authority 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. 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:

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

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

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

4. Where the lessor complies with the provisions of this subdivision, 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 such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

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

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator operated such vehicle in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such opera-

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

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

(m) It shall be a defense to any prosecution for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section that such photo speed violation monitoring system was malfunctioning at the time of the alleged violation.

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

§ 1180-i. Owner liability for failure of operator to comply with certain posted maximum speed limits; New York state bridge authority project highway construction or maintenance work area. (a) 1. Notwithstanding any other provision of law, the New York state bridge authority "bridge authority", a body corporate and politic constituting a public benefit corporation created and constituted pursuant to title two of article three of the public authorities law, is hereby authorized to establish a program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a construction or maintenance work area located at any bridge authority project referred to in subdivision ten or ten-a of section five hundred twenty-eight of the public authorities law, or as otherwise provided in an applicable interagency agreement, (i) when construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (ii) when construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. Such program shall empower the bridge authority to install photo speed violation monitoring systems within no more than five construction or maintenance work areas located at bridge authority projects and to operate such systems within such work areas (iii) when construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The bridge authority shall determine the location of the construction or maintenance work areas located at a bridge authority project in which to install and operate photo speed violation monitoring systems. In selecting a construction or maintenance work area in which to install and operate a photo speed violation monitoring system, the bridge authority shall consider criteria including, but not limited to, the speed data, crash history, and roadway geometry applicable to such construction or maintenance work area.

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

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

4. Each photo speed violation monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory which shall issue a signed certificate of calibration. The bridge authority shall keep each such annual certificate of calibration on file until the final resolution of all cases involving a notice of liability issued during such year which were based on photographs, microphotographs, videotape or other recorded images produced by such photo speed violation monitoring system.

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

(ii) Photographs, microphotographs, videotape or any other recorded image from a photo speed violation monitoring system shall be for the exclusive use of the bridge authority for the purpose of the adjudication of liability imposed pursuant to this section and of the owner receiving a notice of liability pursuant to this section, and shall be destroyed by the bridge authority upon the final resolution of the notice of liability to which such photographs, microphotographs, videotape or other recorded images relate, or one year following the date of issuance of such notice of liability, whichever is later. Notwithstanding the provisions of any other law, rule or regulation to the contrary, photographs, microphotographs, videotape or any other recorded image from a photo speed violation monitoring system shall not be open to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the adjudication of a notice of liability issued pursuant to this section, and no public entity or employee, officer or agent thereof shall disclose such information, except that such photographs, microphotographs, videotape or any other recorded images from such systems:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The notice of liability shall contain information advising the person charged of the manner and the time in which such person may contest the liability alleged in the notice. Such notice of liability shall also contain a prominent warning to advise the person charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

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

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

(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 bridge authority.

(j) 1. 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 the owner sends to the bridge authority 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 bridge authority 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. 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:

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

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

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

4. Where the lessor complies with the provisions of this subdivision, 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 such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

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

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator operated such vehicle in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator operated such vehicle in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article.

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

(m) It shall be a defense to any prosecution for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section that such photo speed violation monitoring system was malfunctioning at the time of the alleged violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. the number of violations adjudicated and the results of such adjudications including breakdowns of dispositions made for violations recorded by such systems, to the extent the information is maintained by the executive director, chair or the department of motor vehicles of this state;

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

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

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

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

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

11. Where the commissioner of transportation has established a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-e of this chapter, any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs pursuant to such program shall be paid to the state comptroller within the first [~~ten~~] **thirty** days of the month following collection, except as otherwise provided in subdivision three of section ninety-nine-a of the state finance law. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. Notwithstanding the provisions of subdivision five of this section, eighty percent of any such fine or penalty imposed for such liability shall be paid to the general fund, and twenty percent of any such fine or penalty shall be paid to the city, town or village in which the violation giving rise to the liability occurred, provided, however, that **(a)** within a county that has established a traffic and parking violations agency pursuant to section three hundred seventy of the general municipal law and such liability is disposed of by such agency, eighty percent of any such fine or penalty imposed for such liability shall be paid to the general fund, and twenty percent of any such fine or penalty shall be paid to the county in which the violation giving rise to the liability occurred; **or (b) where collected by a hearing officer appointed by the commissioner, eighty percent of any such fine or penalty imposed for such liability shall be paid to the general fund, and twenty percent shall be deposited in the work zone speed camera administration fund established pursuant to section ninety-nine-ss of the state finance law**. With respect to the percentage of fines or penalties paid to the general fund, no less than sixty percent shall be dedicated to department of transportation work zone safety projects after deducting the expenses necessary to administer such demonstration program, provided, however, that **except as provided pursuant to section ninety-nine-ss of the state finance law,** such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the department of transportation and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and markings, worker safety training, contractor outreach, enforcement efforts, radar speed display signs at major active work zones and police presence at major active work zones, as provided in section twenty-two of the transportation law. All fines, penalties and forfeitures paid to a county, city, town or village pursuant to the provisions of this subdivision shall be credited to the general fund of such county, city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.

12. Where the chair of the New York state thruway authority has established a demonstration program imposing monetary liability on the owner

of a vehicle for failure of an operator thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-e of this chapter, any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs pursuant to such program shall be paid to the state comptroller within the first ten days of the month following collection, except as otherwise provided in subdivision three of section ninety-nine-a of the state finance law. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. Notwithstanding the provisions of subdivision five of this section, eighty percent of any such fine or penalty imposed for such liability shall be paid to the thruway authority, and twenty percent of any such fine or penalty shall be paid to the city, town or village in which the violation giving rise to the liability occurred, provided, however, that **(a)** within a county that has established a traffic and parking violations agency pursuant to section three hundred seventy of the general municipal law and such liability is disposed of by such agency, eighty percent of any such fine or penalty imposed for such liability shall be paid to the thruway authority, and twenty percent of any such fine or penalty shall be paid to the county in which the violation giving rise to the liability occurred**; or (b) where collected by a hearing officer appointed by the commissioner, eighty percent of any such fine or penalty imposed for such liability shall be paid to the thruway authority, and twenty percent shall be deposited in the work zone speed camera administration fund established pursuant to section ninety-nine-ss of the state finance law**. With respect to the percentage of fines or penalties paid to the thruway authority, no less than sixty percent shall be dedicated to thruway authority work zone safety projects after deducting the expenses necessary to administer such demonstration program, provided, however, that **except as provided pursuant to section ninety-nine-ss of the state finance law,** such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the thruway authority and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and markings, worker safety training, contractor outreach, enforcement efforts, radar speed display signs at major active work zones and police presence at major active work zones, as provided in section twenty-two of the transportation law. For the purposes of this subdivision, the term "thruway authority" shall mean the New York state thruway authority, a body corporate and politic constituting a public corporation created and constituted pursuant to title nine of article two of the public authorities law. All fines, penalties and forfeitures paid to a county, city, town or village pursuant to the provisions of this subdivision shall be credited to the general fund of such county, city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.

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

tion of liability which occurs pursuant to such program shall be paid to the state comptroller within the first thirty days of the month following collection, except as otherwise provided in subdivision three of section ninety-nine-a of the state finance law. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. Notwithstanding the provisions of subdivision five of this section, eighty percent of any such fine or penalty imposed for such liability shall be paid to the Triborough bridge and tunnel authority, and twenty percent of any such fine or penalty shall be paid to the New York city parking violations bureau. With respect to the percentage of fines or penalties paid to the Triborough bridge and tunnel authority, no less than sixty percent shall be dedicated to Triborough bridge and tunnel authority work zone safety projects after deducting the expenses necessary to administer such program, provided, however, that such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the Triborough bridge and tunnel authority and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and markings, worker safety training, contractor outreach, enforcement efforts, radar speed display signs at major active work zones and police presence at major active work zones, as provided in section twenty-two of the transportation law. For the purposes of this subdivision, the term "Triborough bridge and tunnel authority" shall mean the New York state Triborough bridge and tunnel authority, a body corporate and politic constituting a public benefit corporation created and constituted pursuant to title three of article three of the public authorities law. All fines, penalties and forfeitures paid to a county, city, town or village pursuant to the provisions of this subdivision shall be credited to the general fund of such county, city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.

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

fine or penalty shall be paid to the county in which the violation giving rise to the liability occurred; or (b) where collected by a hearing officer appointed by the commissioner, eighty percent of any such fine or penalty imposed for such liability shall be paid to the bridge authority, and twenty percent shall be deposited in the work zone speed camera administration fund established pursuant to section ninety-nine-ss of the state finance law. With respect to the percentage of fines or penalties paid to the bridge authority, no less than sixty percent shall be dedicated to bridge authority work zone safety projects after deducting the expenses necessary to administer such program, provided, however, that except as provided pursuant to section ninety-nine-ss of the state finance law, such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the bridge authority and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and markings, worker safety training, contractor outreach, enforcement efforts, radar speed display signs at major active work zones and police presence at major active work zones, as provided in section twenty-two of the transportation law. For the purposes of this subdivision, the term "bridge authority" shall mean the New York state bridge authority, a body corporate and politic constituting a public benefit corporation created and constituted pursuant to title two of article three of the public authorities law. All fines, penalties and forfeitures paid to a county, city, town or village pursuant to the provisions of this subdivision shall be credited to the general fund of such county, city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.

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

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

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

3. Moneys of the fund shall be made available to the department of motor vehicles only for the costs incurred by the department in adjudicating liabilities and hearing administrative appeals regarding violations of sections eleven hundred eighty-e and eleven hundred eighty-i of the vehicle and traffic law.

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

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

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

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

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

§ 16. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that sections twelve, thirteen, fourteen and fifteen of this act shall expire and be deemed repealed [~~5~~] 9 years after such effective date when upon such date the provisions of such sections shall be deemed repealed; provided that 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; and provided further, that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 R

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

11. With intent to cause physical injury to **an operator or crew of a passenger commuter ferry as defined in subdivision (n) of section three hundred of the tax law,** a train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant, traffic checker; person whose official duties include the sale or collection of tickets, passes, vouchers, or other revenue payment media for use on a train, bus, or ferry the collection or handling of revenues therefrom; a person whose official duties include the **construction,** maintenance, repair, inspection, troubleshooting, testing or cleaning of buses or ferries, a transit signal system, elevated or underground subway tracks, transit station **or transportation** structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard, revenue train in passenger service, a ferry station, or a train or bus station or terminal**, or any roadways, walkways, tunnels, bridges, tolling facilities or their supporting systems,**

building or structures; or a supervisor of such personnel, employed by any transit or commuter rail agency, authority or company, public or private, whose operation is authorized **or established** by New York state or any of its political subdivisions, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent, **motor vehicle license examiner, motor vehicle representative, highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred eighteen-c of the vehicle and traffic law,** prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, public health sanitarian, New York city public health sanitarian, registered nurse, licensed practical nurse, emergency medical service paramedic, or emergency medical service technician, [~~he or she~~] **such person** causes physical injury to such **operator or crew of a passenger commuter ferry as defined in subdivision (n) of section three hundred of the tax law,** train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant, traffic checker; person whose official duties include the sale or collection of tickets, passes, vouchers or other revenue payment media for use on a train, bus, or ferry or the collection or handling of revenues therefrom; a person whose official duties include the **construction,** maintenance, repair, inspection, troubleshooting, testing or cleaning of buses or ferries, a transit signal system, elevated or underground subway tracks, transit station **or transportation** structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard, revenue train in passenger service, a ferry station, or a train or bus station or terminal**, or any roadways, walkways, tunnels, bridges, tolling facilities or their supporting systems, buildings or structures**; or a supervisor of such personnel, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, **motor vehicle license examiner, motor vehicle representative, highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred eighteen-c of the vehicle and traffic law,** prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician, while such employee is performing [~~an assigned duty on, or directly related to,~~] **a lawful act related, directly or indirectly, to an employment responsibility, including but not limited to** the operation of a train or bus, cleaning of a train or bus station or terminal, assisting customers, checking traffic, the sale or collection of tickets, passes, vouchers, or other revenue media for use on a train, bus, or ferry or maintenance or cleaning of a train, a bus, a ferry, or bus station or terminal, signal system, elevated or underground subway tracks, transit station **or transportation** structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or

stations, train yard or revenue train in passenger service, a ferry station, or such city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent, **motor vehicle license examiner, motor vehicle representative, highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred eighteen-c of the vehicle and traffic law, operator or crew of a passenger commuter ferry as defined in subdivision (n) of section three hundred of the tax law,** prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician is performing an assigned duty; or

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

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

§ 118-b. Motor carrier investigator. Any person employed by the department of transportation who has been assigned to perform investigations of any motor carriers regulated by the commissioner of transportation.

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

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

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

PART S

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

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

§ 2. This act shall take effect immediately.

PART T

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

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

§ 2. This act shall take effect immediately.

PART U

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

ARTICLE 47

ARTIFICIAL INTELLIGENCE COMPANION MODELS

Section. 1700. Definitions.
1701. Prohibitions and requirements.
1702. Notifications.
1703. Enforcement.
1704. Severability.

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

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

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

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

4. "AI companion" means a system using artificial intelligence, generative artificial intelligence, and/or emotional recognition algorithms to simulate human-like interpersonal interactions, by retaining information on prior interactions and user preference, asking questions, providing advice, or engaging in simulated conversation. Human-like interpersonal interactions shall include, but shall not be limited to, romantic, platonic, familial, adversarial, professional, official, therapeutic, or stranger interactions that are between a user and a fictional or non-fictional character or group of characters. AI companion shall not include any system used by a business entity solely for customer service or to strictly provide users with information about available commercial services or products provided by such entity, customer account information, or other information strictly related to its customer service.

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

6. "Person" means any natural person.

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

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

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

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

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

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

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

§ 1702. Notifications. The owner, licensee or operator of a generative artificial intelligence system shall clearly and conspicuously display a warning on the system's user interface that is reasonably calculated to consistently and at all times disclose to the user that they are communicating with a computer and not a human and that the outputs of the generative artificial intelligence system may be inaccurate and/or inappropriate.

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

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

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

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

PART V

Intentionally Omitted

PART W

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

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

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

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

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

~~d. the length of the automatic renewal term or that the service is continuous, unless the length of the term is chosen by the consumer; and~~

~~e. the minimum purchase obligation, if any~~] "Knowing" means that a person, with respect to information:

a. has actual knowledge of the information;

b. acts in deliberate ignorance of the truth or falsity of the information; or

c. acts in reckless disregard of the truth or falsity of the information.

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

a. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication even if the representation requiring the disclosure is made in only one means;

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

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

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

e. The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the representation that requires the disclosure appears;

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

g. The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication; and

h. When the representation or sales practice targets a specific audience, such as children, older adults, or the terminally ill, "ordinary consumers" includes members of that group.

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

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

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

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

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

c. fail to provide an acknowledgment [~~that includes the automatic renewal or continuous service offer terms~~], cancellation policy, [~~and~~] information regarding how to cancel, and the terms of the automatic renewal, continuous service offer, or increased price, at or promptly following acceptance in a manner [~~that is~~] capable of being retained by the consumer. If the offer includes a free gift or trial[~~, the business shall also disclose in the acknowledgment how to cancel and allow the consumer to cancel before the consumer pays for the goods or services.~~] for a period of more than a month followed by an upcoming automatic renewal or continuous service charge to such consumer's account, the business shall provide such acknowledgement at least three days before, but not more than twenty-one days before, the cancellation deadline for such automatic renewal or continuous service charge. If the offer includes a free gift or trial for a period less than a month but more than three days, followed by an upcoming automatic renewal or continuous service charges to the consumer's account, the business shall provide such acknowledgement at least three days before the cancellation deadline or continuous service charge. Such acknowledgement notice shall include instructions on how to cancel and allow the consumer to cancel before the consumer pays for the automatic renewal or continuous service charge. Such acknowledgment includes:

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

(ii) contact information for the business, including a toll-free telephone number, email address, and web address, if a website is maintained;

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

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

(ii) an option to cancel through a business email address is always provided to the consumer, including an immediately accessible termination email formatted and provided by the business that a consumer can send to the business without additional information; and

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

e. impose unreasonable or unlawful conditions upon, refuse to acknowledge, obstruct or delay cancellation requested or attempts to request cancellation by a consumer;

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

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

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

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

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

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

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

~~a. The requirement in paragraph c of subdivision one of this section 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

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

[~~8.~~] 4. The following are exempt from the requirements of this article:

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

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

c. security system alarm operators;

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

e. sellers and administrators of a service contract, as defined pursuant to section seven thousand nine hundred two of the insurance law.

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

PART X

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

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

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

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

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

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

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

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

(g) "Person" means any natural person, firm, organization, partnership, association, corporation, or any other entity domiciled or doing business in New York state.

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

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

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

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

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

c. Nothing in this subdivision shall apply to:

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

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

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

(iv) pricing associated with membership-based programs offering exclusive benefits, services, or discounts related to customer affiliation with an organization or group, provided that such program is not primarily engaged in the sale of goods or services to the general public at retail; or

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

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

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

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

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

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

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

PART Y

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

ARTICLE 14-B

BUY-NOW-PAY-LATER LENDERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. As used in this section, the term "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a licensee, whether through the ownership of voting stock of such licensee, the ownership of voting stock of any person which possesses such power or otherwise. Control shall be presumed to exist if any person, directly or indirectly, owns, controls or holds with power to vote ten per centum or more of the voting stock of any licensee or of any person which owns, controls or holds with power to vote ten per centum or more of the voting stock of any licensee, but no person shall be deemed to control a licensee solely by reason of being an officer or director of such licensee or person. The superintendent may in the superintendent's discretion, upon the application of a licensee or any person who, directly or indirectly, owns,

controls or holds with power to vote or seeks to own, control or hold with power to vote any voting stock of such licensee, determine whether or not the ownership, control or holding of such voting stock constitutes or would constitute control of such licensee for purposes of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Subject to regulations to be promulgated by the superintendent, a buy-now-pay-later lender shall, before providing or causing to be provided a buy-now-pay-later loan to a consumer, perform reasonable risk-based underwriting. A buy-now-pay-later lender shall disclose or cause to be disclosed the factors considered in its underwriting process, in a clear and conspicuous manner, to the consumer. A buy-now-pay-later lender shall maintain or cause to be maintained policies and procedures for reasonable underwriting standards that may be reviewed by the superintendent. No buy-now-pay-later lender shall collect, evaluate, report, or maintain in the file on a borrower the credit worthiness, credit standing, or credit capacity of members of the borrower's social network for purposes of determining the credit worthiness of the borrower; the average credit worthiness, credit standing, or credit capacity of members of the borrower's social network; or any group score that is not the borrower's own credit worthiness, credit standing, or credit capacity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. All reports of examinations and investigations, correspondence and memoranda concerning or arising out of such examination and investigations, including any duly authenticated copy or copies thereof in the possession of any banking organization, bank holding company or any subsidiary thereof (as such terms "bank holding company" and "subsidiary" are defined in article three-A of this chapter), any corporation or any other entity affiliated with a banking organization within the meaning of subdivision six of this section and any non-banking subsidiary of a corporation or any other entity which is an affiliate of a banking organization within the meaning of subdivision six-a of this section, foreign banking corporation, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed mortgage banker, registered mortgage broker, licensed mortgage loan originator, licensed sales finance company, registered mortgage loan servicer, licensed

student loan servicer, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, any other person or entity subject to supervision under this chapter, or the department, shall be confidential communications, shall not be subject to subpoena and shall not be made public unless, in the judgment of the superintendent, the ends of justice and the public advantage will be subserved by the publication thereof, in which event the superintendent may publish or authorize the publication of a copy of any such report or any part thereof in such manner as may be deemed proper or unless such laws specifically authorize such disclosure. For the purposes of this subdivision, "reports of examinations and investigations, and any correspondence and memoranda concerning or arising out of such examinations and investigations", includes any such materials of a bank, insurance or securities regulatory agency or any unit of the federal government or that of this state any other state or that of any foreign government which are considered confidential by such agency or unit and which are in the possession of the department or which are otherwise confidential materials that have been shared by the department with any such agency or unit and are in the possession of such agency or unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the purposes of this section, a person or entity shall be considered as engaging in the business of making loans in New York, and subject to the licensing and other requirements of this article, if it solicits loans in the amounts prescribed by this section within this state and, in connection with such solicitation, makes loans to individuals then resident in this state, except that no person or entity shall be considered as engaging in the business of making loans in this state on the basis of isolated, incidental or occasional transactions which otherwise meet the requirements of this section.

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

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

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

PART Z

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

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

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

(B) the portions of the amount in subparagraph (A) of this paragraph which were:
(i) passed on to health plans; or
(ii) retained by the pharmacy benefit manager; and
(C) for each rebate contract in effect during the reporting period:
(i) the names of the contracting parties;
(ii) the execution date and the term of the contract, including extensions;
(iii) the name of the drugs and the associated national drug codes covered by the rebate contract, and for each drug:
(I) a summary of the contract terms regarding formulary placement, formulary exclusion, or prior authorization requirements or step edits, of any drugs considered to compete with each drug;
(II) a summary of all terms requiring or incentivizing volume or market share for each drug, including base rebate amounts, bundled rebates and incremental rebates, stated separately, and price concession, stated separately for each drug; and
(III) the total number of prescriptions filled and units dispensed for which a rebate, discount, price concession or other consideration was received by the pharmacy benefit manager for each drug;
(iv) the rebate percentage and dollar amount retained by the pharmacy benefit manager for every rebate, discount, price concession or other consideration under each rebate contract; and
(v) the dollar amount of any other compensation paid by a drug manufacturer to a pharmacy benefit manager for services including distribution management services, data or data services, marketing or promotional services, research programs, or other ancillary services, under each rebate contract.
(D) For the purposes of this subsection, the term "rebate contract" means any agreement entered into by a pharmacy benefit manager with any drug manufacturer or agent or affiliate of a drug manufacturer that determines any rebate, discount, administrative or other fee, price concession, or other consideration related to the dispensing of prescription drugs for a health plan.
(E) A copy of the report required by this subsection shall be filed with the superintendent and with the department of health no later than July first each year.

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

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

PART AA

Intentionally Omitted

PART BB

Intentionally Omitted

PART CC

Intentionally Omitted

PART DD

Intentionally Omitted

PART EE

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

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

§ 2. This act shall take effect immediately.

PART FF

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

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

§ 2. This act shall take effect immediately.

PART GG

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

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

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

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

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

PART HH

Intentionally Omitted

PART II

Intentionally Omitted

PART JJ

Intentionally Omitted

PART KK

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

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

§ 2. This act shall take effect immediately.

PART LL

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

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

§ 2. This act shall take effect immediately.

PART MM

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

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

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

6-d. Pursuant to the authority provided in subdivision six of this section, state agencies shall report annually on a fiscal year basis by July first of the ensuing year to the director of the division of minority and women-owned business development the total number and total value of contracts awarded to businesses certified pursuant to article fifteen-A of the executive law, and with respect to contracts awarded to businesses certified pursuant to article three of the veterans' services law such information shall be reported to the division of service-disabled veteran-owned business enterprises for inclusion in their respective annual reports. Provided that state agencies shall additionally report on contracts entered into using the authority provided under paragraph (d) of subdivision six of this section, which shall include, but not be limited to, the percentage of the total dollar value of contracts awarded to minority and women-owned business entities and service-disabled veteran-owned business entities relative to the previous fiscal year's total awards for all commodities and services purchases, a comparison of the percentage of purchases awarded pursuant to such paragraph during the fiscal year relative to the percentage of such purchases awarded in the previous fiscal year, a comparison of the participation rate and total dollar value of awards to minority and women-owned business enterprises and service-disabled veteran-owned businesses using the expanded authority under such paragraph relative to such participation rate and total dollar value of awards pursuant to the previous authorization levels, the length of time between completion of the contract and the date in which the business enterprise received the full expenditure of funds agreed upon in the contract or relevant amendment, and a description of each contract awarded to a minority or women-owned business entity or service-disabled veteran-owned business entity pursuant to such paragraph, including the list of qualified bidders and the total cost of each project.

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

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

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

(a) Each corporation shall annually submit its report on procurement contracts to the division of the budget and copies thereof to the department of audit and control, the department of economic development, the senate finance committee and the assembly ways and means committee. Such report shall include the total number and total dollar value of contracts awarded to certified minority and women-owned business enterprises pursuant to subparagraph (i) of paragraph (b) of subdivision three of this section. Provided that the environmental facilities corporation, the battery park city authority, the New York state housing finance agency, and the Hudson river park trust shall additionally report on contracts entered into using the expanded authority provided under subparagraph (i) of paragraph (b) of subdivision three of this section, which shall include, but not be limited to, the percentage of the total dollar value of contracts awarded to minority and women-owned business entities and service-disabled veteran-owned business entities relative to the previous fiscal year's total awards for all goods and services purchases, a comparison of the percentage of goods and services purchases awarded pursuant to such subparagraph during the fiscal year relative to the percentage of such purchases awarded in the previous fiscal year, a comparison of the participation rate and total dollar value of awards to minority and women-owned business enterprises and service-disabled veteran-owned businesses using the authority granted under such subparagraph relative to such participation rate and total dollar value of awards pursuant to the previous authorization levels, the length of time between completion of the contract and the date in which the business enterprise received the full expenditure of funds agreed upon in the contract or relevant amendment, and a description of each contract awarded to a minority or women-owned business entity or service-disabled veteran-owned business entity pursuant to such subparagraph, including the list of qualified bidders and the total cost of each project.

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

PART NN

Intentionally Omitted

PART OO

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

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

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

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

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

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

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

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

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

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

9. "Local food supply chain" means all processes involved in the local movement of human foods from the farm to the consumer, including marketing, markets, distribution, aggregation, processing, packaging, purchasing, preparation, resource recovery, and waste disposal.

10. "Urban agriculture" means the production, processing, distribution, and marketing of food within urban, suburban, and peri-urban (i.e., on the perimeter of urban areas) areas for commercial, non-commercial, educational, or not-for-profit purposes.

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

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

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

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

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

(ii) open space value;

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

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

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

(c) a description of the activities, programs and strategies, including efforts to support the successful transfer of agricultural land from existing owners to new owners and operators, especially new and beginning farmers, intended to be used by the county to promote continued agricultural use, **and to sustain a resilient local food supply chain within local and regional food systems,** which may include but not be limited to revisions to the county's comprehensive plan pursuant to section two hundred thirty-nine-d or two hundred thirty-nine-i of the general municipal law[~~.~~]**; and**

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

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

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

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

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

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

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

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

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

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

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

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

(ii) open space value;

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

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

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

(c) a description of activities, programs and strategies, including efforts to support the successful transfer of agricultural land from existing owners to new owners and operators, especially new and beginning farmers, intended to be used by the municipality to promote continued agricultural use, and to sustain a resilient local food supply chain within local and regional food systems, which may include but not be limited to revisions to the municipality's comprehensive plan pursuant to section two hundred seventy-two-a of the town law, section twenty-eight-a of the general city law, or section 7-722 of the village law as appropriate[~~.~~]; and

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

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

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

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

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

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

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

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

§ 325. [~~Agricultural~~] State assistance payments for agricultural and farmland protection projects. 1. Subject to the availability of funds, a program is hereby established to finance through state assistance payments the state share of the costs of locally-led agricultural and farmland protection [~~activities~~] projects. [~~State assistance payments for planning activities shall not exceed fifty thousand dollars to each county agricultural and farmland protection board or one hundred thousand dollars to two such boards applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments for planning activities shall not exceed twenty-five thousand dollars to each municipality other than a county or fifty thousand dollars to two such municipalities applying jointly, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan. A county which has an approved farmland protection plan may after one hundred twenty months from the date of such approval by the commissioner apply for additional state assistance payments for planning activities related to the updating of their current plan or development of a new farmland protection plan. Such additional state assistance payments shall not exceed fifty thousand dollars to each county agricultural and farmland protection board or one hundred thousand dollars to two such boards applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments for implementation of approved agricultural and farmland protection plans may fund up to seventy-five percent of the cost of implementing the county plan or portion of the plan for which state 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.

(c) A soil and water conservation district may apply and shall be eligible for agricultural protection state assistance payments to implement a county or municipal agricultural and farmland protection plan approved by the commissioner provided that the proposed project is endorsed for funding by the county agricultural and farmland protection board for the county in which the proposed project is located. A soil and water conservation district, two such soil and water conservation districts acting jointly, a soil and water conservation district and a municipality acting jointly, or a soil and water conservation district and a not-for-profit conservation organization acting jointly shall make application to the commissioner in such manner as the commissioner may prescribe. The proposed project must also be endorsed for funding by the municipality in which the proposed project is located if the soil and water conservation district is seeking agricultural protection state assistance payments to implement an approved municipal agricultural and farmland protection plan. **Any soil and water conservation district proposing a project located within the city of New York must have its project endorsed for funding by the city council or by any board so delegated by its city council.** State assistance payments to such soil and water conservation districts 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.

(d) A not-for-profit conservation organization may apply and shall be eligible for agricultural protection state assistance payments to implement a county or municipal agricultural and farmland protection plan approved by the commissioner provided that the proposed project is endorsed for funding by the [~~county agricultural and farmland protection board~~] **legislative body** for the [~~county~~] **municipality** in which the proposed project is located[~~. The proposed project must also be endorsed for funding by the municipality in which the proposed project is located~~] if the not-for-profit conservation organization is seeking [~~agricultural protection state assistance payments to implement~~] **payments for an agricultural and farmland protection project consistent with** an approved municipal agricultural and farmland protection plan. **Any not-for-profit conservation organization proposing a project located within the city of New York must have its project endorsed for funding by the city council or by any board so delegated by its city council.** State assistance payments to such not-for-profit organizations shall not exceed seventy-five percent of the cost of implementing the [~~local plan or portion of the plan~~] **agricultural and farmland protection project** 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.

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

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

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

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

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

2. Awards of state assistance payments shall be made on a competitive basis through a request for proposal process which shall set forth the standards for the selection process, the required proposal format, the costs which are eligible for funding, reporting requirements, and such other provisions as the commissioner may deem necessary, proper or desirable to achieve the purposes of this section. Applications for state assistance payments **for activities to assist counties and municipalities outside the city of New York** must be endorsed by the agricultural and farmland protection board for the county or counties in which the funded activities would be implemented. **Any application associated with activities occurring within the city of New York must be endorsed for funding by the city council or by any board so delegated by its city council.**

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

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

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

(a) audit a municipality's land use and subdivision regulations, zoning, or site plan requirements to assess potential hardship or unreasonable restrictions to agricultural land and farm operations;

(b) audit a municipality's zoning to assess opportunities and challenges to recruiting and retaining agriculture support service providers;

(c) incorporate local and regional food system planning into existing emergency management and disaster plans of county and municipal governments;

(d) compile and disseminate planning guide or guides that help identify existing and emerging constraints for urban agriculture and suggested strategies for municipalities to encourage and sustain urban agriculture;

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

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

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

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

§ 10. This act shall take effect immediately.

PART PP

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

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

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

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

PART QQ

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

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

§ 2. This act shall take effect immediately.

PART RR

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

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

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

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

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

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

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

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

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

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

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

(f) any person who arranged for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 27-1315. Rules and regulations.

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

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

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

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

2. Municipal exemption. (a) For the purposes of this title no **municipality or** public corporation shall incur any liability from any statutory claims of the state as an owner or operator of a site, or a person responsible for the disposal of a hazardous waste at such site, if such public corporation acquired such site involuntarily, and such public corporation retained such site without participating in the development of such site **as a responsible person**.

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

(c) When used in this section:

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

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

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

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

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

(iv) Acquisitions by a public corporation pursuant to seizure, injunction, condemnation, or forfeiture authority; provided that such ownership or control is not retained primarily for investment purposes.

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

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

(2) a deed in lieu of foreclosure, or similar conveyance, or abandonment from a person or trustee;

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

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

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

the operation of the property. For purposes of this section, participating in development does not include:

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

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

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

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

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

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

(7) exercising other remedies available under applicable laws;

(8) licensing, permitting, or granting permits, certificates of occupancy and variances as allowed by law and/or regulation;

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

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

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

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

§ 27-1325. Financial responsibility provisions.

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

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

3. In any case where the responsible person is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where, with reasonable diligence, jurisdiction in any state or federal court within the state cannot be obtained over a responsible person likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility shall be provided under this section may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this subdivision, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the responsible person if any action had been brought against the responsible person by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the responsible person.

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.

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.

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

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

1. Each responsible person 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.

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.

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

4. All amounts received to satisfy liability for natural resource damages shall be credited to the 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

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

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

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

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

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

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

6. An environmental lien shall attach when:

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

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

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

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

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

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

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

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

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

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

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

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

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

9. A notice of environmental lien shall state:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) shall continue until the earlier of:

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

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

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

§ 27-1329. Abatement actions.

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

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

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

(i) stop any continuing release;

(ii) prevent any threatened future release; and

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

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

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

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

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

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

(iv) A petitioner under subparagraph (i) of this paragraph may also recover its reasonable costs of response to the extent that such petitioner can demonstrate, on the administrative record, that the commissioner's decision in selecting the response action ordered was arbitrary and capricious or was otherwise not in accordance with law. Reimbursement awarded under this subparagraph shall include all reasonable response costs incurred by the petitioner pursuant to the portions of the order found to be arbitrary and capricious or otherwise not in accordance with law.

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

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

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

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

4. [~~No~~] With respect to moneys in the hazardous waste cleanup account, no moneys shall be available from the fund pursuant to paragraph (a) of subdivision three of this section unless the commissioner of environmental conservation finds that all reasonable efforts to secure voluntary agreement to pay the costs of necessary remedial actions from owners or operators of inactive hazardous waste sites or other responsible persons have been made except where the commissioner of environmental conservation has made findings pursuant to paragraph b of subdivision three of section 27-1313 of the environmental conservation law [~~or where~~]; the commissioner of health has declared a condition dangerous to life or health and made findings pursuant to paragraph (b) of subdivision three of section one thousand three hundred eighty-nine-b of the public health law; the commissioner of health or the commissioner of environmental conservation has determined that immediate action in the form of a remedial investigation and/or an interim remedial measure is necessary to abate an imminent danger or a significant threat to the health or welfare of the people of the state or the environment posed by hazardous waste at an inactive hazardous waste disposal site; or the site is owned by the state or the state is a responsible person.

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

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

(j) with respect to moneys in the hazardous waste remediation oversight and assistance account, technical assistance grants pursuant to titles thirteen and fourteen of article twenty-seven of the environmental conservation law; and

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

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

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

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

§ 12. This act shall take effect immediately.

PART SS

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

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

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

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

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

(c) (i) Beginning January first, two thousand twenty-eight, a manufacturer or other person that sells firefighting personal protective equipment to a person, local government, or state agency shall not manufacture, knowingly sell, offer for sale, distribute for sale or distribute for use in the state any firefighting personal protective equipment containing intentionally added PFAS chemicals; and

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

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

§ 4. This act shall take effect immediately.

PART TT

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

SUBPART A

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

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

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

1. Notwithstanding any other provision of law, the commissioner may acquire such property as may be necessary for the purposes and functions of the office, within the amounts appropriated or available therefore. Such property may be acquired pursuant to the provisions of the eminent domain procedure law, or by purchase, lease, exchange, grant, condemnation, gift, devise, bequest, or by any other lawful means. No real property shall be so acquired unless the title thereto is approved by the attorney general. The attorney general may approve any title where the attorney general has determined that the current owner can convey marketable title to the real property. The attorney general may accept a title policy from any reputable title company licensed by the state of

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

§ 3. Section 63 of the executive law is amended by adding a new subdivision 18 to read as follows:

18. Be authorized to approve land acquisitions made by the state for conservation purposes, in accordance with the provisions of subdivision one of section 3-0305 of the environmental conservation law and subdivision one of section 3.17 of the parks, recreation and historic preservation law.

§ 4. This act shall take effect immediately.

SUBPART B

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

(c) Conveyances of real property for open space, parks, or historic preservation purposes to any not-for-profit tax exempt corporation operated for conservation, environmental, parks or historic preservation purposes shall be exempt from payment of additional taxes imposed pursuant to section fourteen hundred two-A of this article.

§ 2. This act shall take effect immediately.

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

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

PART UU

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

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

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

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

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

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

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

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

PART VV

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

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

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

PART WW

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

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

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

(f) "Utility services" means gas, electricity or steam supplied by a gas, electric, gas and electric or district steam corporation **or an energy services company**, telephone, telegraph or other service furnished by a telephone, telegraph or telegraph and telephone corporation, water supplied by a waterworks corporation, or appliances, equipment, installations, fixtures or appurtenances rented by any such corporation **or company**.

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

§ 400. Unclaimed deposits and refunds for utility services. 1. The following unclaimed moneys held or owing by a gas corporation, an electric corporation, a gas and electric corporation, a district steam corporation, **an energy services company,** a telegraph corporation, a telephone corporation, a telegraph and telephone corporation, or a waterworks corporation, shall be deemed abandoned property:

(a) Any deposit made by a consumer or subscriber with such a corporation **or company** to secure the payment for utility services furnished by such corporation **or company**, or the amount of such deposit after deducting any sums due to such corporation **or company** by such consumer or subscriber, together with any interest due thereon, which shall have remained unclaimed by the person or persons appearing to be entitled thereto for two years after the termination of the utility services to secure the payment of which such deposit was made, or, if during such two year period utility services are furnished by such corporation **or company** to such consumer or subscriber and such deposit is held by such corporation **or company** to secure payment therefor, for two years after the termination of such utility services.

(b) Any amount paid by a consumer or subscriber to such a corporation **or company** in advance or in anticipation of utility services furnished or to be furnished by such corporation **or company** which in fact is not furnished, after deducting any sums due to such corporation **or company** by such consumer or subscriber for utility services in fact furnished, which shall have remained unclaimed by the person or persons appearing to be entitled thereto for two years after the termination of the utility services for which such amount was paid in advance or in anticipation, or, if during such period utility services are furnished by such corporation **or company** to such consumer or subscriber and such amount is applied to the payment in advance or in anticipation of such utility services, for two years after the termination of such utility services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) the amount of such deposit or payment;

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

(v) any sums due and unpaid to the corporation **or company** by such consumer or subscriber, with interest thereon from the date of termination of service;

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

(vii) the amount of such abandoned property; and

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

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

(i) the name and last known address of each person appearing from the records of such corporation **or company** to be entitled to receive the same;

(ii) the amount appearing from such records to be due each such person;

(iii) the date payment became due; and

(iv) such other identifying information as the state comptroller may require.

3. Such report shall be in such form and the abandoned property listed shall be classified in such manner as the state comptroller may prescribe. Names of persons entitled to such abandoned property appearing in such report shall be listed in alphabetical order within each such classification.

§ 8. This act shall take effect immediately.

PART XX

Section 1. Expenditures of moneys appropriated to the department of agriculture and markets from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the department of agriculture and markets' participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings or permits issued pursuant to article 7, 8, or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law.

§ 2. Expenditures of moneys appropriated to the department of state from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the activities of the department of state's utility intervention unit pursuant to subdivision 4 of section 94-a of the executive law, including, but not limited to participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings or permits issued pursuant to article 7, 8, or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law.

§ 3. Expenditures of moneys appropriated to the office of parks, recreation and historic preservation from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the office of parks, recreation and historic preservation's participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings or permits issued pursuant to article 7, 8, or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law.

§ 4. Expenditures of moneys appropriated to the department of environmental conservation from the special revenue funds-other/state operations, environmental conservation special revenue fund-301, utility environmental regulation account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the department of environmental conservation's participation in state energy policy proceedings, or certification proceedings or permits issued pursuant to article 7, 8, or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law.

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

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

§ 6-a. Subdivision 12 of section 66 of the public service law is amended by adding a new paragraph (m) to read as follows:

(m) The commission shall not approve any rate increase which allows a utility to recover the following operating expenses: (i) its direct or indirect costs in excess of one hundred thousand dollars associated with its attendance in, participation in, preparation for, or appeal of any rate proceeding conducted before the commission. Such costs shall include, but need not be limited to, attorneys' fees, fees to engage expert witnesses or consultants, the portion of employee salaries associated with such attendance, participation, preparation or appeal of a rate proceeding and related costs identified by the commission; or (ii) employee or executive salaries in excess of the current salary of the governor of New York as provided for by a joint resolution of the legislature at the time of the utility's initial filing with the commission.

§ 7. This act shall take effect immediately; provided, however, that sections one, two, three, four, five, and six of this act shall be deemed to have been in full force and effect on and after April 1, 2025 and shall expire and be deemed repealed April 1, 2026; provided further, however, that section six-a of this act shall take effect on the one hundred eightieth day after it shall have become a law.

PART YY

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

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

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

c. An action to recover a penalty under this article may be brought in the supreme court in the judicial district in which the violation was

alleged to have occurred which shall be commenced and prosecuted by the attorney general. The public service commission shall, pursuant to section one hundred nineteen-b of the public service law, forward to the attorney general its determination of the amount of the penalty for violations or rules and regulations adopted to implement the requirements of this article. Upon receipt of such determination, the attorney general may commence an action to recover such penalty. All moneys recovered in any such action, together with the costs thereof, **and all moneys recovered as the result of any such public service commission determination** shall be **provided for or** paid [~~**into**~~] **as a supplement to any existing monies dedicated to** the [~~**state treasury to the credit of the general fund**~~] **existing energy affordability program administered by the public service commission to the energy burden level at or below six percent of household income for residential low-income ratepayers of electric, gas, and combination gas and electric corporations regulated by the public service commission, who qualify for the energy affordability program administered by the public service commission for the purposes of supplying ratepayers who can provide documentation of eligibility to electric, gas, and combination gas and electric corporations for the home energy assistance program under section ninety-seven of the social services law, medicaid, temporary assistance for needy families, supplemental security income, supplemental nutrition assistance program, lifeline, social security disability insurance and any other income-based assistance program identified by the public service commission that allows low-income ratepayers to qualify for on bill credits from the energy affordability program**.

§ 3. Intentionally omitted.

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

PART ZZ

Section 1. Subdivision (a) of section 314 of the tax law, as amended by chapter 190 of the laws of 1990, is amended to read as follows:

(a) General.--Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any tax commissioner, any officer or employee of the department of taxation and finance, or any person who, pursuant to this section, is permitted to inspect any return, or to whom any information contained in any return is furnished, or any person engaged or retained by such department on an independent contract basis, or any person who in any manner may acquire knowledge of the contents of a return filed pursuant to this article, to divulge or make known in any manner the amount of income or gross receipts or any particulars set forth or disclosed in any return under this article. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the state or the commissioner of taxation and finance in an action or proceeding under the provisions of this chapter or in any other action or proceeding involving the collection of a tax due under this chapter to which the state or the commissioner is a party or a claimant, or on behalf of any party to any action or proceeding under the provisions of this article when the returns or facts shown thereby are directly involved in such

action or proceeding, in any of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. The commissioner may, nevertheless, publish a copy or a summary of any determination or decision rendered after the formal hearing provided for in this chapter. Nothing herein shall be construed to prohibit the delivery to a petroleum business or its duly authorized representative of a copy of any return filed by it, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, **or the disclosure of data other than taxpayer identity information from a return or returns of one or more petroleum or fossil fuel businesses to the department of environmental conservation or the New York state energy research and development authority for the purpose of implementing the climate leadership and community protection act, chapter one hundred six of the laws of two thousand nineteen, promulgation of regulations thereunder, and achievement of the statewide greenhouse gas emission limits, as defined and established in article seventy-five of the environmental conservation law,** or the publication of delinquent lists showing the names of petroleum businesses who have failed to pay their taxes at the time and in the manner provided by section three hundred eight of this article together with any relevant information which in the opinion of the commissioner may assist in the collection of such delinquent taxes; or the inspection by the attorney general or other legal representatives of the state of the return of any petroleum business which shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding under this chapter has been recommended by the commissioner or the attorney general or has been instituted; or the inspection of the returns of any petroleum business by the comptroller or duly designated officer or employee of the state department of audit and control, for purposes of the audit of a refund of any tax paid by such petroleum business under this article. Provided, further, nothing herein shall be construed to prohibit the disclosure of taxpayer identity information, including name, mailing address and taxpayer identifying number (social security account number, or such other number as has been assigned by the secretary of the United States treasury or [~~his~~] **such secretary's** delegate, or by the commissioner of taxation and finance), with respect to persons who are registered as residual petroleum product or aviation fuel businesses under this article or as distributors of motor fuel or diesel motor fuel or kero-jet fuel only for the purpose of article twelve-A of this chapter or this article, whose registration as a residual petroleum product business or as such distributor has been cancelled or suspended pursuant to this article or such article twelve-A or whose application for registration as a residual petroleum product business or as such distributor has been refused pursuant to this article or such article twelve-A. In addition, the commissioner may disclose the fact that a person is not registered as a residual petroleum business under this article or as a distributor of motor fuel, diesel motor fuel or kero-jet fuel only under article twelve-A of this chapter. Information disclosed pursuant to this subdivision shall not, by itself, be construed as proof of compliance or noncompliance with the provisions of this chapter.

§ 2. This act shall take effect immediately.

PART AAA

Section 1. The vehicle and traffic law is amended by adding a new section 404-ii to read as follows:

§ 404-ii. Distinctive plates for gold star families. 1. Any gold star family recipient or the spouse of a gold star family recipient residing in this state shall, upon request, be issued a license plate bearing the words "gold star family". If a distinctive plate is issued to a gold star family recipient pursuant to this section, additional distinctive plates may be issued for every vehicle registered in the name of the gold star family recipient residing in this state or the spouse of such gold star family recipient. For purposes of this section, a member of a gold star family shall include but not be limited to a resident of this state who is a gold star parent as defined in section twenty-six of the veterans' services law, the spouse or domestic partner, or the biological, step, or legally adopted minor child of a veteran whose death qualified the parent for an annuity. Application for said license plate shall be filed with the commissioner in such form and detail as the commissioner shall prescribe.

2. The distinctive plate authorized herein shall be issued upon proof, satisfactory to the commissioner, that the applicant or the spouse of the applicant is a gold star family recipient.

3. A distinctive plate issued pursuant to this section shall be issued in the same manner as other number plates upon payment of the regular registration fee prescribed by section four hundred one of this article, provided, however, that no service charge shall be charged for such plate, as well as no bond requirement to offset costs associated with the production of such license plate.

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

PART BBB

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

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

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

§ 2. Commission. (a) A commission is hereby established to replace the statue of Robert R. Livingston with a statue of Harriet Tubman in the National Statuary Hall of the United States Capitol. The commission

shall consist of the following appointees: the Governor, or a designee, the Temporary President of the Senate, or a designee, the Speaker of the Assembly, or a designee, the Executive director of the council on the arts, or a designee, and the Commissioner of the office of general services, or a designee.

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

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

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

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

PART CCC

Section 1. Legislative findings and intent. The legislature hereby finds that children are an inherently vulnerable population, and that marketing food and beverages high in saturated fatty acids, trans-fatty acids, and free sugars in a targeted and persistent manner to this group is inconsistent with this state's efforts to curb the disastrous health outcomes that follow the overconsumption of these products which include but are not limited to increased rates of malnutrition, undernutrition, micronutrient deficiencies, obesity, and other diet-related illnesses. Such marketing is inherently misleading, aggressive, and pervasive as children often lack the same ability to resist the rewarding cues presented in unhealthy food marketing as adults. New York has a strong and substantial interest in protecting our children from negative health consequences and remain aligned with the goals of the Convention on the Rights of the Child which ensures access to nutritious foods and freedom from exploitation of all kinds. Additionally, the power of the state is at its greatest when protecting the health and welfare of its citizens, especially those most vulnerable. Thus, the legislature finds that unfair and deceptive marketing targeted at children can mislead and manipulate children into lifelong habits, and that such unfair and deceptive advertising should be regulated accordingly.

§ 2. Section 350-a of the general business law is amended by adding two new subdivisions 4 and 5 to read as follows:

4. In determining whether any advertising concerning a food or food product is false advertising, factors shall include, but not be limited to:

(a) Whether the advertisement targets a consumer who is reasonably unable to protect their interests because of their age, illiteracy, inability to understand the language of an agreement or similar factor.

(b) For the purposes of this subdivision and subdivision five of this section, a "consumer" is defined as a person who is targeted by an advertisement, or those acting on such a person's behalf.

5. For purposes of paragraph (a) of subdivision four of this section, special consideration shall be given to advertisements directed at a child as defined in section three hundred seventy-one of the social services law. In determining whether an advertisement concerning a food or food product is directed at a child, factors shall include, but not be limited to:

(a) Subject matter;

(b) Visual content;

(c) Use of bright colors and animated characters or child-oriented activities and incentives;

(d) Music or other audio content;

(e) Age of models;

(f) Presence of child celebrities or celebrities who appeal to children;

(g) Language including claims, buzzwords, sayings, and/or phrases that are trending such as common colloquial words specific to the age group;

(h) Competent and reliable empirical evidence regarding audience composition and evidence regarding the intended audience composition and evidence regarding the intended audience;

(i) Physical location of advertisement, including, but not limited to, proximity to schools or other institutions frequented by children;

(j) Medium by which the advertisement is communicated, including, but not limited to, social media, or television/commercial advertising; and

(k) Other similar factors including price, products that offer convenience in financial savings, and saving time such as easy-to-make or purchase meals.

§ 3. Section 202-a of the agriculture and markets law is amended by adding a new subdivision 4 to read as follows:

4. In determining whether a violation of this section has occurred, the court shall consider factors and special consideration given to advertising directed at a child pursuant to section three hundred fifty-a of the general business law.

§ 4. Subdivision 1 of section 2599-b of the public health law, as amended by section 1 of part A of chapter 469 of the laws of 2015, is amended to read as follows:

1. The program shall be designed to prevent and reduce the incidence and prevalence of obesity in children and adolescents, especially among populations with high rates of obesity and obesity-related health complications including, but not limited to, diabetes, heart disease, cancer, osteoarthritis, asthma, emphysema, chronic bronchitis, other chronic respiratory diseases and other conditions. The program shall use recommendations and goals of the United States departments of agriculture and health and human services, the surgeon general and centers for disease control and prevention in developing and implementing guidelines for nutrition education and physical activity projects as part of obesity prevention efforts. The content and implementation of the program shall stress the benefits of choosing a balanced, healthful diet from the many options available to consumers[~~, without specifically targeting the elimination of any particular food group, food product or food-related industry~~] while specifically including education on access and the nutritional value of locally grown foods and food products including, but not limited to dairy, fruit and vegetable food products. The program shall cooperate with the department of agriculture and markets to add access to locally grown foods and food products including, but not limited to dairy, fruit and vegetable food products within the guidelines and framework of the program.

§ 5. Severability. If any part or provision of this act or its application to a person is held invalid, the invalidity of that part, provision or application does not affect other parts, provisions or applications of this act that can be given effect without the invalid provision or application.

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

PART DDD

Section 1. The agriculture and markets law is amended by adding a new section 501 to read as follows:

§ 501. Sanitary retail food store grant program. 1. Legislative intent. The legislature hereby finds, determines, and declares that retail food stores located in New York should maintain proper sanitary conditions to ensure the health and safety of all patrons. Preserving stores that are unable to meet proper sanitary conditions, and are located in areas where low-income people have limited access to affordable and nutritious food, is in the best interest of those communities and the state. The legislature hereby declares that in order to ensure the health and safety of its citizens, and preserve retail food stores located in food deserts, the department shall, in cooperation with the empire state development corporation, create a sanitary retail food store grant program.

2. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Potentially hazardous foods" means any foods that can support the rapid growth of disease-causing bacteria, including but not limited to the following: meat, poultry, seafood, eggs, pre-sliced or cooked vegetables, dairy, sliced fruit and cooked rice;

(b) "Critical deficiencies" means factors that are leading causes of foodborne illnesses, including but not limited to the following:

(i) insect, rodent, bird, or vermin activity likely to result in product contamination;

(ii) contact surfaces are unclean or not properly sanitized, such as food contact equipment, utensils, or conveyances for handling potentially hazardous foods;

(iii) inadequate employee handwashing facilities;

(iv) lack of proper equipment for cleaning and sanitizing surfaces where any potentially hazardous foods are prepared, stored and sold; and

(v) potentially hazardous foods that are not stored at safe temperatures.

(c) "Food desert" shall have the same meaning as section two hundred sixty of this chapter.

3. Sanitary retail food store grant program. Subject to appropriation, the commissioner, in conjunction with the commissioner of the empire state development corporation, shall establish a sanitary retail food store grant program to ensure that retail food stores that are unable to sustain the costs to immediately correct critical deficiencies, are located in food deserts, and would otherwise be unable to stay in operation due to their inability to meet and maintain sanitary standards, may be awarded funds to correct such critical deficiencies to ensure communities with limited food sources are held harmless and have access to retail food stores with proper sanitary conditions.

4. Eligibility. To be eligible to receive sanitary retail food store grant program funding, retail food stores shall meet the following criteria:

(a) found to have critical deficiencies that were not or could not be corrected at the time of inspection creating a need for immediate corrective action or fails for two consecutive inspections;

(b) located in a food desert whereby closing the retail food store would have a substantial impact on food access to the community it serves;

(c) the retail food store is able to establish that it does not have adequate funding or resources to correct the critical deficiencies, nor would it be able to attain such funding within a reasonable amount of time to prevent a negative impact to the community;

(d) the retail food store is able to establish that it is unable to attain credit or loan for all or part of the costs needed to correct the critical deficiencies; and

(e) the retail food store supplies the community with affordable and nutritious food, such as fresh produce, canned goods, and refrigerated foods.

5. Grants. The commissioner shall make grants to retail food stores located in food deserts and meet all eligibility criteria that submit a plan to correct the critical deficiencies and maintain proper sanitation for at least five years. The grant shall be based on the scope and nature of the resources associated with correcting the critical deficiencies and the long-term maintenance of the correction of critical deficiencies. Grants shall be approved and released every six months in order to provide retail food stores with certainty on when they will be able to attain funding and resources to correct the critical deficiencies and failed inspections.

§ 2. Subdivision 4 of section 500 of the agriculture and markets law, as amended by section 8 of part I1 of chapter 62 of the laws of 2003, is amended to read as follows:

4. (a) The department shall inspect each retail food store at least once in every twelve month period. Any store that fails two consecutive inspections shall be inspected at least once in every six month period until [~~it has passed~~] no critical deficiencies were found or critical deficiencies were found but remedied at the time of the inspection for two consecutive inspections. In the event that a retail food store was found to have critical deficiencies that were not or could not be corrected creating a need for immediate corrective action or fails for three consecutive inspections, the department [~~may, in its discretion,~~] shall order such establishment to cease all retail operation until it passes inspection or suspend or revoke any license issued to such establishment pursuant to article twenty-C of this chapter. However, the department may, in its discretion allow such establishments to maintain operation even if they would otherwise need to cease operation if they are able to establish that they qualified for the sanitary retail food store grant program, described in section five hundred one of this article, and would otherwise be able to remedy their critical deficiencies but were not awarded a grant in that calendar year due to exhaustion of funds for the grant program.

(b) For the purposes of this subdivision, "critical deficiencies" means the same as such term is defined in section five hundred one of this article.

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

PART EEE

Section 1. Short title. This act shall be known and may be cited as the "NY Home Energy Affordable Transition Act" or the "NY HEAT Act".

§ 2. Legislative findings. The legislature finds and declares that:

1. The Climate Leadership and Community Protection Act (CLCPA) sets forth ambitious mandates to achieve significant greenhouse gas (GHG) emission reductions across New York's economy, while prioritizing reductions in co-pollutant emissions in disadvantaged communities and requiring significant state investments to bring the affordability and health benefits of energy efficiency and clean energy to these communities.

2. Buildings are the largest source of GHG emissions in New York, contributing approximately one-third of the state's total emissions. They also produce significant local air pollution, leading to adverse health outcomes such as asthma and heart disease, especially in disadvantaged communities. Reducing emissions and pollution from buildings is essential to meeting the CLCPA's climate and equity goals and improving public health.

3. Achieving New York's climate and equity objectives necessitates updating the regulation of gas utilities. Current policies create misalignment between gas system investments and the CLCPA's 2030 and 2050 mandates, increasing the risk of a costly and disorderly transition. Strategic planning and investment are needed to decarbonize buildings, right-size the gas system, and ensure coordinated enhancements to the electric system, enabling equitable and affordable access to clean energy solutions for all New Yorkers. Such investments will lead to significant benefits: the Climate Action Council found that the cost of inaction on climate exceeds the cost of action by more than $115 billion.

4. Outdated public service laws are misaligned with the state's energy affordability goals and CLCPA mandates in the following ways:

a. The "utility obligation to serve gas" compels utilities to expand gas infrastructure, making it challenging to redirect investments toward insulating and upgrading homes and installing clean energy alternatives like electrification and thermal energy networks that align with climate goals while mitigating costs for ratepayers.

b. Mandated system extension allowances require existing ratepayers to subsidize gas hookups for new customers, costing ratepayers hundreds of millions of dollars annually.

c. Utilities are projected to spend $150 billion to replace leak-prone gas pipelines. Through the changes implemented in this act, many of these investments could be avoided by redirecting funds to neighborhood-scale decarbonization projects. Neighborhood-scale projects offer the most cost-effective pathway to transition gas customers to alternative heating and cooling solutions. These projects reduce costs, minimize stranded investments in the gas system, and enable coordinated efforts among utilities, customers, and other stakeholders.

5. This legislation, the NY Home Energy Affordable Transition (NY HEAT) Act, seeks to:

a. Reduce unjust and disproportionate energy cost burdens by avoiding unnecessary, non-strategic, and expensive gas infrastructure investments, and improving affordability protections.

b. Ensure utility regulations do not work at cross-purposes with the CLCPA.

c. Provide the Public Service Commission with clear authority and direction to align utility planning with CLCPA goals, proactively addressing regulatory barriers and recommending necessary legislative changes.

d. Minimize the need for new gas infrastructure investments by redirecting ratepayer funds to alternatives including electrification, thermal energy networks, targeted energy efficiency, demand response, and market transformation measures.

e. Facilitate a planned, neighborhood-scale transition away from fossil fuels, avoiding stranded gas infrastructure costs and supporting coordinated investments that reduce emissions, increase affordability, and create good paying jobs.

f. Ensure equitable access to affordable, clean energy for heating, cooling, and other building needs, protecting customers from undue burdens during the transition.

6. This legislation does not impose a ban on the use of gas. It is the intent of the Legislature to support a gradual and carefully planned transition for existing gas customers to cleaner alternatives, ensuring affordability, reliability, and equity throughout the process.

§ 3. The public service law is amended by adding two new sections 66-y and 66-z to read as follows:

§ 66-y. Statewide affordable gas transition plan. 1. No later than two years after the effective date of this section, the commission shall publish a statewide affordable gas transition plan to guide an orderly, affordable, and equitable right-sizing of the utility gas system in a manner that aligns with, and supports achievement of, the climate justice and emissions reduction provisions in chapter one hundred six of the laws of two thousand nineteen, and such successors in law and function as may arise from time to time, incorporating in such plan prudent investments and strategic opportunities to generate cost efficiencies for all gas and electric customers and redirect resources toward assisting customers to upgrade their homes and energy appliances. Such plan shall include, at a minimum:

(a) Targets for the transition of gas system infrastructure and recommendations for planning and investment strategies for the state's gas corporations to achieve such targets.

(b) General requirements for utility home energy affordable transition programs pursuant to section sixty-six-z of this article, regarding criteria for approval of such programs and neighborhood gas transition projects implemented as part of such programs, including requirements:

(i) to ensure customers affected by a neighborhood gas transition project have continued access to safe and reliable energy services for heating, cooling, cooking, and water heating;

(ii) for utilities to notify customers affected by a neighborhood gas transition project in a timely manner;

(iii) to ensure the ability of the electrical grid to safely support any new electric load created by a home energy affordable transition program, including for utility participation in any coordination activities regarding grid planning; and

(iv) to prioritize voluntary disconnections from gas service, to minimize the cost of transition for existing gas and electric customers, and to encourage utilization of existing resources for weatherization, energy efficiency, and electrification programs available in the state.

(c) In collaboration with the state's gas and electric corporations, identification of a preliminary list of neighborhood gas transition

projects best suited for home energy affordable transition programs pursuant to section sixty-six-z of this article.

(d) A review of the public service law and its current rules and policy guidance to identify any law, rule, guidance, or lack thereof, that may inhibit timely and equitable achievement of the climate justice and emission reduction provisions in chapter one hundred six of the laws of two thousand nineteen, and such successors in law and function as may arise from time to time.

2. In developing an affordable gas transition plan pursuant to this section, the department shall hold no fewer than four public hearings in different regions of the state.

3. Upon completion, the statewide affordable gas transition plan shall be made available on the department's website and shall be delivered to the governor, the temporary president of the senate, and the speaker of the assembly.

§ 66-z. Utility home energy affordable transition programs. 1. The commission shall, for each gas corporation in this state, issue an order to develop home energy affordable transition programs pursuant to this section, and in accordance with the statewide affordable gas transition plan in section sixty-six-y of this article, and shall require participation of such gas corporation as necessary for implementation. Such programs shall require implementation of neighborhood gas transition projects for the purpose of decommissioning discrete segments of the utility gas system in order to provide for an orderly gas system transition to achieve consistency with the climate justice and emission reduction provisions in chapter one hundred six of the laws of two thousand nineteen, and such successors in law and function as may arise from time to time. Development and approval of such programs shall be completed no later than one year after the statewide affordable gas transition plan has been published.

2. Prior to January first, two thousand thirty, no existing residential gas customer, as such term is referenced in section thirty of this chapter, shall have their gas service discontinued as part of a neighborhood gas transition project implemented pursuant to this section except by consent of such customer.

3. Programs shall be designed to maximize cost efficiencies from avoided investments in the expansion and maintenance of the gas system, and redirect resources toward implementation of neighborhood gas transition projects, including assisting customers to upgrade their homes and energy appliances, including those used for heating, cooling, cooking, and water heating, in addition to utilizing state and federal appliance and efficiency incentive programs and other available funding streams.

4. The commission shall only approve programs that ensure that all affected residential customers will:

(a) have continued access to safe and reliable energy services for heating, cooling, cooking, and water heating;

(b) have access to funding and technical support for the purchase and installation of customer-owned equipment at low or no cost, as well as for the purposes of identifying, planning, and securing services to undertake weatherization and energy efficiency measures, and pre-electrification upgrades, using any resources available for such purposes;

(c) be given notice at least two years in advance of the cessation of gas service, and at least every six months subsequently, via mail and, when applicable, electronically, and, where feasible, through at least one in-person contact, and be provided notification of financial and

technical assistance available to such customers from the utility or other state or federal programs to support electrification;

(d) have an opportunity to comment on the proposed neighborhood gas transition project before it is finalized; and

(e) be provided notice when an adjacent customer connected to their local gas grid has voluntarily opted to discontinue service, via mail and, when applicable, electronically.

5. The commission shall require each gas corporation to reevaluate its existing plans, policies, and programs related to proactive replacement of gas system infrastructure based on analyses of discrete segments of the gas system that are most suitable to be prioritized for neighborhood gas transition projects.

6. The commission shall ensure that any program approved pursuant to this section will not compromise the safety and reliability of the electric distribution grid or gas distribution system, or result in unreasonable disruption of service to buildings that are used for an industrial or commercial use that is difficult to electrify using commercially available technology or that house an energy intensive and trade exposed industry, or to critical infrastructure as such terms are defined by the commission.

7. Programs approved pursuant to this section shall not compromise the ability of a gas corporation to seek to recover prudent, commission-approved investments in infrastructure that was used and useful.

8. Prior to approval, the commission shall consider whether a program is adequately designed to mitigate potential financial hardship to affected residential customers in connection with the replacement of gas-fired appliances as part of neighborhood gas transition projects implemented pursuant to the program.

§ 4. Subdivision 1 of section 4 of the public service law, as amended by chapter 594 of the laws of 2021, is amended to read as follows:

1. There shall be in the department of public service a public service commission, which shall possess the powers and duties hereinafter specified, and also all powers necessary or proper to enable it to carry out the purposes of this chapter and to enable achievement of the climate justice and emission reduction provisions in chapter one hundred six of the laws of two thousand nineteen, and such successors in law and function as may arise from time to time. The commission shall consist of five members, to be appointed by the governor, by and with the advice and consent of the senate. A commissioner shall be designated as [~~chairman~~] chairperson of the commission by the governor to serve in such capacity at the pleasure of the governor or until [~~his~~] the commissioner's term [~~as commissioner~~] expires whichever first occurs. At least one commissioner shall have experience in utility consumer advocacy. No more than three commissioners may be members of the same political party unless, pursuant to action taken under subdivision two of this section, the number of commissioners shall exceed five, and in such event no more than four commissioners may be members of the same political party.

§ 5. Paragraph b of subdivision 1 of section 5 of the public service law, as amended by chapter 155 of the laws of 1970, is amended to read as follows:

b. To the manufacture, conveying, transportation, sale or distribution of gas (natural or manufactured or mixture of both) and electricity for light, heat, cooling, or power, to gas plants and to electric plants and to the persons or corporations owning, leasing or operating the same.

§ 6. Section 30 of the public service law, as amended by chapter 686 of the laws of 2002, is amended to read as follows:

§ 30. Residential gas, electric and steam service policy. 1. This article shall apply to the provision of all or any part of the gas, electric or steam service provided to any residential customer by any gas, electric or steam and municipalities corporation or municipality. It is hereby declared to be the policy of this state that the continued provision of [~~all or any part of such gas,~~] electric and steam [~~service~~] services to all residential customers without unreasonable qualifications or lengthy delays is necessary for the preservation of the health and general welfare, is consistent with the achievement of the state's climate justice and emission reduction goals, and is in the public interest. It is further the policy of this state that electric and steam services to all residential customers, and gas service for existing residential customers must be provided in a manner that is safe and adequate, not unjustly discriminatory or unduly preferential, and in all respects just and reasonable, while providing for an orderly, affordable and equitable right-sizing of the utility gas system to achieve consistency with the climate justice and emission reduction provisions in chapter one hundred six of the laws of two thousand nineteen, and such successors in law and function as may arise from time to time, encouraging neighborhood-scale transitions and the elimination of on-site co-pollutants.

2. (a) The commission shall regulate for the continued provision of gas service to all existing residential gas customers, unless such service is discontinued pursuant to a home energy affordable transition program approved by the commission pursuant to section sixty-six-z of this chapter.

(b) For the purposes of this section, any new residential gas customer purchasing or renting or moving into a building with existing gas service, or in which gas service was temporarily interrupted, as defined by the commission, including temporary interruption for emergencies, disasters, maintenance, repairs, renovation, or restoration, shall be treated as an existing customer unless and until such service is discontinued pursuant to a home energy affordable transition program approved by the commission.

3. (a) Within one year of the effective date of this subdivision, the commission shall develop a plan to ensure that all residential customers be adequately protected from bearing an energy burden greater than six percent of their household income. In developing such plan, the commission shall evaluate available tools, including but not limited to bill discounts, bill credits, redirection of avoided costs of utility infrastructure, rate making strategies, energy efficiency, distributed renewable energy, and potential budgetary measures, prioritizing mitigation of rate increases on residential customers. Beginning in the calendar year following the effective date of this subdivision, and continuing annually on or before October first, the commission shall report to the governor and legislature on the actions it has taken and progress it has made toward implementing the plan developed pursuant to this paragraph. Such report shall include but not be limited to recommendations regarding any additional legislative or budgetary measures necessary to achieve such goal. The annual report shall also be published on the commission's website. In implementing the plan developed pursuant to this paragraph, the commission shall prioritize low-to-moderate income customers, as defined by the commission, including those who are already eligible for the commission's energy affordability program.

(b) In order to ensure that all residential customers be adequately protected from bearing an energy burden greater than six percent of

their household income, the commission may authorize the use of reasonable per-customer caps on the amount of energy subject to such protections. The commission may also establish a reasonable cap on collections from ratepayers to fund the commission's energy affordability program or similar successor programs provided such cap is not less than three percent of total electric or gas revenues for sales to end-use customers for each utility.

4. Nothing in this article or any other law of New York state shall be interpreted or otherwise construed as preempting a municipality from adopting building codes or other regulations regarding on-site emissions for new and existing buildings within their localities.

§ 7. Subdivision 1 of section 1020-cc of the public authorities law, as amended by section 11 of part A of chapter 173 of the laws of 2013, is amended to read as follows:

1. All contracts of the authority shall be subject to the provisions of the state finance law relating to contracts made by the state. The authority shall also establish rules and regulations with respect to providing to its residential gas, electric and steam utility customers those rights and protections provided in article two and sections one hundred seventeen and one hundred eighteen of the public service law and section one hundred thirty-one-s of the social services law. It shall be a goal of the authority that all residential customers be adequately protected from bearing an energy burden greater than six percent of their household income pursuant to subdivision three of section thirty of the public service law. The authority shall conform to any safety standards regarding manual lockable disconnect switches for solar electric generating equipment established by the public service commission pursuant to subparagraph (ii) of paragraph (a) of subdivision five and subparagraph (ii) of paragraph (a) of subdivision five-a of section sixty-six-j of the public service law. The authority shall let contracts for construction or purchase of supplies, materials, or equipment pursuant to section one hundred three and paragraph (e) of subdivision four of section one hundred twenty-w of the general municipal law.

§ 8. Subdivisions 1, 3 and 4 of section 31 of the public service law, as added by chapter 713 of the laws of 1981, are amended and a new subdivision 4-a is added to read as follows:

1. Every gas corporation, electric corporation or municipality shall provide residential service upon the oral or written request of an applicant, provided that any residential gas service shall only be provided in accordance with section thirty of this article, and provided further that the commission may require that requests for service be in writing under circumstances as it deems necessary and proper as set forth by regulation, and provided further that the applicant:

(a) makes full payment for residential utility service provided to a prior account in [~~his~~] the applicant's name; or

(b) agrees to make payments under a deferred payment plan of any amounts due for service to a prior account in [~~his~~] the applicant's name and makes a down payment based on criteria to be established by the commission. No such down payment shall exceed one-half of any money due from an applicant for residential utility service, or three months average billing, whichever is less; or

(c) is a recipient of public assistance, supplemental security income or additional state payments pursuant to the social services law, or is an applicant for such assistance, income or payments, and the utility corporation or the municipality receives payment from, or is notified of the applicant's eligibility for utility payments by the social services

official of the social services district in which such person resides for amounts due for service to a prior account in the applicant's name, together with guarantee of future payments to the extent authorized by the social services law; and

(d) receives clear, timely information from the gas corporation, electric corporation, municipality, or retail energy service company, written in plain language, available in the top twelve most common non-English languages spoken by limited English proficient New Yorkers, and approved by the commission after stakeholder input, on incentives and opportunities for installing energy-efficient electric heating and cooling technologies, weatherization, demand-side management, and distributed energy resource programs.

(e) nothing in this subdivision shall be construed to prohibit existing gas customers, in accordance with section thirty of this article and subject to any other regulations implemented by the commission, from reconnecting to the gas distribution system following a gas interruption due to emergency repairs or remediation of leaking equipment.

3. Subject to the requirements of subdivisions four, four-a and five of this section, and in accordance with section thirty of this article, whenever a residential customer moves to a new residence within the service territory of the same utility corporation or municipality, [~~he~~] the applicant shall be eligible to receive service at the new residence and such service shall be considered a continuation of service in all respects except for the purposes of section thirty of this article, with any deferred payment agreement honored, and with all rights of such customer and such utility corporation provided by this article unimpaired.

4. In the case of any application for electric service to a building which is not supplied with electricity [~~or gas~~], a utility corporation or municipality shall be obligated to provide electric service to such a building, provided however, that the commission may require applicants for service to buildings located in excess of one hundred feet from [~~gas or~~] electric transmission lines to pay or agree in writing to pay material and installation costs relating to the applicant's proportion of the pipe, conduit, duct or wire, or other facilities to be installed.

4-a. In the case of any application for gas service to a building which is not supplied with gas, a utility corporation or municipality shall be obligated to provide gas service to such building in accordance with commission regulation, provided however, that the commission shall require applicants for gas service to such building to pay or agree in writing to pay material and installation costs relating to the pipe or other facilities to be installed to enable service to the applicant.

§ 9. Section 12 of the transportation corporations law, as separately amended by chapters 713 and 895 of the laws of 1981, is amended to read as follows:

§ 12. [~~Gas and electricity~~] Electricity must be supplied on application. Except in the case of an application for residential utility service pursuant to article two of the public service law, upon written application of the owner or occupant of any building within one hundred feet of any [~~main of a gas corporation or gas and electric corporation, or a~~] line of an electric corporation or gas and electric corporation, appropriate to the service requested, and payment by [~~him~~] the applicant of all money due from [~~him~~] the applicant to the corporation, it shall supply [~~gas or~~] electricity as may be required for [~~lighting~~] such building, notwithstanding there be rent or compensation in arrears for gas or electricity supplied, or for meter, wire, pipe or fittings

furnished, to a former occupant thereof, unless such owner or occupant shall have undertaken or agreed with the former occupant to pay or to exonerate [~~him~~] the former occupant from the payment of such arrears, and shall refuse or neglect to pay the same; and if for the space of ten days after such application, and the deposit of a reasonable sum as provided in the next section, if required, the corporation shall refuse or neglect to supply gas or [~~electric light~~] electricity as required, such corporation shall forfeit and pay to the applicant the sum of ten dollars, and the further sum of five dollars for every day thereafter during which such refusal or neglect shall continue; provided that no such corporation shall be required to lay service pipes or wires for the purpose of supplying gas or electric light to any applicant where the ground in which such pipe or wire is required to be laid shall be frozen, or shall otherwise present serious obstacles to laying the same; nor unless the applicant, if required, shall deposit in advance with the corporation a sum of money sufficient to pay the cost of [~~his proportion~~] the applicant's portion of the pipe, conduit, duct or wire required to be installed, and the expense of the installation of such portion.

§ 10. The transportation corporations law is amended by adding a new section 13 to read as follows:

§ 13. Gas must be supplied in accordance with public service commission rules and regulations. Except in the case of an application for residential utility service pursuant to article two of the public service law, upon written application of the owner or occupant of any building within one hundred feet of any main of a gas corporation or gas and electric corporation appropriate to the service requested, and payment by the applicant of all money due from the applicant to the corporation, it shall supply gas for such building in accordance with public service commission regulations, notwithstanding there be rent or compensation in arrears for gas supplied, or for meter, pipe or fittings furnished, to a former occupant thereof, unless such owner or occupant shall have undertaken or agreed with the former occupant to pay or to exonerate the former occupant from the payment of such arrears, and shall refuse or neglect to pay the same; and if for the space of ten days after such application, and the deposit of a reasonable sum, if required, the corporation shall refuse or neglect to supply gas as required pursuant to public service commission rules and regulations, such corporation shall forfeit and pay to the applicant the sum of ten dollars, and the further sum of five dollars for every day thereafter during which such refusal or neglect shall continue; provided that no such corporation shall be required to lay service pipes for the purpose of supplying gas to any applicant where the ground in which such pipes are required to be laid shall be frozen, or shall otherwise present serious obstacles to laying the same; nor unless the applicant shall deposit in advance with the corporation a sum of money sufficient to pay the material and installation costs relating to the pipe or other facilities to be installed to enable service to the applicant.

§ 11. Section 66 of the public service law is amended by adding a new subdivision 12-e to read as follows:

12-e. The commission shall review the capital construction plan of each gas corporation and establish a process to examine the feasible alternatives to such construction in order to achieve consistency with the climate justice and emission reduction provisions in chapter one hundred six of the laws of two thousand nineteen, and such successors in law and function as may arise from time to time, and to align with the

statewide affordable gas transition plan pursuant to section sixty-six-y of this article. The commission may require participation in such process by each electric corporation with a service area overlapping the service area of the gas corporation, and the commission shall have the power to require any such electric corporation to participate in alternatives to gas capital construction, including participation in financing. Any costs incurred by such electric corporation for such corporation's participation shall be subject to an opportunity for full recovery, as determined by the commission.

§ 12. Section 66-b of the public service law is REPEALED.

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

§ 66-x. Expansion of gas company service territories. Except as provided in this section, and notwithstanding any other provision of this chapter, after December thirty-first, two thousand twenty-six, the commission shall not grant an amendment of a gas company's certificate of public convenience and necessity that expands a gas company's service territory in order to extend gas plant and the availability of gas service into geographic areas where gas service was not available prior to such date. The commission may authorize exceptions to the policy set forth in this section on a case-by-case basis, provided that the commission finds that the amendment of the certificate of public convenience and necessity is limited to a project that serves a compelling state interest, alternatives to gas service are either not technically feasible or prohibitively expensive, and that the project will be completed and put into service not later than December thirty-first, two thousand twenty-eight.

§ 14. Section 66-g of the public service law is REPEALED.

§ 15. Subdivision 1 of section 224-d of the labor law, as amended by section 31 of part O of chapter 58 of the laws of 2024, is amended and a new subdivision 9 is added to read as follows:

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

9. For purposes of this section, a "covered neighborhood gas transition project" shall mean a project performed by contractors or subcontractors hired directly by a public utility company, as defined by subdivision twenty-three of section two of the public service law, to ensure that customers permanently transitioning off utility gas service as part of a home energy affordable transition program pursuant to

section sixty-six-z of the public service law have continued access to safe and reliable energy services for heating, cooling, cooking, and water heating. A covered neighborhood gas transition project shall not include a project performed under private contract with an entity other than a public utility company, even if such entity or contractor receives financial and/or technical support from a public utility company, including for the purchase and installation of customer-owned equipment.

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

§ 17. This act shall take effect immediately.

PART FFF

Section 1. The executive law is amended by adding a new article 43 to read as follows:

ARTICLE 43

CLIMATE RESILIENT NEW YORK ACT OF 2025

Section 930. Short title.
931. Declaration of purpose.
932. Office of resilience.
933. Chief resilience officer.
934. Statewide resilience plan.
935. Resilience task force.
936. State agency resilience coordinators.
937. Interagency resilience coordination team.
938. Public engagement and reporting.

§ 930. Short title. This act shall be known and may be cited as the "climate resilient New York act of 2025".

§ 931. Declaration of purpose. The legislature recognizes that the state is particularly vulnerable to adverse impacts from climate change. In less than 15 years, the state has experienced sixteen climate disaster declarations. These rising risks pose economic, social, environmental, and public health and safety challenges. A coordinated approach is necessary to effectively, efficiently, and equitably address and prepare for the adverse impacts of near-, mid-, and long-term climate threats on the state. This act therefore relates to establishing a statewide office of climate resilience; adding the office of climate resilience to the executive branch of government; creating the office of resilience within the office of the governor; establishing a chief resilience officer; establishing resilience coordinators in each state agency; providing for a statewide resilience plan to be coordinated by the office of climate resilience; establishing an interagency resilience coordination team and providing for its members, meetings, and public engagement; and providing for related matters.

§ 932. Office of resilience. 1. There is hereby created in the executive department an office of resilience, hereinafter in this article referred to as the "office".

2. The office shall have the following functions, powers and duties:

(a) Coordinate the resilience task force and provide strategic direction for governmental resilience initiatives to build long-term climate resilience for a robust, vibrant economy, sustainable natural environment, healthy communities, and an equitable and just transition to future climate;

(b) Establish an interagency resilience coordination team;

(c) Establish, in collaboration with the interagency resilience coordination team, a statewide resilience plan and framework to facilitate coordination across resilience plans at all levels of government;

(d) Provide technical guidance and assistance or support to agencies and local and regional jurisdictions, to integrate statewide resilience goals into future projects, plans, and programs, and to foster intermunicipal cooperation;

(e) Establish a means of tracking progress toward statewide goals on climate resilience;

(f) Identify and develop policies necessary to implement a statewide resilience plan and risk reduction strategy;

(g) Establish and maintain a website which shall facilitate the satisfaction of the functions and duties of the office;

(h) Establish and maintain a principal office and such other offices within the state as it may deem necessary;

(i) Appoint a secretary, counsel, clerks and such other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties; and

(j) Require that state agencies and any other state or municipal department, agency, public authority, task force, commission, or other state or municipal government body, provide and the same are hereby authorized to provide, such assistance, documents, and data as will enable the office to carry out its functions and duties.

§ 933. Chief resilience officer. 1. The head of the office shall be the chief resilience officer who shall be appointed by the governor and who shall hold office at the pleasure of the governor.

2. The chief resilience officer shall have the following functions, powers and duties:

(a) Employ or allocate the necessary staff and request the assistance of personnel of any state department or agency to carry out the functions, powers and duties provided in this article or as otherwise provided by law;

(b) Manage the office, the budget for such office, and related functions as provided by law;

(c) Review and reconcile state agency comments on federally sponsored resilience and risk mitigation activities to develop and present an official state position;

(d) Represent the policy and consensus viewpoint of the state at the federal, regional, state, and local levels with respect to resilience and risk mitigation;

(e) Monitor and seek available funds to support the state's resilience priorities, including coordinating cross-agency federal funding applications for community resilience projects;

(f) Provide strategic direction for interagency and cross-disciplinary initiatives to build resilience, in collaboration with the other relevant resilience task force and entities as the chief resilience officer deems appropriate, for the purposes of climate resilience planning and goal development, tracking and reporting progress on climate resilience goals, and public engagement on climate resilience issues;

(g) Appraise the adequacy of statutory and administrative mechanisms for coordinating the state's policies and programs at both the intrastate and interstate levels, and between federal, state, and local government, with respect to resilience and risk mitigation;

(h) Develop, where appropriate, intrastate or intergovernmental agreements to formalize coordination roles for regional resilience projects, such as the New York-New Jersey harbor and tributaries project;

(i) Appraise policy barriers to meet the goals of the state with respect to resilience and risk mitigation;

(j) Serve as subject-matter expert for the state on issues related to resilience and mitigation and provide recommendations to the legislature and federal congress with respect to policies, programs, and coordinating mechanisms relative to resilience and risk mitigation;

(k) Assist with the state's planning efforts, including but not limited to a statewide resilience plan, the state hazard mitigation plan, and other relevant state and regional plans for which there is a state interest, to ensure the incorporation and alignment of the state's resilience goals and objectives into a unified, proactive, pre-disaster approach to adaptation and near-, mid-, and long-term resilience;

(l) To serve as a clearinghouse for the benefit of municipalities regarding information relating to flooding, extreme heat, and other risk prevention and mitigation, including impact prevention and mitigation project funding programs, and other information relating to their common problems with respect to these hazards and the state and federal services available to assist in solving such problems;

(m) Take other actions consistent with law as deemed necessary by the chief resilience officer to carry out such officer's duties, functions, and responsibilities.

§ 934. Statewide resilience plan. 1. To coordinate and strengthen efforts to reduce losses from future disasters across the state, the office shall contribute to all statewide planning efforts related to resilience and risk mitigation and shall develop a strategic statewide resilience plan to protect the state from multiple climate threats.

2. Such plan shall include, but not be limited to, the following:

(a) Articulation of the state's resilience goals and objectives;

(b) Utilization of the best available science, including a range of future projections, to identify, implement, or reform policies, projects, and programs to achieve the state's resilience goals and objectives;

(c) Recommended agency-specific strategic actions, including criteria for prioritization based on a vulnerability assessment of the risks from multiple environmental threats to agency mission areas, assets, services, and populations served;

(d) Prioritization of natural, nature-based, and non-structural approaches to mitigating climate threats, wherever possible including, without limitation, use of living shorelines, riparian restoration, permeable surfaces, rain gardens, green roofs, tree canopy expansion, wetland restoration, removing, altering, or right-sizing dams, natural area conservation, waste-water and stormwater infrastructure upgrades, alteration of structures, buyouts, and other flood and extreme heat prevention, mitigation and resiliency strategies or projects;

(e) Set goals and resilience indicators that shall be tracked and reported to the public over time in an annual progress report; and

(f) A framework for resilience project development, funding, and implementation. Such framework shall include, but not be limited to, the following:

(i) Spatial analysis of projected climate threat exposure and vulnerability, including but not limited to flood, extreme heat and precipitation, storm events, and wildfire, and other risks. Such analysis and resulting maps should delineate the geography and the social and ecological vulnerability of the risk, using the state's environmental justice and disadvantaged community layers and including climate-vulnerable ecosystems, leveraging existing information from the New York state climate impacts assessment, the New York city panel on climate change, and other regional, peer-reviewed, best available scientific source, wherever feasible;

(ii) An accessible, updated database or inventory of critical infrastructure vulnerable to current and future flooding, developed in collaboration with municipalities. This includes those that are essential for critical government and business functions, national security, transportation, utilities, public health and safety, the economy, flood and storm protection, water quality management, and wildlife habitat management;

(iii) Maps or accessible, visual representation of federal, state, and local municipal and county projects planned to reduce such risks, along with the federal, state, or local agencies leading those projects and the funding source; and

(iv) A strategic plan for developing, funding, and financing projects that address such risks through federal, state, local, and private sources. Such strategic plan shall:

(1) Include a strategy for how to make every effort practicable that disadvantaged communities, as identified pursuant to section 75-0111 of the environmental conservation law, receive at least forty percent of the benefits of proposed plans and projects; provided, however, disadvantaged communities shall receive no less than thirty-five percent of such benefits; and

(2) Seeks to build alignment and efficiencies across agency vulnerability assessments and resilience strategies.

§ 935. Resilience task force. 1. There is hereby established within the office a resilience task force to provide strategic direction to resilience efforts across the state and make recommendations to the office.

2. Such task force shall be comprised of the following members:

(a) The chief resilience officer, who shall serve as chair and shall represent the views of the interagency resilience coordination team;

(b) The commissioner of the department of environmental conservation, or their designee;

(c) The commissioner of the division of homeland security and emergency services, or their designee;

(d) The commissioner of the division of housing and community renewal, or their designee;

(e) The secretary of state, or their designee;

(f) The commissioner of the department of financial services, or their designee;

(g) The commissioner of the department of health, or their designee;

(h) The president of the energy research and development authority, or their designee;

(i) The commissioner of the department of transportation, or their designee;

(j) The commissioner of the department of agriculture and markets;

(k) The chair of the metropolitan transportation authority, or their designee;

(l) The chair of the thruway authority, or their designee;
(m) The chair of the bridge authority, or their designee;
(n) The executive director of the port authority, or their designee; and
(o) A member of the general public with expertise in resiliency planning.
§ 936. State agency resilience coordinators. Each state agency included in the resilience task force and any other agencies to be included in resilience planning as designated by the chief resilience officer or resilience task force shall appoint a resilience coordinator to work with the chief resilience officer to ensure resilience is integrated into agency missions and priorities, and otherwise coordinate with the chief resilience officer. Such coordinators shall serve on the interagency resilience coordination team established pursuant to section nine hundred thirty-seven of this article. Each such coordinator shall be appointed by a state agency with the exclusive role of focusing on climate resilience with such agency's mission and activities.
§ 937. Interagency resilience coordination team. 1. There is hereby established within the office an interagency resilience coordination team to maintain awareness, communication, and alignment with regard to the state's resilience and risk mitigation needs, progress, and priorities and to oversee development of the statewide resilience plan.
2. Such team shall:
(a) Be comprised of resilience coordinators from each state agency included in this article or otherwise designated by the chief resilience officer or resilience task force and the chief resilience officer, who shall serve as chair;
(b) Meet upon the call of the chair, with a minimum of four meetings annually;
(c) Develop strategic plans for agencies and collaborate in the development of a statewide resilience plan; and
(d) Develop and implement a plan for public engagement, review of key products of the statewide resilience plan, and track and report on progress of such plan over time.
3. The chief resilience officer shall convene the first meeting of the interagency resilience coordination team on or before the ninetieth day after the effective date of this section.
§ 938. Public engagement and reporting. 1. Public engagement. A statewide resilience plan shall be developed and the resilience task force shall hold at least six regional public comment hearings on the draft plan, including three meetings in the upstate region and three meetings in the downstate region, and shall allow at least one hundred twenty days for the submission of public comment. The task force shall provide meaningful opportunities for public comment from all segments of the population that will be impacted by the plan, including persons living in disadvantaged communities as identified pursuant to section 75-0111 of the environmental conservation law.
2. Reporting. No later than one year after the effective date of this section, and every five years thereafter, the office shall complete and submit an updated statewide resilience plan to the legislature and make such plan publicly available.
§ 2. This act shall take effect on the sixtieth day after it shall have become a law.

PART GGG

Section 1. Subdivision 6 of section 27-1405 of the environmental conservation law, as amended by section 2 of part A of chapter 577 of the laws of 2004, is amended to read as follows:

6. "[~~Citizen~~] **Community** participation plan" shall mean the description of [~~citizen~~] **community** participation activities prepared and carried out pursuant to section 27-1417 of this title.

§ 2. Subdivisions 2 and 9 of section 27-1409 of the environmental conservation law, subdivision 2 as amended by section 7 of part BB of chapter 56 of the laws of 2015, and subdivision 9 as amended by section 4 of part A of chapter 577 of the laws of 2004, are amended to read as follows:

2. One requiring: (a) the participant to pay for state costs, including the recovery of state costs incurred before the effective date of such agreement; provided, however, that such costs may be based on a reasonable flat-fee for oversight, which shall reflect the projected future state costs incurred in negotiating and overseeing implementation of such agreement; [~~and~~]

(b) with respect to a brownfield site which**: (i)** the department has determined constitutes a significant threat to the public health or environment**, or (ii) is located on and/or adjacent to a school or day care facility,** the department [~~may~~] **shall** include a provision requiring the applicant to provide a technical assistance grant, as described in subdivision four of section 27-1417 of this title and under the conditions described therein, to an eligible party in accordance with procedures established under such program, with the cost of such a grant incurred by a volunteer serving as an offset against such state costs;

(c) with respect to all other brownfield sites the department may include a provision requiring the applicant to provide a technical assistance grant, as described in subdivision four of section 27-1417 of this title and under the conditions described therein, to an eligible party in accordance with procedures established under such program, with the cost of such a grant incurred by a volunteer serving as an offset against such state costs;

9. One requiring the preparation and implementation of a [~~citizen~~] **community** participation plan consistent with the requirements of this title as soon as possible following execution of the agreement but no later than prior to the preparation of a draft remedial investigation plan by the applicant which shall include a description of [~~citizen~~] **community** participation activities already performed by the applicant and/or the department;

§ 3. Subparagraph (vi) of paragraph (i) of subdivision 3 of section 27-1415 of the environmental conservation law, as amended by section 7 of part A of chapter 577 of the laws of 2004, is amended to read as follows:

(vi) Any written and oral comments submitted by members of the public on the applicant's proposed use as part of [~~citizen~~] **community** participation activities performed by the applicant pursuant to this title.

§ 4. Section 27-1417 of the environmental conservation law, as added by section 1 of part A of chapter 1 of the laws of 2003, paragraphs (b), (d), (e), (f), (g), (h), (i) of subdivision 3 and paragraph (a) of subdivision 4 as amended by section 8 of part A of chapter 577 of the laws of 2004, is amended to read as follows:

§ 27-1417. [~~Citizen~~] **Community** participation.

1. [~~Citizen~~] **Community** participation handbook. The commissioner shall prepare a [~~citizen~~] **community** participation handbook for the purpose of providing guidance to applicants in the design and implementation of

meaningful [~~citizen~~] community participation plans consistent with the requirements of this section for the remediation of brownfield sites as provided in this title. Such handbook shall encourage [~~citizen~~] community involvement by outlining opportunities and recommended methods for effective [~~citizen~~] community participation, including the availability of technical assistance grants. The commissioner shall make such handbook available to all applicants and other interested members of the public upon request and shall make it available on the department's website.

2. [~~Citizen~~] Community participation plans. (a) The design of any [~~citizen~~] community participation plan, including the level of [~~citizen~~] community involvement and the tools utilized, shall take into account the scope and scale of the proposed remedial program, local interest and history, and other relevant factors. While retaining flexibility, [~~citizen~~] community participation plans shall embody the following principles of meaningful [~~citizen~~] community participation:

(1) opportunities for [~~citizen~~] community involvement should be provided as early as possible in the decision making process prior to the selection of a preferred course of action by the department and/or the applicant.

(2) activities proposed in such plan should be as reflective of the diversity of interests and perspective found within the community as possible, allowing the public the opportunity to have their views heard and considered, which may include opportunities for two-way dialogue.

(3) full, timely, and accessible disclosure and sharing of information by the department shall be provided, including the provision of technical data and the assumptions upon which the analyses are based.

(b) All [~~citizen~~] community participation plans shall include the following minimum elements:

(1) identification of the interested public and preparation of a brownfield site contact list;

(2) identification of major issues of public concern related to the brownfield site;

(3) a description and schedule of public participation activities required pursuant to this section; and

(4) a description and schedule of any additional public participation activities needed to address public concerns.

3. [~~Citizen~~] Community participation requirements. (a) In addition to the formal milestones listed below, the public may provide comments at any time during the remedial program.

(b) The person submitting a request for participation, in cooperation with the department, shall provide a newspaper notice of the person's request to participate in the program. The person, in cooperation with the department, shall also provide notice thereof to the brownfield site contact list. Such notice shall provide for a thirty day public comment period following publication.

(c) Before the department finalizes the remedial investigation workplan, the applicant, in cooperation with the department, must notify individuals on the brownfield site contact list. Such notice shall include a fact sheet describing such plan and provide for a thirty day public comment period.

(d) Before the department approves a proposed remedial investigation report, the department, in consultation with the applicant, shall notify individuals on the brownfield site contact list. Such notice shall include a fact sheet describing such report.

(e) Upon the department's determination of significant threat pursuant to section 27-1411 of this title, the department must provide notice to individuals on the brownfield site contact list. Such notice shall include a fact sheet describing the basis of the department's determination.

(f) Before the department finalizes a proposed remedial work plan or makes a determination that site conditions meet the requirements of this title without the necessity for remediation pursuant to section 27-1411 of this title, the department, in consultation with the applicant, must notify individuals on the brownfield site contact list. Such notice shall include a fact sheet describing such plan and provide for a forty-five day public comment period. The commissioner shall hold a public meeting if requested by the affected community and the commissioner has found that the site constitutes a significant threat to the public health or the environment. Further, the affected community may request a public meeting at sites that do not constitute a significant threat. (1) To the extent that the department has determined that site conditions do not pose a significant threat and the site is being addressed by a volunteer, the notice shall state that the department has determined that no remediation is required for the off-site areas and that the department's determination of a significant threat is subject to this forty-five day comment period. (2) If the remedial work plan includes a Track 2, Track 3 or Track 4 remedy at a non-significant threat site, such comment period shall apply both to the approval of the alternatives analysis by the department and the proposed remedy selected by the applicant.

(g) Before the applicant commences construction at the brownfield site, the applicant, in cooperation with the department, shall provide notice to the individuals on the brownfield site contact list.

(h) Before the department approves a proposed final engineering report, the department, in consultation with the applicant, must notify individuals on such contact list. Such notice shall include a fact sheet describing the brownfield site report, including any proposed institutional or engineering controls.

(i) Within ten days of the issuance of a certificate of completion at a site which will utilize institutional or engineering controls, the applicant, in cooperation with the department, shall provide notice to the brownfield site contact list. Such notice shall include a fact sheet describing such controls.

4. Technical assistance grants. (a) Within the limits of appropriations made available pursuant to paragraph [~~j~~] **(j)** of subdivision three of section ninety-seven-b of the state finance law, the commissioner is authorized to provide grants to **the New York city community board, which shall have the same meaning as set forth in section twenty-eight hundred of the New York city charter, in which the site is located or to** any not-for-profit corporation exempt from taxation under section 501(c)(3) of the internal revenue code at any site determined to pose a significant threat by the department and which may be affected by a brownfield site remedial program. To qualify to receive such assistance, a community group must demonstrate that its membership represents the interests of the community affected by such site. Furthermore, the commissioner is authorized to direct any applicant who is a responsible party, as defined in section 27-1313 of this article, to provide such grants. Such grants shall be known as technical assistance grants and may be used to obtain technical assistance in interpreting information with regard to the nature of the hazard posed by contamination located **at** or emanating

from a brownfield site or sites and the development and implementation of a brownfield site remedial program or programs. Such grants may also be used to hire health and safety experts to advise affected residents on any health assessments and for the education of interested affected community members to enable them to more effectively participate in the remedy selection process. Grants awarded under this section may not be used for the purposes of collecting field sampling data, political activity or lobbying legislative bodies.

(b) The amount of any grant awarded under this section may not exceed fifty thousand dollars at any one site.

(c) No matching contribution from the grant recipient shall be required for a technical assistance grant. Following a grant award, a portion of the grant shall be made available to the grant recipient, in advance of the expenditures to be covered by the grant, in five thousand dollar installments.

§ 5. This act shall take effect on the first of February next succeeding the date upon which it shall have become a law and shall apply to any applications received on or after such date.

PART HHH

Section 1. Subdivisions 1 and 2 of section 71-0211 of the environmental conservation law, subdivision 1 as amended by chapter 60 of the laws of 1993, subdivision 2 as amended by chapter 460 of the laws of 1991, are amended to read as follows:

1. Notwithstanding any other provisions of law to the contrary, all fines and penalties collected pursuant to title nineteen of this article, except amounts required to be paid into the conservation fund pursuant to subdivision two of section 71-1929 of such title; title twenty-one of this article; title twenty-seven of this article, except amounts required to be paid into the hazardous waste remedial fund pursuant to subdivision two of section 71-2725 of such title; and title forty-one of this article shall be paid into the [~~general fund to the credit of the state purposes account~~] **conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law**.

2. Unless otherwise provided in this chapter, not later than the tenth day of each month, all fines, penalties and forfeitures collected for violations of this chapter or rules, regulations, local laws or ordinances adopted thereunder under judgment of any town or village court, shall be paid over by such court to the comptroller of the state, with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fines and penalty imposed. The comptroller shall pay these funds into the [~~general fund of the state~~] **conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law**.

§ 2. Section 83 of the state finance law is amended by adding a new subdivision (k) to read as follows:

(k) All moneys, revenue, and interest thereon received and collected pursuant to titles nineteen, twenty-one and twenty-seven of article seventy-one of the environmental conservation law, and pursuant to section 71-0211 of the environmental conservation law, other than those amounts prescribed by law to be directed into other funds, shall be deposited in a special account within the conservation fund to be known

as the conservation enforcement account. All of such moneys, revenues and interest shall be available to the department of environmental conservation, pursuant to appropriation, exclusively for funding the enforcement of the environmental conservation law, including funding for scientists, environmental law enforcement officers, attorneys, administrative support, and such other expenses the commissioner deems necessary for such enforcement. Such money shall be used to supplement and not supplant funding for the enforcement of the environmental conservation law as of the effective date of this subdivision. The department shall annually submit to the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly, following one year after the effective date of this subdivision, an annual expenditure report of the conservation fund.

§ 3. Subdivision 1 of section 71-0213 of the environmental conservation law, as added by section 1 of part DDD of chapter 59 of the laws of 2009, is amended to read as follows:

1. Whenever proceedings result in a conviction for an offense under this chapter there shall be levied, in addition to any sentence required or permitted by law, the following mandatory surcharges: (a) in the amount of twenty-five dollars for violations of sportfishing regulations set forth in 6 NYCRR 10; (b) in the amount of [~~seventy-five dollars~~] one hundred twelve dollars and fifty cents for all other offenses under this chapter provided, however, that convictions for offenses under articles seventeen, nineteen or twenty-seven of this chapter shall be subject to a mandatory surcharge equal to the greater of [~~seventy-five dollars~~] one hundred twelve dollars and fifty cents or [~~six~~] nine percent of any penalty or fine imposed. The mandatory surcharge shall be paid to the clerk of the court who shall remit such mandatory surcharge to the state comptroller provided, however, that in cases where the conviction was rendered by a town or a village justice court, the clerk of such court shall pay twenty-five dollars of such surcharge to the chief fiscal officer of the town or village in the case of surcharges resulting from paragraph (b) of this subdivision and ten dollars in the case of surcharges resulting from paragraph (a) of this subdivision and shall pay the remaining amounts of such mandatory surcharges to the state comptroller in the same manner as provided in section 71-0211 of this article. The comptroller shall pay such monies into the state treasury to the [~~credit of the general fund~~] conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law.

§ 4. Section 71-0301 of the environmental conservation law, as amended by chapter 400 of the laws of 1973, is amended to read as follows:

§ 71-0301. Summary abatement.

Notwithstanding any inconsistent provisions of law, whenever the commissioner finds, after investigation, that any person is causing, engaging in or maintaining a condition or activity which, in [~~his~~] the judgment of the commissioner, presents an imminent danger to the health or welfare of the people of the state or results in or is likely to result in irreversible or irreparable damage to natural resources, and relates to the prevention and abatement powers of the commissioner and it therefore appears to be prejudicial to the interests of the people of the state to delay action until an opportunity for a hearing can be provided, the commissioner may, without prior hearing, order such person by notice, in writing wherever practicable or in such other form as in the commissioner's judgment will reasonably notify such person whose

practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity. As promptly as possible thereafter, not to exceed fifteen days, the commissioner shall provide the person an opportunity to be heard and to present proof that such condition or activity does not violate the provisions of this section. The commissioner shall adopt any other appropriate rules and regulations prescribing the procedure to be followed in the issuance of such orders. Any person who violates any of the provisions of, or who fails to perform any duty imposed by this section, or any rule, regulation or order promulgated by the commissioner hereunder, shall be liable to a civil penalty of not more than [~~twenty-five hundred~~] three thousand seven hundred fifty dollars for each such violation and an additional penalty of not more than [~~five~~] seven hundred fifty dollars for each day during which such violation continues, and, in addition thereto, such person may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the attorney general at the request and in the name of the commissioner.

§ 5. Subdivisions 3 and 4 of section 71-0507 of the environmental conservation law, subdivision 3 as amended by chapter 400 of the laws of 1973, are amended to read as follows:

3. Moneys received by a town justice or a village justice in any action for a penalty brought under the provisions of this chapter listed in section 71-0501 of titles 5 through 15 inclusive and title 33 or upon the settlement or compromise thereof, or a fine for a violation of the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article shall be paid to the State Comptroller as provided in section 27 of the Town Law and section 4-410 of the village law. From the moneys so received, the State Comptroller shall pay all lawful fees for services rendered in such actions when instituted by order of the department or upon information of a conservation officer, regional and assistant regional conservation officer, special game protector, district ranger, forest ranger, or member of the state police. The balance of such moneys arising from penalties under [~~articles~~] article 11 or 13 [~~or title 9~~] of this [~~article~~] chapter or upon the settlement or compromise thereof or from fines for violations of any of the provisions of [~~articles~~] article 11 or 13 [~~or title 9~~] of this [~~article~~] chapter after the payment of lawful fees shall be credited by the Comptroller to the conservation fund. The Comptroller shall adjust and settle [~~his~~] their account with the conservation fund in the manner provided by section 99-a of the State Finance Law. The balance of all other such moneys after payment of lawful fees shall be credited by the Comptroller to the [~~general fund~~] conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law.

4. All moneys received by any other person or court in an action for a penalty brought under the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article or upon the settlement or compromise thereof, or a fine for a violation of the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article, shall be paid by such person or court to the department within thirty days after receipt thereof. The department shall pay the expenses of collection and the lawful fees of magistrates and constables for services performed in criminal

actions brought upon information of a conservation officer, regional and assistant regional conservation officer, special game protector, district ranger, forest ranger, or member of the state police. Such moneys derived from fines or penalties for violations of [~~articles~~] article 11 or 13 [~~or title 9~~] of this [~~article~~] chapter or from the settlement or compromise thereof shall be paid by the department to the Commissioner of Taxation and Finance and credited to the conservation fund. All other moneys so received by the department shall be paid to the Commissioner of Taxation and Finance and credited to the [~~general fund~~] conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law.

§ 6. Subdivisions 1, 2, 6, 9 and 10 of section 71-0703 of the environmental conservation law, subdivisions 1, 2 and 6 as amended by chapter 602 of the laws of 2003, subdivision 9 as added by chapter 267 of the laws of 2012 and subdivision 10 as added by chapter 330 of the laws of 2014, are amended to read as follows:

1. Except as otherwise provided in subdivision 4, 5, 6 or 7 of this section, any person who violates any provision of article 9 or the rules, regulations or orders promulgated pursuant thereto or the terms of any permit issued thereunder, or who fails to perform any duty imposed by any provision thereof shall be guilty of a violation, and, upon conviction, shall be punished by a fine of not more than [~~two hundred fifty~~] three hundred seventy-five dollars, or by imprisonment for not more than fifteen days, or by both such fine and imprisonment, and in addition thereto shall be liable to a civil penalty of not less than ten nor more than one hundred fifty dollars.

2. The violation of any of the provisions of the following sections shall subject the person guilty thereof to the following civil penalties in addition to the liability prescribed in subdivision 1 of this section:

a. Section 9-1113 of this chapter, [~~two~~] three dollars per tree;

b. Subdivision 3 of section 9-1105 of this chapter, [~~twenty-five~~] thirty-seven dollars and fifty cents per day;

c. Subdivision 4 of section 9-1105 of this chapter, and subdivision 1 of section 9-1117 of this chapter, [~~ten~~] fifteen dollars per mile per day;

d. Section 9-1115 of this chapter, [~~ten~~] fifteen dollars per mile;

e. Subdivision 2 of section 9-1117 of this chapter, one hundred fifty dollars per each offense; and

f. Section 9-1119 of this chapter, one hundred fifty dollars per day per locomotive.

With respect to the penalty for violation of subdivision 4 of section 9-1105 of this chapter, the owner and every person engaged in such cutting shall be liable therefor; however, the liability for penalty shall not arise until the expiration of twenty days after service, personally or by mail upon the alleged violator at [~~his~~] their last known place of residence of a written notice of failure to comply with the requirements of subdivision 4 of section 9-1105 of this chapter.

6. (a) In addition to any other penalty provided by law, any person who violates subdivision 1 of section 9-0303 of this chapter shall be liable to a civil penalty of [~~two hundred fifty~~] three hundred seventy-five dollars per tree or treble damages, based on the stumpage value of such tree or both. Where the order or decision finds that the defendant established by clear and convincing evidence, that when such defendant committed the violation, [~~he or she~~] they had cause to believe that the

land was [~~his or her~~] **their** own, or that [~~he or she~~] **such defendant** had an easement or right of way across such land which permitted such action, damages shall be awarded on the basis of the stumpage value of such tree or trees in the market as if they were privately owned. Notwithstanding the foregoing, this section shall not be construed to authorize the cutting of timber or removal of trees where such action would otherwise be violative of any provision of the state constitution or law.

(b) In addition to any other penalty provided by law, a person who violates section 9-1501 of this chapter shall be liable for a civil penalty of [~~two hundred fifty~~] **three hundred seventy-five** dollars per tree or treble damages or both, based on the stumpage value of such tree or trees. Where the order or decision finds that the defendant established by clear and convincing evidence, that when such defendant committed the violation, [~~he or she~~] **they** had cause to believe that the land was [~~his or her~~] **their** own or that [~~he or she~~] **such defendant** had an easement or right of way across such land which permitted such action, damages shall be awarded on the basis of the stumpage value of such tree or trees. Notwithstanding the foregoing, this section shall not be construed to authorize the cutting of timber or removal of trees where such action would otherwise be violative of any provision of the state constitution or law.

(c) For purposes of this subdivision, "stumpage value" shall mean the current fair market value of a tree as it stands prior to the time of sale, cutting, or removal. Stumpage value shall be determined by one or more of the following methods: the sale price of the tree in an arm's-length sale, a review of solicited bids, the stumpage price report prepared by the department of environmental conservation, comparison with like sales on trees on state or private lands, or other appropriate means to assure that a fair market value is established within an acceptable range based on the appropriate geographic area.

9. a. Any person who transports, sells, imports or introduces invasive species, in violation of the regulations promulgated pursuant to section 9-1709 of this chapter shall be subject to the following:

For any first violation in lieu of a penalty there may be issued a written warning by the department and there may also be issued education materials at the discretion of the department regarding requirements related to invasive species. Such person shall, however, for any subsequent violation thereafter be subject to a fine of no less than [~~two hundred fifty~~] **three hundred seventy-five** dollars.

b. Any nursery grower licensed pursuant to article fourteen of the agriculture and markets law, any person who owns or operates a public vessel as such term is defined in paragraph (a) of subdivision six of section two of the navigation law, or any person who owns or operates a commercial fishing vessel who transports, sells, imports or introduces invasive species in violation of the regulations promulgated pursuant to section 9-1709 of this chapter, shall be subject to a fine of not less than [~~six~~] **nine** hundred dollars upon the first penalty. Upon the second penalty such person shall be subject to a fine of not less than [~~two~~] **three** thousand dollars. Upon a subsequent penalty and after a hearing or opportunity to be heard upon due notice the following penalties may apply: (i) such nursery grower may be subject to the revocation procedures of section one hundred sixty-three-c of the agriculture and markets law (ii) such person's vessel registration may be suspended or (iii) such person's fishing permit may be revoked by the department.

10. Any person who violates section 9-1710 of this chapter shall be guilty of a violation and shall be punishable and liable to a civil penalty as provided in subdivision one of this section, provided, however, that for any first violation in lieu of a penalty there shall be issued a written warning by the department and there shall also be issued education materials at the discretion of the department regarding requirements related to invasive species. Such person shall be subject to a fine of up to [~~one hundred fifty~~] **two hundred seventy-five** dollars for a second offense, up to [~~two hundred fifty~~] **three hundred seventy-five** dollars for a third offense, and no less than [~~two hundred fifty~~] **three hundred seventy-five** dollars nor more than [~~one thousand~~] **five hundred** dollars for a fourth or subsequent offense.

§ 7. Section 71-0707 of the environmental conservation law is amended to read as follows:

§ 71-0707. Resisting or obstructing departmental agent or employee.

Any person who resists or obstructs an authorized agent or employee of the department while [~~he~~] **such agent or employee** is engaged in carrying out any provision of section 9-0305 shall be guilty of a violation which shall be punishable by a fine not exceeding one hundred **fifty** dollars and by an additional fine [~~of~~] not exceeding [~~twenty-five~~] **thirty-seven** dollars **and fifty cents** for each additional day of such resistance or obstruction.

§ 8. Section 71-0709 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-0709. Injury to state lands.

Any person who intentionally or negligently causes a fire which burns on or over state lands shall be liable to the state for treble damages and, in addition, to a civil penalty of [~~ten~~] **fifteen** dollars for every tree killed or destroyed by such fire. Damages to state lands and timber shall be ascertained and determined at the same rate of value as if such property were privately owned.

§ 9. Section 71-0711 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-0711. Injury to municipal or private lands.

Any person who causes a fire which burns on or over lands belonging to another person or to a municipality shall be liable to the party injured (a) for actual damages in case of fire negligently caused or (b) for the higher of actual damages or damages at the rate of [~~five~~] **seven** dollars **and fifty cents** for each tree killed or destroyed in case of fire wilfully caused.

§ 10. Section 71-0921 of the environmental conservation law, as added by chapter 640 of the laws of 1977, subdivision 1 as amended by chapter 408 of the laws of 2017, subdivision 2 as amended by chapter 468 of the laws of 2011, subdivision 3 as amended by chapter 270 of the laws of 1997, subdivisions 4 and 5 as added by chapter 417 of the laws of 1996, subparagraph 9 of paragraph a of subdivision 4 and subparagraph 5 of paragraph a of subdivision 5 as amended by chapter 41 of the laws of 2013, subparagraphs 2 and 3 of paragraph b of subdivision 4 as amended by chapter 347 of the laws of 2007, subdivisions 6 and 7 as amended by chapter 416 of the laws of 1989, subdivision 8 as amended by section 19 of part R of chapter 58 of the laws of 2013, subdivision 10 as added by chapter 31 of the laws of 1980, subdivision 10-a as added by chapter 762 of the laws of 2023, subdivision 11 as added by chapter 168 of the laws of 1989, subdivision 12 as added by chapter 143 of the laws of 1992, subdivision 13 as added by chapter 208 of the laws of 1999, subdivision

14 as added by chapter 532 of the laws of 2019, is amended to read as follows:

§ 71-0921. Misdemeanors.

The following acts are misdemeanors, punishable as herein provided, when they are done in violation of the section or subdivision thereof specified, or if no section is specified, in violation of any section of the Fish and Wildlife Law:

1. (a) The illegal taking of big game prior to the first day of the open season or after the last day of the open season in the county or part thereof where taken, or the taking of big game with aid of an artificial light. Each such misdemeanor for a violation of this paragraph shall be punishable by imprisonment for not more than one year or by a fine of not less than [~~five hundred~~] seven hundred fifty dollars nor more than [~~three thousand~~] four thousand five hundred dollars, or by both such imprisonment and fine.

(b) Any illegal taking of a deer, other than a taking described in paragraph (a) of this subdivision, such misdemeanor shall be punishable by imprisonment for not more than one year or by a fine of not less than [~~two hundred fifty~~] three hundred seventy-five dollars nor more than [~~two~~] three thousand dollars, or by both such imprisonment and fine.

2. The illegal taking of a bear less than one year old or the taking of a bear by a means or method not permitted by this chapter. Such misdemeanor shall be punishable by imprisonment for not more than one year or by a fine of not more than [~~two~~] three thousand dollars, or by both such imprisonment and fine. The sale of bear gallbladder/bile in violation of paragraph b of subdivision nine of section 11-0917 of this chapter shall be punishable by a fine of [~~five thousand~~] seven thousand five hundred dollars per violation.

3. Possession, use or discharge of a firearm in violation of subdivision 1, 2, 4, 5, or 6 of section 11-0931 of this chapter. Each such misdemeanor shall be punishable by imprisonment for not more than three months or by a fine of not less than [~~two~~] three hundred dollars nor more than one thousand five hundred dollars, or by both such imprisonment and fine.

4. a. Violations of:

(1) subdivision one of section 13-0309 of this chapter involving the taking of shellfish from uncertified shellfish lands, or the possession, transportation, sale or trafficking in shellfish so taken;

(2) subdivision two of section 13-0309 of this chapter involving the taking of shellfish between sunset and sunrise;

(3) subdivision ten of section 13-0309 of this chapter involving the possession of a stick dredge after one prior conviction under such subdivision for such activity;

(4) subdivision one of section 13-0311 of this chapter involving the taking of shellfish without the required digger's permit;

(5) subdivision seven of section 13-0311 of this chapter involving the taking of shellfish while one's digger's permit is suspended or revoked;

(6) subdivision one of section 13-0315 of this chapter involving the processing, transportation, shipment or sale of shellfish without the required shipper's or processor's permit;

(7) regulations promulgated by the department pursuant to section 13-0319 of this chapter involving the failure to tag or seal shellfish or the falsifying of any information required on any tag or seal required by said regulations;

(8) subdivision five of section 13-0325 of this chapter, regarding the taking of undersized clams, where the taking involves more than twenty-four percentum of clams of less than legal size;

(9) regulations promulgated by the department pursuant to section 13-0327 of this chapter, regarding the taking of undersized scallops, where the taking involves more than twenty-four percentum of scallops of less than legal size; and

(10) section 13-0344 of this chapter involving the dumping of objects into the water after being signaled by a police officer or peace officer to stop for inspection.

b. Each such misdemeanor identified in paragraph a of this subdivision shall be punishable as follows:

(1) For a first conviction for any of the violations listed in paragraph a of this subdivision, by imprisonment for not more than sixty days, a fine of not less than [~~two hundred fifty~~] three hundred seventy-five dollars nor more than one thousand five hundred dollars plus, if applicable, an amount equal to the market value of the shellfish involved in the violation, or by both such imprisonment and fine.

(2) For a second conviction for any of the violations listed in paragraph a of this subdivision, by imprisonment for not more than ninety days, a fine of not less than [~~five hundred~~] seven hundred fifty dollars nor more than [~~twenty-five hundred~~] three thousand seven hundred fifty dollars plus, if applicable, an amount equal to three times the market value of the shellfish involved in the violation, or by both such imprisonment and fine.

(3) For a third or subsequent conviction for any of the violations listed in paragraph a of this subdivision, by imprisonment for not more than one hundred eighty days, a fine of not less than one thousand five hundred dollars nor more than [~~ten~~] fifteen thousand dollars plus, if applicable, an amount equal to three times the market value of the shellfish involved in the violation, or by both such imprisonment and fine.

(4) Provided, further, that all equipment or conveyances used to harvest, transport or traffic in such illegal shellfish may be forfeited for any third or subsequent conviction of the above violations, in addition to such penalties or imprisonment. Such forfeiture shall be in addition to any forfeiture authorized by section 71-0909 of this article.

5. a. Violations of:

(1) subdivision three of section 13-0309 of this chapter involving the illegal use of dredges, scrapes or other devices operated by power or by boats propelled by motor or other mechanical means for the purpose of taking shellfish;

(2) subdivision eight of section 13-0309 of this chapter involving the operation, use or placing, for whatever purpose, of dredges, rakes, tongs or other devices for the taking of shellfish in uncertified shellfish lands after a prior conviction under such subdivision for such activity;

(3) subdivision nine of section 13-0309 of this chapter involving the altering, damaging, mutilating, moving or carrying away of buoys or markers used to designate the uncertified waters of the state;

(4) subdivision five of section 13-0325 of this chapter regarding the taking of undersized clams, where the taking involves between ten and twenty-four percentum of clams of less than legal size; and

(5) regulations promulgated by the department pursuant to section 13-0327 of this chapter, regarding the taking of undersized scallops,

where the taking involves between ten and twenty-four percentum of scallops of less than legal size.

b. Each such misdemeanor identified in paragraph a of this subdivision shall be punishable as follows:

(1) For a first conviction of any of the violations listed in paragraph a of this subdivision, by imprisonment for not more than thirty days, a fine of not less than [~~two hundred fifty~~] three hundred seventy-five dollars nor more than [~~five hundred~~] seven hundred fifty dollars plus, if applicable, an amount equal to the market value of the shellfish involved in the violation, or by both such imprisonment and fine.

(2) For a second conviction for any of the violations listed in paragraph a of this subdivision, by imprisonment not to exceed sixty days, a fine of not less than [~~five hundred~~] seven hundred fifty dollars nor more than one thousand five hundred dollars plus, if applicable, an amount equal to the market value of the shellfish involved in the violation, or by both such imprisonment and fine.

(3) For a third or subsequent conviction for any of the violations listed in paragraph a of this subdivision, by imprisonment for not more than one hundred eighty days, a fine of not less than one thousand five hundred dollars nor more than [~~five thousand~~] seven thousand five hundred dollars plus, if applicable, an amount equal to the market value of the shellfish involved in the violation, or by both such imprisonment and fine.

6. Violations of paragraph b of subdivision 3 or subdivision 5 or 12 of section 13-0329 of this chapter. Each such misdemeanor shall be punishable by imprisonment for not more than one year or by a fine of not less than [~~five hundred~~] seven hundred fifty dollars nor more than [~~two~~] three thousand dollars, or by both such imprisonment and fine.

7. Violations of subdivision 7 or 11 of section 13-0329 of this chapter. Each such misdemeanor shall be punishable by imprisonment for not more than ninety days or by a fine of not less than [~~five hundred~~] seven hundred fifty dollars nor more than one thousand five hundred dollars, or by both such imprisonment and fine.

8. Making a false statement in applying for a license, privilege or permit under the Fish and Wildlife Law, or for a certificate in lieu of a lost license or privilege or a duplicate hunting license tag under title 7 of article 11 of this chapter. Each such misdemeanor shall be punishable by imprisonment for not more than three months, or by a fine of not more than [~~two~~] three hundred dollars, or by both such imprisonment and fine. In addition, the department may immediately revoke the license, privilege, permit or certificate for which application was made for the remainder of its effective term.

9. Failure to give the department the prompt notification required under [~~subdivision 10 of~~] regulations promulgated pursuant to section 13-0301 of this chapter, when the specified buoys or markers are destroyed. Each such misdemeanor shall be punishable by imprisonment for not more than one year or by a fine of not more than one thousand five hundred dollars, or by both such imprisonment and fine.

10. Violation of subdivision 10 of section 11-0901 involving the illegal taking of a moose. Each such misdemeanor shall be punishable by imprisonment for not more than one year or by a fine of not more than [~~two~~] three thousand dollars, or by both such imprisonment and fine.

10-a. Violations of subdivision fourteen of section 11-0901 of this chapter involving unlawful contests, competitions, tournaments and derbys to take wildlife. Each such violation shall be punishable by a

fine of not less than [~~five hundred~~] seven hundred fifty dollars nor more than [~~two~~] three thousand dollars.

11. Any person who violates the provisions of section 11-0537 of this chapter, in the case of a first violation, shall be guilty of a class B misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed [~~five thousand~~] seven thousand five hundred dollars or by imprisonment not to exceed ninety days, or both; provided that in the case of a second or subsequent violation such person shall be guilty of a class A misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed [~~ten~~] fifteen thousand dollars or imprisonment not to exceed one year, or both; provided, further, that the commission of each taking or other act prohibited by section 11-0537 of this chapter with respect to a bald or golden eagle shall constitute a separate violation of this section; provided, further, that one-half of any such fine, but not to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty dollars, shall be paid to the person or persons giving information which leads to conviction.

12. Any violation of section 13-0344 of this chapter is punishable by imprisonment for not more than thirty days, or by a fine of not less than [~~two hundred fifty~~] three hundred seventy-five dollars nor more than one thousand five hundred dollars, or by both such fine and imprisonment.

13. Violations of subdivision one or two of section 11-1904 of this chapter. Each such misdemeanor shall be punishable by a fine of not more than [~~two thousand five hundred~~] three thousand seven hundred fifty dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment; except that where the person convicted of violating such subdivision has gained money or property through the commission of the violation, in lieu of the [~~two thousand five hundred~~] three thousand seven hundred fifty dollar maximum fine provided for herein, the court may impose a fine in accordance with the provisions of subdivision five of section 80.05 of the penal law.

14. Violation of subparagraph one, two or four of paragraph b of subdivision one of section 11-0719 of this chapter involving the revocation and suspension of hunting, trapping, or fishing licenses. Each such misdemeanor shall be punishable by imprisonment for not more than ninety days, or by a fine of not less than [~~five hundred~~] seven hundred fifty dollars nor more than one thousand five hundred dollars, or by both such imprisonment and fine.

§ 11. Section 71-0923 of the environmental conservation law, as added by chapter 640 of the laws of 1977, subdivision 1 as amended and subdivision 6 as added by chapter 417 of the laws of 1996, subdivision 3 as amended by section 53 of part F of chapter 82 of the laws of 2002, subdivision 5 as added by chapter 896 of the laws of 1980, subdivision 8 as amended by chapter 284 of the laws of 2004, subdivision 9 as added by chapter 881 of the laws of 1986 and as renumbered by chapter 586 of the laws of 1991, subdivision 10 as added by chapter 586 of the laws of 1991, subdivision 11 as added by chapter 381 of the laws of 1997, subdivision 12 as added by chapter 653 of the laws of 2005, is amended to read as follows:

§ 71-0923. Violations.

1. Any offense specified in section 71-0919 of this article, unless made a misdemeanor by section 71-0921 of this article or another provision of such chapter, shall be a violation, punishable, except as otherwise provided in this section, by imprisonment for not more than

fifteen days, or by a fine of not more than [~~two hundred fifty~~] three hundred seventy-five dollars, or by both such fine and imprisonment.

2. A violation of subdivision 1 of section 11-0705 of this chapter shall be punishable as follows:

a. As provided in subdivision 1 of this section, if the violation consisted of a refusal to exhibit a license on demand of any environmental conservation officer or other person;

b. By forfeiture of the license and by a fine of not more than [~~twenty-five dollars~~] thirty-seven dollars and fifty cents if the violation was committed while exercising the privileges of a special antlerless deer license and consisted of failure of the offender to have on [~~his~~] their person a license held by [~~him~~] such person entitling [~~him~~] such person to exercise those privileges.

3. A violation of subdivision 2 of section 11-0705 of this chapter shall be punishable by forfeiture of licenses and tags issued pursuant to this chapter which authorizes the holder to hunt wildlife and by a fine of not more than [~~twenty-five dollars~~] thirty-seven dollars and fifty cents.

4. When a license or license tag is forfeited as provided in this section, the licensee shall surrender it to any environmental conservation officer, special game protector or any other person authorized by the department to receive it. Such forfeiture does not prevent the procurement of another license.

5. A violation of subdivision one of section 11-0923 of this chapter is punishable by imprisonment for not more than ten days, or by a fine of not less than [~~two~~] three hundred dollars, or by both such fine and imprisonment.

6. A first conviction for a violation of subdivision eight of section 13-0309 of this chapter, involving devices for taking shellfish in uncertified lands, or a violation of subdivision ten of section 13-0309 of this chapter, involving possession of a stick dredge, shall be punishable as a violation under this section.

8. Any violation of sections 13-0329, 13-0330, 13-0331, 13-0333, 13-0334, 13-0335, subdivision one of section 13-0337, 13-0338, 13-0339, 13-0339-a, 13-0340, 13-0340-a through 13-0340-g, 13-0341, 13-0342, 13-0343, 13-0347, and 13-0349 of this chapter, or of any regulation adopted pursuant to the foregoing sections, shall be punishable by imprisonment of not more than fifteen days or by a fine of the greater of [~~two hundred fifty~~] three hundred seventy-five dollars or:

a. for violations involving one to five fish, shellfish or crustaceans, [~~twenty-five dollars~~] thirty-seven dollars and fifty cents for each fish, shellfish or crustacean taken or possessed in violation of the above sections;

b. for violations involving six to twenty-five fish, shellfish or crustaceans, [~~fifty~~] seventy-five dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections;

c. for violations involving more than twenty-five fish, shellfish or crustaceans, one hundred fifty dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections; or by both such fine and imprisonment.

For purposes of determining the applicable fine pursuant to this subdivision, the number of fish, crustaceans or shellfish shall be the aggregate number involved in the violation, regardless of species.

9. A violation of section 11-0110 of this chapter is punishable by imprisonment for not more than ten days, or by a fine of not more than

[~~two hundred fifty~~] three hundred seventy-five dollars, or by both such fine and imprisonment.

10. A violation of subdivision twelve of section 11-1101 of this chapter is punishable by imprisonment of not more than ten days, or by a fine of not more than one hundred fifty dollars, or by both such fine and imprisonment.

11. A violation of subdivision eight of section 11-0505 of this chapter shall be punishable by a fine of not more than [~~fifty~~] seventy-five dollars.

12. A violation of section 11-1906 of this chapter shall be punishable by a fine of not more than [~~two thousand five hundred~~] three thousand seven hundred fifty dollars.

§ 12. Subdivisions 1 and 2 of section 71-0924 of the environmental conservation law, as amended by chapter 326 of the laws of 2014, are amended to read as follows:

1. where the value of fish, shellfish, crustaceans, wildlife, or parts thereof, is two hundred fifty dollars or less, the offense shall be a violation punishable by a fine of [~~five hundred~~] seven hundred fifty dollars and/or not more than fifteen days of imprisonment;

2. where the value of fish, shellfish, crustaceans, wildlife, or parts thereof, is more than two hundred fifty dollars but does not exceed one thousand five hundred dollars, the offense shall be a misdemeanor punishable by a fine of [~~five thousand~~] seven thousand five hundred dollars and/or not more than one year of imprisonment;

§ 13. Section 71-0925 of the environmental conservation law, subdivisions 1 and 2 as amended by chapter 98 of the laws of 1996, subdivision 3 as amended by chapter 408 of the laws of 2017, subdivision 6 as amended by chapter 570 of the laws of 1994, subdivisions 7 and 7-a as amended and subdivisions 7-b and 7-c as renumbered by chapter 284 of the laws of 2004, subdivision 7-b as added by chapter 441 of the laws of 1977, subdivision 7-c as added by chapter 60 of the laws of 1997, subdivision 13 as amended by chapter 352 of the laws of 2021, subdivision 14 as added by chapter 113 of the laws of 1985, subdivision 15 as added by chapter 417 of the laws of 2013, subdivision 16 as added by chapter 326 of the laws of 2014, subdivision 17 as added by chapter 651 of the laws of 2019, is amended to read as follows:

§ 71-0925. Civil penalties.

The penalties referred to in section 71-0919 of this title, to which a person is liable upon violation of provisions of the Fish and Wildlife Law or any order, rule or regulation of the department, shall be:

1. Unless another penalty is specifically provided for in this subdivision or elsewhere in the Fish and Wildlife Law, [~~two~~] three hundred dollars and an additional penalty of one hundred fifty dollars for each fish, bird or animal or part thereof, other than shellfish or crustacea, involved in the violation; an additional penalty of one hundred fifty dollars for each bushel of shellfish or each crustacean, including lobster, or part thereof, plus an amount equal to the market value or actual price paid, whichever is greater, of the shellfish or crustacea involved in the violation;

2. Except as provided in subdivision 3 of this section or another provision of the Fish and Wildlife Law, if the violation relates to deer, bear, elk, except captive bred and raised North American elk (Cervus elaphus), moose, caribou, antelope, wild turkey, lynx, beaver, or a part thereof, [~~two~~] three hundred dollars, and an additional penalty of two hundred dollars for each such animal or part thereof involved in the violation;

3. (a) If the violation involves the illegal taking of a deer prior to the first day of the open season or after the last day of the open season in the county or part of a county in which taken, or the taking of deer with aid of an artificial light, not less than five hundred dollars and not more than one thousand dollars for the first deer taken and a further penalty of not less than [~~five hundred~~] dollars and not more than one thousand **five hundred** dollars for each succeeding deer taken; provided, however, that any person having been held liable for a violation pursuant to this paragraph in the preceding five years shall be subject to a fine of not less than [~~seven hundred fifty~~] **one thousand one hundred twenty-five** dollars and not more than [~~two~~] **three** thousand dollars for the first deer taken and a further penalty of not less than [~~seven hundred fifty~~] **one thousand one hundred twenty-five** dollars and not more than [~~two~~] **three** thousand dollars for each succeeding deer taken;

(b) If the violation involves any illegal taking of a wild deer, other than a taking described in paragraph (a) of this subdivision, [~~five hundred~~] **seven hundred fifty** dollars for the first deer taken and a further penalty of [~~five hundred~~] **seven hundred fifty** dollars for each succeeding deer taken;

4. If the violation was an act prohibited by section 11-1321 **of this chapter** or by subdivision 2 of section 11-0503 **of this chapter**, or by subdivision 2 of section 11-0505 **of this chapter**, or section 13-0345 **of this chapter**, [~~five hundred~~] **seven hundred fifty** dollars, and an additional penalty of [~~ten~~] **fifteen** dollars for each fish taken, killed or possessed in violation thereof;

5. If the violation was any act prohibited by subdivision 1 of section 11-0503 **of this chapter**, not less than [~~five hundred~~] **seven hundred fifty** dollars nor more than one thousand **five hundred** dollars for each offense and an additional penalty of [~~ten~~] **fifteen** dollars for each fish killed in violation thereof;

6. If the violation was a violation of paragraph b of subdivision 4 of section 11-0321 **of this chapter**, a violation of subdivision 1 of section 11-2113 **of this chapter**, or a violation of section 11-2115 **of this chapter**, not less than [~~twenty-five dollars~~] **thirty-seven dollars and fifty cents** nor more than one hundred **fifty** dollars; and in addition, as determined by the court, to either actual damages or the sum of [~~ten~~] **fifteen** dollars for each sign injured, defaced or removed in violation of section 11-2113 **of this chapter**, which shall be payable to the person sustaining the damage, injury, defacement or removal of such sign, and costs of suit, all of which may be recovered in the same action;

7. If the violation was a violation of sections 13-0329, 13-0330, 13-0331, 13-0333, 13-0334, 13-0335, subdivision one of section 13-0337, 13-0338, 13-0339, 13-0339-a, 13-0340, 13-0340-a through 13-0340-g, 13-0341, 13-0342, 13-0343, 13-0347, and 13-0349 of this chapter, or of any regulation adopted pursuant to the foregoing sections, the greater of [~~two hundred fifty~~] **three hundred seventy-five** dollars or:

a. for violations involving one to five fish, shellfish or crustaceans, [~~twenty-five dollars~~] **thirty-seven dollars and fifty cents** for each fish, shellfish or crustacean taken or possessed in violation of the above sections;

b. for violations involving six to twenty-five fish, shellfish or crustaceans, [~~fifty~~] **seventy-five** dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections;

c. for violations involving more than twenty-five fish, shellfish or crustaceans, one hundred **fifty** dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections.

For purposes of determining the applicable fine pursuant to this subdivision, the number of fish, crustaceans or shellfish shall be the aggregate number involved in the violation, regardless of species;

7-a. If the violation was a violation of subdivision 1 or 2 of section 13-0309, or section 13-0323 or 13-0327, or section 13-0344 **of this chapter**, not less than [~~two hundred fifty~~] **three hundred seventy-five** dollars nor more than one thousand **five hundred** dollars for each offense;

7-b. If the violation was a violation of subdivision one or two of section 13-0325 of this chapter there shall be a minimum penalty of twenty-five dollars and a maximum of [~~two hundred fifty~~] **three hundred seventy-five** dollars per container or bushel involved in the violation.

7-c. If the violation was a violation of subdivision 4 or 5 of section 13-0333 **of this chapter**, not less than [~~two thousand five hundred~~] **three thousand seven hundred fifty** dollars nor more than [~~ten~~] **fifteen** thousand dollars for each offense;

8. If a violation of subdivisions 1 or 2 of section 13-0309 **of this chapter** occurs during the time when a permit or license to take shellfish has been suspended or revoked pursuant to the provisions of subdivision 3 of section 13-0311 or subparagraph (3) of paragraph b of subdivision 1 of section 11-0719 **of this chapter**, not less than five hundred dollars nor more than [~~fifteen hundred~~] **two thousand two hundred fifty** dollars for each offense, and in addition the forfeiture to the state of the tongs, rakes, dredges or devices other than boats used by or in connection with such illegal taking;

9. If the violation was a failure by any public officer to perform any duty imposed by the Fish and Wildlife Law or by any rule or regulation of the department, one hundred **fifty** dollars;

10. If the violation was an act prohibited by section 11-2117 **of this chapter**, one hundred **fifty** dollars, one-half of which shall be payable to the owner or occupant of the damaged property, in addition to the actual damages, if any, recoverable by the person sustaining the damage;

11. If the violation involved the illegal taking or possessing of muskrats taken from a registered muskrat marsh covered by a permit under section 11-1109 **of this chapter**, when the violation is committed by the registrant holding the permit or other person designated in writing to trap on the marsh of such registrant, while the permit is in force, not less than one hundred **fifty** dollars nor more than [~~five hundred~~] **seven hundred fifty** dollars;

12. If the violation was a violation of section 11-1731 **of this chapter**; relating to bird plumage for fish-fly tying, [~~five hundred~~] **seven hundred fifty** dollars.

13. If the violation was an act prohibited by subdivision two of section 11-0535 or by section 11-0536 of this chapter, or by any lawful rule or regulation of the department promulgated pursuant thereto, not more than [~~four~~] **six** thousand dollars, and an additional penalty of not more than [~~seven hundred~~] **one thousand fifty** dollars for each fish, shellfish, crustacea, wildlife or part thereof involved in the violation. If the violation was an act prohibited by any regulation of the department promulgated pursuant to subdivision three of section 11-0535 of this chapter, then such penalty shall be not more than two thousand dollars, and an additional penalty of not more than four

hundred dollars for each fish, shellfish, crustacea, wildlife or part thereof involved in the violation.

14. If the violation was a violation of subdivision ten of section 11-0901 **of this chapter** involving the illegal taking of a moose, [~~two~~] **three** thousand dollars.

15. If the violation was a first or second violation of section 11-0514 of this chapter, a fine of up to [~~five hundred~~] **seven hundred fifty** dollars for each animal for each act of importation, possession, introduction, sale, offer for sale, distribution, transportation or otherwise marketing or trading. For a third or subsequent separate violation of section 11-0514 of this chapter, the greater of a. a fine of one thousand **five hundred** dollars for each animal for each act of importation, breeding, possession, introduction, sale, offer for sale, distribution, transportation or otherwise marketing or trading or b. an amount equal to three times (1) the financial security provided by customers for the opportunity to take the animal or (2) the value of a boar for meat production or as breeding stock.

16. If the violation was an act prohibited by section 11-0535-a of this chapter, not more than [~~three thousand~~] **four thousand five hundred** dollars or not more than two times the value of the article involved, whichever is greater. If the violation is a second or subsequent violation of such section 11-0535-a, not more than [~~six~~] **nine** thousand dollars or not more than three times the value of the article involved, whichever is greater.

17. If the violation was an act prohibited by section 11-0535-b of this chapter, not more than one thousand **five hundred** dollars or not more than two times the value of the article involved, whichever is greater. If the violation is a second or subsequent violation of such section 11-0535-b, not more than [~~two~~] **three** thousand dollars or not more than three times the value of the article involved, whichever is greater.

§ 14. Section 71-1105 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, is amended to read as follows:

§ 71-1105. Enforcement of subdivision 4 of section 15-0313.

Any violation of subdivision 4 of section 15-0313 shall be a violation, punishable by a fine of not more than [~~one thousand eight~~] **two thousand seven** hundred dollars, and in addition thereto, by a civil penalty of not more than [~~one thousand eight~~] **two thousand seven** hundred dollars.

§ 15. Section 71-1107 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-1107. Punishment for violations of title 5 of article 15.

1. A violation of section 15-0501, 15-0503 or 15-0505, shall constitute a misdemeanor, punishable by a fine of not to exceed [~~ten~~] **fifteen** thousand dollars, or by imprisonment not to exceed one year or by both such fine and imprisonment and, in addition thereto, by a civil penalty of not more than [~~five thousand~~] **seven thousand five hundred** dollars.

2. A subcontractor, employee or agent of such person or public corporation, or of a state department who knowingly and intentionally acts, or a prime contractor of such person, public corporation or state department who acts with or without an intention to violate the provisions of title 5 of article 15, in disregard of specifications provided in a construction contract protecting against stream damage, shall be guilty of a violation punishable by a fine of not less than

[~~twenty-five~~] thirty-seven dollars and fifty cents, nor more than [~~two hundred fifty~~] three hundred seventy-five dollars, or by imprisonment for not more than fifteen days, or by both such fine and imprisonment, and, in addition, thereto, by a civil penalty of not more than [~~five thousand~~] seven thousand five hundred dollars.

§ 16. Section 71-1109 of the environmental conservation law, as amended by chapter 364 of the laws of 1999, is amended to read as follows:

§ 71-1109. Enforcement of subdivisions 1 and 4 of section 15-0507.

1. Any owner violating subdivision 1 of section 15-0507 or any regulations promulgated pursuant thereto may be liable for a penalty not to exceed [~~five~~] seven hundred fifty dollars for each and every offense; every violation of such subdivision shall be a separate and distinct offense; and in case of a continuing violation, every day's continuance thereof shall be deemed a separate and distinct offense.

2. Any owner violating subdivision 4 of section 15-0507 may be liable for a penalty not to exceed [~~five thousand~~] seven thousand five hundred dollars for each and every offense; every violation of an order referred to in such subdivision shall be a separate and distinct offense; and in case of a continuing violation, every day's continuance thereof shall be deemed a separate and distinct offense.

§ 17. Section 71-1111 of the environmental conservation law, as amended by chapter 364 of the laws of 1999, is amended to read as follows:

§ 71-1111. Enforcement of subdivision 3 of section 15-0511.

Any person or local public corporation violating subdivision 3 of section 15-0511 may be liable for a penalty not to exceed [~~five thousand~~] seven thousand five hundred dollars for each and every offense; every violation of an order referred to in such subdivision shall be a separate and distinct offense; and in case of a continuing violation, every day's continuance thereof shall be deemed a separate and distinct offense.

§ 18. Subdivision 2 of section 71-1113 of the environmental conservation law, as added by chapter 356 of the laws of 1985, is amended to read as follows:

2. Any person who violates the provisions of section 15-1506 of this chapter or the rules, regulations, orders or determinations of the commissioner promulgated thereto or the terms of any permit issued thereunder, shall be liable for a civil penalty not less than [~~twenty-five~~] three thousand seven hundred fifty dollars nor more than [~~ten~~] fifteen thousand dollars per day of such violation.

§ 19. Section 71-1115 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-1115. Enforcement of section 15-1525.

Any person violating the provisions of section 15-1525 shall be guilty of a violation punishable by a fine of not more than one thousand five hundred dollars, and in addition thereto, shall be liable for a civil penalty of not more than [~~fifteen hundred~~] two thousand two hundred fifty dollars.

§ 20. Subdivisions 1 and 2 of section 71-1117 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, are amended to read as follows:

1. Any person or public corporation violating subdivision 1 of section 15-1745, shall be guilty of a violation punishable by a fine of not more than [~~five thousand~~] seven thousand five hundred dollars.

2. In addition, the department may, in an action instituted by it in any court of competent jurisdiction, recover from any such person or public corporation the sum of [~~one hundred fifty~~] two hundred twenty-five dollars per day for each day that such person or public corporation continues to take, draw, divert or make use of any part or portion of such waters.

§ 21. Section 71-1121 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-1121. Enforcement of subdivision 2 of section 15-1947.

Violation of subdivision 2 of section 15-1947 shall constitute a violation, punishable by a fine of not more than one thousand five hundred dollars, and in addition thereto, a civil penalty of not more than [~~fifteen hundred~~] two thousand two hundred fifty dollars.

§ 22. Section 71-1123 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-1123. Enforcement of section 15-2133.

1. Any neglect of the provisions of section 15-2133 by any officer or person in charge of any reservoir shall be a violation punishable by a fine of not more than one thousand five hundred dollars, and in addition thereto, by a civil penalty of not more than [~~fifteen hundred~~] two thousand two hundred fifty dollars.

2. Any person violating the provisions of subdivision 3 of section 15-2133 shall be guilty of a violation punishable by a fine of not more than one thousand five hundred dollars, and in addition thereto, shall be liable for a civil penalty of not more than [~~fifteen hundred~~] two thousand two hundred fifty dollars.

§ 23. Section 71-1125 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-1125. Enforcement of section 15-2315.

Any person who violates the provisions of the first sentence of section 15-2315 shall be guilty of a violation punishable by a fine of not more than one thousand five hundred dollars, and in addition thereto, shall be liable for a civil penalty of not more than [~~fifteen hundred~~] two thousand two hundred fifty dollars.

§ 24. Subdivision 1 of section 71-1127 of the environmental conservation law, as amended by chapter 401 of the laws of 2011, is amended to read as follows:

1. Any person who violates any of the provisions of, or who fails to perform any duty imposed by article 15 except section 15-1713, or who violates or who fails to comply with any rule, regulation, determination or order of the department heretofore or hereafter promulgated pursuant to article 15 except section 15-1713, or any condition of a permit issued pursuant to article 15 of this chapter, or any determination or order of the former water resources commission or the department heretofore promulgated pursuant to former article 5 of the Conservation Law, shall be liable for a civil penalty of not more than [~~two thousand five~~] three thousand seven hundred fifty dollars for such violation and an additional civil penalty of not more than [~~five~~] seven hundred fifty dollars for each day during which such violation continues, and, in addition thereto, such person may be enjoined from continuing such violation as otherwise provided in article 15 except section 15-1713.

§ 25. Section 71-1131 of the environmental conservation law, as added by chapter 640 of the laws of 1977, is amended to read as follows:

§ 71-1131. Violations; criminal liability.

Except as otherwise specifically provided, any person who violates any of the provisions of article 15 of this chapter, or any rule, regulation or order promulgated pursuant thereto, or the terms of any permit issued thereunder shall be guilty of a violation punishable by a fine of not more than [~~five~~] **seven** hundred **fifty** dollars.

§ 26. Section 71-1203 of the environmental conservation law, as added by chapter 384 of the laws of 1983, is amended to read as follows:

§ 71-1203. Penalties.

Any person who violates the provisions of article twenty-two of this chapter shall be subject to a civil penalty not to exceed [~~ten~~] **fifteen** thousand dollars for each day during which such violation occurred; provided, however, that the total penalty to be imposed shall not exceed one million **five hundred thousand** dollars.

§ 27. Subdivisions 1 and 3 of section 71-1307 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, are amended to read as follows:

1. Administrative sanctions. Any person who violates any provision of article 23 of this chapter or commits any offense described in section 71-1305 of this title shall be liable to the people of the state for a civil penalty not to exceed [~~eight~~] **twelve** thousand dollars and an additional penalty of [~~two~~] **three** thousand dollars for each day during which such violation continues, to be assessed by the commissioner after a hearing or opportunity to be heard. The commissioner, acting by the attorney general, may bring suit for collection of such assessed civil penalty in any court of competent jurisdiction. Such civil penalty may be released or compromised by the commissioner before the matter has been referred to the attorney general; and where such matter has been referred to the attorney general, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the attorney general with the consent of the commissioner. In addition, the commissioner shall have the power, following a hearing conducted pursuant to rules and regulations adopted by the department, to direct the violator to cease the violation and reclaim and repair the affected site to a condition acceptable to the commissioner, to the extent possible within a reasonable time and under the direction and supervision of the commissioner. Any such order of the commissioner shall be enforceable in any action brought by the commissioner in any court of competent jurisdiction. Any civil penalty or order issued by the commissioner under this subdivision shall be reviewable in a proceeding under article seventy-eight of the civil practice law and rules.

3. Criminal sanctions. Any person who, having any of the culpable mental states defined in sections 15.05 and 20.20 of the penal law, violates any provision of article 23 of this chapter or commits any offense described in section 71-1305 of this title shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand **five hundred** dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for a subsequent offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed [~~eight~~] **twelve** thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment.

§ 28. Subdivision 1 of section 71-1707 of the environmental conservation law is amended to read as follows:

1. Any person who violates, disobeys or disregards any term or provision of this chapter listed in section 71-1701, or of titles 17 through 21 inclusive of this article or of any lawful notice, order or regulation pursuant thereto for which a civil penalty is not otherwise expressly prescribed by law, shall be liable to the people of the state for a civil penalty of not to exceed one thousand **five hundred** dollars for every such violation.

§ 29. Section 71-1711 of the environmental conservation law is amended to read as follows:

§ 71-1711. Willful violation of health laws.

1. A person who willfully violates or refuses or omits to comply with any lawful order or regulation prescribed by any local board of health or local health officer, is guilty of a misdemeanor; except, however, that where such order or regulation applies to a tenant with respect to [~~his~~] **such tenant's** own dwelling unit or to an owner occupied one or two family dwelling, such person is guilty of an offense for the first violation punishable by a fine not to exceed [~~fifty~~] **seventy-five** dollars and for a second or subsequent violation is guilty of a misdemeanor punishable by a fine not to exceed [~~five~~] **seven** hundred **fifty** dollars or by imprisonment not to exceed six months or by both such fine and imprisonment.

2. A person who willfully violates any provision of this chapter listed in section 71-1701, or of titles 17 through 21 inclusive of this article, or any regulation lawfully made or established by any public officer or board under authority of such provisions, the punishment for violating which is not otherwise prescribed by such provisions or any other law, is punishable by imprisonment not exceeding one year, or by a fine not exceeding [~~two~~] **three** thousand dollars or by both.

§ 30. Section 71-1725 of the environmental conservation law, as amended by chapter 400 of the laws of 1973, is amended to read as follows:

§ 71-1725. Assessment of Penalties.

The commissioner may assess any penalty prescribed for a violation of or a failure to comply with any provision contained in this title or listed in section 71-1701, or any lawful notice, order or regulation prescribed by the commissioner under any such provision, one thousand **five hundred** dollars for every such violation or failure, which penalty may be assessed after a hearing or an opportunity to be heard.

§ 31. Section 71-1905 of the environmental conservation law is amended to read as follows:

§ 71-1905. Enforcement of section 17-1705.

Any person violating any provision of section 17-1705 shall forfeit to the county where the violation occurred the sum of [~~fifty~~] **seventy-five** dollars for every such violation.

§ 32. Subdivision 1 of section 71-1907 of the environmental conservation law is amended to read as follows:

1. Every person violating any provision of section 17-1707 shall forfeit to the municipality having a local board of health where the violation occurs the sum of [~~twenty-five~~] **thirty-seven** dollars **and fifty cents** for the first day when the violation takes place, and the sum of [~~ten~~] **fifteen** dollars for every subsequent day that such violation is repeated or continued.

§ 33. Subdivision 2 of section 71-1909 of the environmental conservation law, as amended by section 35 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

2. Any person violating any provision of section 17-1709 shall be guilty of a misdemeanor, and punishable by a fine of not more than [~~seven hundred fifty~~] one thousand one hundred twenty-five dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

§ 34. Section 71-1911 of the environmental conservation law, as amended by section 36 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

§ 71-1911. Enforcement of section 17-1711.

Any person violating any provision of section 17-1711 shall be guilty of an offense, and punishable by a fine of not more than [~~seventy-five~~] one hundred twelve dollars and fifty cents.

§ 35. Subdivision 2 of section 71-1913 of the environmental conservation law is amended to read as follows:

2. Any person violating any provision of section 17-1713 shall be guilty of a misdemeanor, and punishable by a fine of not more than [~~five~~] seven hundred fifty dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

§ 36. Subdivision 1 of section 71-1915 of the environmental conservation law is amended to read as follows:

1. Any person violating any provision of section 17-1715 shall be guilty of a misdemeanor, and punishable by a fine of not more than [~~five~~] seven hundred fifty dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

§ 37. Subdivision 1 of section 71-1921 of the environmental conservation law is amended to read as follows:

1. Any person putting in or constructing or maintaining a conduit, discharge pipe or other means of discharging or casting any refuse or waste matter in violation of section 17-1729 shall forfeit to the people of the state [~~five~~] seven dollars and fifty cents a day for each day the same is used or maintained for such purpose, to be collected in an action brought by the commissioner.

§ 38. Subdivision 1 of section 71-1929 of the environmental conservation law, as amended by section 37 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

1. A person who violates any of the provisions of, or who fails to perform any duty imposed by titles 1 through 11 inclusive and title 19 of article 17, or the rules, regulations, orders or determinations of the commissioner promulgated thereto or the terms of any permit issued thereunder, shall be liable to a penalty of not to exceed [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars per day for each violation, and, in addition thereto, such person may be enjoined from continuing such violation as hereinafter provided. Violation of a permit condition shall constitute grounds for revocation of such permit, which revocation may be accomplished either as provided in paragraph f of subdivision 4 of section 17-0303 or by order of judgment of the supreme court as an alternate or additional civil penalty in an action brought pursuant to subdivision 3 of this section.

§ 39. Subdivision 1 and subparagraphs i, ii, iii and iv of paragraph b of subdivision 8 of section 71-1933 of the environmental conservation law, subdivision 1 as amended by section 38 and subparagraphs i, ii, iii and iv of paragraph b of subdivision 8 as amended by section 39 of part C of chapter 62 of the laws of 2003, are amended to read as follows:

1. Any person who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of titles 1 through 5, 9 through 11 and 19 of article 17 or the rules, regulations, orders or determinations of the commissioner promulgated thereto, or the terms of any permit issued thereunder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-five dollars nor more than [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars per day of violation or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine of not more than [~~seventy-five thousand~~] one hundred twelve thousand five hundred dollars per day of violation, or by imprisonment for not more than two years, or by both.

i. [~~$750,000~~] $1,125,000 for a class C felony committed by an organization as defined in section 71-1932 of this title;

ii. [~~$375,000~~] $562,500 for a class C felony;

iii. [~~$75,000~~] $112,500 per day of continuing violation for a class E felony defined under subdivision four of this section but in no event less than [~~$7,500~~] $11,250; and [~~$15,000~~] $22,500 for a class E felony defined under subdivision seven of this section;

iv. [~~$37,500~~] $56,250 per day of continuing violation for a class A misdemeanor but in no event less than [~~$3,750~~] $5,625.

§ 40. Paragraph b of subdivision 3 of section 71-1939 of the environmental conservation law, as added by chapter 543 of the laws of 2010, is amended to read as follows:

b. All fines and penalties collected pursuant to this subdivision shall be paid to the district or county, provided, however, that one-quarter of such fines and penalties received shall be paid to the [~~general fund to the credit of the state purposes account~~] conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law.

§ 41. Subdivision 1 of section 71-1941 of the environmental conservation law, as amended by section 40 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

1. Except where the owner of or a person in actual or constructive possession or control of more than one thousand one hundred gallons, in bulk, of any liquid including petroleum which, if released, would or would be likely to pollute the lands or waters of the state including the groundwaters thereof can prove that the entry or presence of any part of such liquid onto such lands or into or in such waters causing or contributing to a condition therein in contravention of the standards adopted or deemed adopted by the water pollution control board or any of its legal successors was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States or New York State Government or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or person shall be liable for a penalty of not more than [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-five dollars for an initial incident resulting in or contributing to such a contravention and for an additional penalty not to exceed [~~seven hundred fifty~~] one thousand one hundred twenty-five dollars for each day during which such contravention or contribution thereto continues, and in addition shall be liable to

the people of the state of New York for the actual costs incurred by or on behalf of the people of the state for the removal or neutralization of such liquid and for any and all reasonable measures taken or attempted to reduce, limit or diminish the extent or effect of such contravention.

§ 42. Section 71-1943 of the environmental conservation law, as amended by section 41 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

§ 71-1943. Enforcement of section 17-1743.

Any person who fails to so notify the department of such release, discharge or spill into the waters of the state as described in section 17-1743 of this chapter shall, upon conviction, be fined not more than [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-five dollars or imprisoned for not more than one year, or both.

§ 43. Section 71-1945 of the environmental conservation law, as added by chapter 205 of the laws of 2010, is amended to read as follows:

§ 71-1945. Enforcement of title 21 of article 17.

1. Except as otherwise provided in this section, any person who violates any provision of title 21 of article 17 of this chapter or any rule, regulation or order issued thereunder shall be liable to the people of the state for a civil penalty not to exceed [~~five~~] seven hundred fifty dollars for a first violation, and not to exceed one thousand five hundred dollars for each subsequent violation, to be assessed by the commissioner after a hearing or opportunity to be heard.

2. Any owner or owner's agent, or occupant of a household who violates any provision of title 21 of article 17 of this chapter or any rule, regulation or order issued thereunder shall, for a first violation be issued a written warning and be provided educational materials. Upon a second violation, the owner or owner's agent, or occupant of a household shall be liable to the people of the state for a civil penalty not to exceed one hundred fifty dollars, and for any subsequent violations shall be liable to the people of the state for a civil penalty not to exceed [~~two hundred fifty~~] three hundred twenty-five dollars. No owner or owner's agent of a household shall be held liable for any violation by an occupant. Such penalties may be assessed by the commissioner after a hearing or opportunity to be heard.

§ 44. Subdivision 1 of section 71-2103 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, is amended to read as follows:

1. Except as provided in section 71-2113, any person who violates any provision of article nineteen or any code, rule or regulation which was promulgated pursuant thereto; or any order except an order directing such person to pay a penalty by a specified date issued by the commissioner pursuant thereto, shall be liable, in the case of a first violation, for a penalty not less than [~~five~~] seven hundred fifty dollars nor more than [~~eighteen~~] twenty-seven thousand dollars for said violation and an additional penalty of not to exceed [~~fifteen thousand~~] twenty thousand five hundred dollars for each day during which such violation continues. In the case of a second or any further violation, the liability shall be for a penalty not to exceed [~~twenty-six~~] thirty-nine thousand dollars for said violation and an additional penalty not to exceed [~~twenty-two thousand five hundred~~] thirty-three thousand seven hundred fifty dollars for each day during which such violation continues. In addition thereto, such person may be enjoined from continuing such violation as hereinafter provided.

§ 45. Subdivision 1 of section 71-2105 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, is amended to read as follows:

1. Except as provided in section 71-2113, any person who shall wilfully violate any of the provisions of article 19 or any code, rule or regulation promulgated pursuant thereto or any final determination or order of the commissioner made pursuant to article 19 shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine, in the case of a first conviction, of not less than [~~five~~] seven hundred fifty dollars nor more than [~~eighteen~~] twenty-seven thousand dollars or by imprisonment for a term of not more than one year, or by both such fine and imprisonment, for each separate violation. If the conviction is for an offense committed after the first conviction of such person under this subdivision, such person shall be punished by a fine not to exceed [~~twenty-six~~] thirty-nine thousand dollars, or by imprisonment, or by both such fine and imprisonment. Each day on which such violation occurs shall constitute a separate violation.

§ 46. Section 71-2111 of the environmental conservation law, as added by chapter 400 of the laws of 1973, is amended to read as follows:

§ 71-2111. Enforcement of air pollution emergency rules and regulations.

Any person who violates any of the provisions of any regulation promulgated by the commissioner under authority of paragraph y of subdivision one of section 3-0301 shall be liable for a civil penalty of not more than [~~twenty-five~~] three thousand seven hundred fifty dollars for each such violation and an additional penalty of not more than [~~five~~] seven hundred fifty dollars for each day during which such violation continues, and, in addition thereto, such persons may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the attorney general at the request and in the name of the commissioner.

§ 47. Section 71-2113 of the environmental conservation law, as added by chapter 942 of the laws of 1984, subdivision 1 as amended by section 23 and subdivision 2 as amended by section 24 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

§ 71-2113. Violations of section 19-0304 of article 19 of this chapter.

1. Civil and administrative sanctions. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 19-0304 of this chapter, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to article 19 of this chapter concerning a violation of section 19-0304 of this chapter shall be liable in the case of a first violation, for a civil penalty not to exceed [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars and an additional penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2107 of this title, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied. In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars for each such violation and an additional penalty not to exceed seven-

ty-five thousand dollars for each day during which such violation continues.

2. Criminal sanctions. Any person who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of or who fails to perform any duty imposed by section 19-0304 of this chapter, or any rules and regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to article 19 of this chapter concerning a violation of section 19-0304 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall for a first conviction be punished by a fine not to exceed [~~thirty-seven thousand five hundred~~] **fifty-six thousand two hundred fifty** dollars per day of violation or by imprisonment for a term of not more than one year, or both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed [~~seventy-five~~] **one hundred twelve** thousand **five hundred** dollars per day of violation, or by imprisonment for not more than two years or by both such fine and imprisonment.

§ 48. Section 71-2201 of the environmental conservation law, as added by chapter 740 of the laws of 1978, the opening paragraph and subdivision 1 as amended and subdivision 3 as added by chapter 901 of the laws of 1983, subdivision 4 as added by chapter 294 of the laws of 1991, is amended to read as follows:

§ 71-2201. Enforcement of title 23 of article 23 of this chapter.

Administrative and civil sanctions. 1. Any person who violates any of the provisions of, or who fails to perform any duty imposed by title 23 of article 23 except the duty to accept used oil pursuant to section 23-2307 or any person subject to section 23-2308 or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this section shall be liable for a civil penalty not to exceed one thousand **five hundred** dollars for each such violation and an additional penalty of not more than [~~five~~] **seven** hundred **fifty** dollars for each day during which such violation continues, to be assessed by the commissioner after a hearing or opportunity to be heard pursuant to the provisions of section 71-1709 of this chapter, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied.

2. Any person who refuses to accept used oil as required pursuant to subdivision two of section 23-2307 shall be liable for a civil penalty not to exceed one hundred **fifty** dollars.

3. Any person who violates any provision of section 23-2308 of this chapter shall be subject to a civil penalty not to exceed [~~two hundred fifty~~] **three hundred seventy-five** dollars for each violation.

4. Notwithstanding any other provision of law, any person who shall violate the provisions of paragraph [~~(c)~~] **c** of subdivision one of section 23-2307 or paragraph [~~(d)~~] **d** of subdivision two of section 23-2307 of this chapter shall be liable for a civil penalty of not more than [~~five~~] **seven** hundred **fifty** dollars, and an additional civil penalty of not more than [~~five~~] **seven** hundred **fifty** dollars for each day during which such violation continues, not to exceed [~~ten~~] **fifteen** thousand dollars.

§ 49. Section 71-2303 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, subdivisions 1 and 2 as amended by section 15 of part QQ of chapter 58 of the laws of 2022, is amended to read as follows:

§ 71-2303. Violation; penalties.

1. Civil sanctions. a. Any person who violates, disobeys or disregards any provision of article twenty-four, including title five and section 24-0507 thereof or any rule or regulation, local law or ordinance, permit or order issued pursuant thereto, shall be liable to the people of the state for a civil penalty of not to exceed [~~eleven~~] **sixteen** thousand **five hundred** dollars for every such violation, to be assessed, after a hearing or opportunity to be heard upon due notice and with the rights to specification of the charges and representation by counsel at such hearing, by the commissioner or local government or in an action initiated by the attorney general pursuant to section 71-2305 of this title or on the attorney general's own initiative. Each violation shall be a separate and distinct violation and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty assessed by the commissioner or local government may be recovered in an action brought by the attorney general at the request and in the name of the commissioner or local government in any court of competent jurisdiction. Such civil penalty may be released or compromised by the commissioner or local government before the matter has been referred to the attorney general; and where such matter has been referred to the attorney general, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the attorney general with the consent of the commissioner or local government. In addition, the commissioner or local government shall have power, following a hearing held in conformance with the procedures set forth in section 71-1709 of this article, to direct the violator to cease violating the act and to restore the affected freshwater wetland to its condition prior to the violation, insofar as that is possible within a reasonable time and under the supervision of the commissioner or local government. Any such order of the commissioner or local government shall be enforceable in an action brought by the attorney general at the request and in the name of the commissioner or local government in any court of competent jurisdiction. Any civil penalty or order issued by the commissioner or local government pursuant to this subdivision shall be reviewable in a proceeding pursuant to article seventy-eight of the civil practice law and rules.

b. Upon determining that significant damage to the functions and benefits of a freshwater wetland is occurring or is imminent as a result of any violation of article twenty-four of this chapter, including but not limited to (i) activity taking place requiring a permit under article twenty-four of this chapter but for which no permit has been granted or (ii) failure on the part of a permittee to adhere to permit conditions, the commissioner or local government shall have power to direct the violator to cease and desist from violating the act. In such cases the violator shall be provided an opportunity to be heard within ten days of receipt of the notice to cease and desist.

2. Criminal sanctions. Any person who violates any provision of article twenty-four of this chapter, including any rule or regulation, local law or ordinance, permit or order issued pursuant thereto, shall, in addition, for the first offense, be guilty of a violation punishable by a fine of not less than [~~two~~] **three** thousand nor more than [~~five~~] **seven**

thousand five hundred dollars; for a second and each subsequent offense [~~he~~] such person shall be guilty of a misdemeanor punishable by a fine of not less than [~~four~~] six thousand nor more than [~~ten~~] fifteen thousand dollars or a term of imprisonment of not less than fifteen days nor more than six months or both. In addition to these punishments, any offender may be punishable by being ordered by the court to restore the affected freshwater wetland or adjacent area to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the commissioner or local government. Each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

3. All fines collected pursuant to this section shall be paid into the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

§ 50. Paragraph a of subdivision 1 and subdivision 2 of section 71-2503 of the environmental conservation law, as amended by chapter 666 of the laws of 1989, are amended to read as follows:

a. Any person who violates, disobeys or disregards any provision of article twenty-five shall be liable to the people of the state for a civil penalty of not to exceed [~~ten~~] fifteen thousand dollars for every such violation, to be assessed, after a hearing or opportunity to be heard, by the commissioner. Each violation shall be a separate and distinct violation and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. The penalty may be recovered in an action brought by the commissioner in any court of competent jurisdiction. Such civil penalty may be released or compromised by the commissioner before the matter has been referred to the attorney general; and where such matter has been referred to the attorney general, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the attorney general with the consent of the commissioner.

2. Criminal sanctions. Any person who violates any provision of article twenty-five shall, in addition, for the first offense, be guilty of a violation punishable by a fine of not less than [~~five~~] seven hundred fifty nor more than [~~five~~] seven thousand five hundred dollars; for a second and each subsequent offense such person shall be guilty of a misdemeanor punishable by a fine of not less than one thousand five hundred nor more than [~~ten~~] fifteen thousand dollars or a term of imprisonment of not less than fifteen days nor more than six months or both. In addition to or instead of these punishments, any offender shall be punishable by being ordered by the court to restore the affected tidal wetland or area immediately adjacent thereto to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of the restoration, which shall be effected under the supervision of the commissioner. Each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

§ 51. Section 71-2505 of the environmental conservation law, as amended by chapter 249 of the laws of 1997, is amended to read as follows:

§ 71-2505. Enforcement.

The attorney general, on [~~his~~] their own initiative or at the request 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 recover a civil penalty of up to [~~ten~~] fifteen thousand dollars for every violation of any provision of such article, and to seek equitable relief to restrain any violation or threatened violation of such article and to require the restoration of any affected tidal wetland or area immediately adjacent thereto to its condition prior to the violation, insofar as that is possible, within a reasonable time and under the supervision of the commissioner. In the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation.

§ 52. Subdivisions 1, 2 and 3 of section 71-2703 of the environmental conservation law, subdivisions 1 and 2 as amended by chapter 508 of the laws of 1995, paragraph a of subdivision 1 as amended by section 25, subparagraphs i and ii of paragraph b of subdivision 1 as amended by section 26, paragraph a and subparagraphs i and ii of paragraph b of 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 amended by section 29 of part C of chapter 62 of the laws of 2003, are amended to read as follows:

1. Civil and administrative sanctions. a. Any person who violates any of the provisions of, or who fails to perform any duty imposed by title 3 or 7 of article 27 of this chapter or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be liable for a civil penalty not to exceed [~~seven thousand five hundred~~] eleven thousand two hundred fifty dollars for each such violation and an additional penalty of not more than [~~one thousand five hundred~~] two thousand two hundred fifty dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2727 of this title, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied.

b. i. Any person who violates any of the provisions of, or who fails to perform any duty imposed by, title 3 or 7 of article 27 of this chapter, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto and thereby causes the release of solid waste into the environment, shall be liable for a civil penalty not to exceed [~~eleven thousand two hundred fifty~~] sixteen thousand eight hundred seventy-five dollars for each such violation and an additional penalty of not more than [~~eleven thousand two hundred fifty~~] sixteen thousand eight hundred seventy-five dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2727 of this title, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied.

ii. Any person who violates any of the provisions of, or who fails to perform any duty imposed by, title 3 or 7 of article 27 of this chapter, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto and thereby causes the release of more than ten cubic yards of solid waste into the environment, shall be liable for a civil penalty not to exceed [~~twenty-two thousand five hundred~~] thirty-three thousand seven hundred fifty dollars for each such violation and an additional penalty of not more than [~~twenty-two thousand five hundred~~] thirty-three thousand seven hundred fifty dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2727 of this title, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied.

c. The court in any action or proceeding pursuant to section 71-2727 of this chapter may exercise all powers exercisable by the commissioner.

2. Criminal sanctions. a. Any person who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of or who fails to perform any duty imposed by title 3 or 7 of article 27 of this chapter, or any rules and regulations promulgated pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine of not less than [~~one thousand five hundred~~] two thousand two hundred fifty dollars nor more than [~~fifteen~~] twenty-two thousand five hundred dollars per day of violation or by imprisonment for not more than fifteen days or by both such fine and imprisonment.

b. i. Any person who shall violate paragraph a of this subdivision and thereby causes or attempts to cause the release of more than ten cubic yards of solid waste into the environment shall be guilty of a class B misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-five dollars per day nor more than [~~twenty-two thousand five hundred~~] thirty-three thousand seven hundred fifty dollars per day of violation, or by imprisonment for a term in accordance with the penal law, or by both such fine and imprisonment.

ii. Any person who shall violate paragraph a of this subdivision and thereby causes or attempts to cause the release of more than ten cubic yards of solid waste into the environment, after having been convicted of a violation of this subdivision within the preceding five years, shall be guilty of a class A misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-five dollars per day nor more than [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars per day of violation, or by imprisonment for a term in accordance with the penal law, or by both such fine and imprisonment.

c. i. Any person who shall violate paragraph a of this subdivision and thereby causes or attempts to cause the release of more than seventy cubic yards of solid waste into the environment shall be guilty of a class A misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-five dollars per day nor more than [~~thirty-seven~~

~~thousand five hundred~~] fifty-six thousand two hundred fifty dollars per day of violation, or by imprisonment for a term in accordance with the penal law, or by both such fine and imprisonment.

ii. Any person who shall violate paragraph a of this subdivision and thereby causes or attempts to cause the release of more than seventy cubic yards of solid waste into the environment, after having been convicted of a violation of this subdivision within the preceding five years, shall be guilty of a class E felony and, upon conviction thereof, shall be punished by a fine of not less than [~~seven thousand five hundred~~] eleven thousand two hundred fifty dollars per day nor more than [~~seventy-five~~] one hundred twelve thousand five hundred dollars per day of violation, or by imprisonment for a term in accordance with the penal law, or by both such fine and imprisonment.

3. Additional sanctions. Any person who violates any of the provisions of, or who fails to perform any duty imposed by title 7 of article 27, with regard to the construction and operation of facilities for the disposal of construction and demolition debris or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto or any final determination or order of the commissioner made pursuant to this title shall be liable for a civil penalty not to exceed [~~fifteen~~] twenty-two thousand five hundred dollars and each day of such deposition shall constitute a separate violation and said civil penalty is in addition to any other fines or penalties which may be applied pursuant to this title.

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

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

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

2. Criminal sanctions. Any person who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of or who fails to perform any duty imposed by titles 9, 11 and 13 of article 27 or any rules and regulations promul-

gated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be guilty of a misdemeanor and, upon conviction thereof, shall for a first conviction be punished by a fine not to exceed [~~thirty-seven thousand five hundred~~] **fifty-six thousand two hundred fifty** dollars per day of violation or by imprisonment for a term of not more than one year, or both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed [~~seventy-five~~] **one hundred twelve** thousand **five hundred** dollars per day of violation, or by imprisonment for not more than two years or by both such fine and imprisonment.

§ 54. Subdivision 2 of section 71-2721 of the environmental conservation law, as amended by section 32 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

2. Fines. A sentence to pay a fine shall be a sentence to pay an amount fixed by the court, not exceeding the higher of:

(a) [~~Three~~] **Four** hundred **fifty** thousand dollars for a class C felony;

(b) [~~Two hundred twenty-five thousand~~] **Three hundred thirty-seven thousand five hundred** dollars for a class D felony;

(c) [~~One hundred fifty thousand~~] **Two hundred twenty-two thousand five hundred** dollars for a class E felony;

(d) [~~Thirty-seven thousand five hundred~~] **Fifty-six thousand two hundred fifty** dollars for a class A misdemeanor;

(e) [~~Fifteen~~] **Two hundred twenty-five** thousand dollars for a class B misdemeanor; or

(f) Double the amount of the defendant's gain from the commission of the crime.

§ 55. Subdivisions 1, 2 and 5 of section 71-2722 of the environmental conservation law, subdivision 1 as amended by section 33 and subdivision 2 as amended by section 34 of part C of chapter 62 of the laws of 2003, and subdivision 5 as added by chapter 152 of the laws of 1990, are amended to read as follows:

1. Any person who knowingly or intentionally violates any of the provisions or fails to perform any duty imposed by section 27-1701 of this chapter, except the duty to accept a lead-acid battery pursuant to subdivision four of such section, shall be liable for a civil penalty not to exceed [~~seventy-five~~] **one hundred twelve** dollars **and fifty cents** for each violation, provided that such civil penalty shall be in addition to any other penalties authorized under other state or local laws governing the illegal disposal of lead-acid batteries.

2. Any retailer or distributor who refuses to accept a lead-acid battery as required pursuant to subdivision four of section 27-1701 of this chapter shall be liable for a civil penalty not to exceed [~~seven hundred fifty~~] **one thousand one hundred twenty-five** dollars.

5. All civil penalties and fines collected for any violation of such title seventeen shall be paid over to the commissioner for deposit in the [~~general fund~~] **conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law**; provided however, that all civil penalties collected for any violation of such title seventeen which have been imposed by the environmental control board of the city of New York, or a local adjudicatory body pursuant to subdivision four of this section, shall be paid into an environmental fund of such city or locality.

§ 56. Subdivisions 1 and 2 of section 71-2724 of the environmental conservation law, as amended by chapter 30 of the laws of 2020, are amended to read as follows:

1. Any person who knowingly or intentionally violates any provision of or fails to perform any duty pursuant to title twenty-one of article twenty-seven of this chapter, except subdivision one of section 27-2105 of this chapter, shall upon the first finding of such a violation be liable for a civil penalty not to exceed one hundred **fifty** dollars. Any person convicted of a second or subsequent violation shall be liable for a civil penalty not to exceed [~~five~~] **seven** hundred **fifty** dollars for each violation.

2. Any person who knowingly or intentionally violates or fails to perform any duty imposed by subdivision one of section 27-2105 of this chapter shall upon the first finding of such a violation be provided with educational materials describing the requirements for mercury disposal and the effects of improper mercury disposal, and be warned that future violations shall result in the imposition of a fine. Any person convicted of a second violation shall be liable for a civil penalty not to exceed [~~fifty~~] **seventy-five** dollars. Any person convicted of a third violation shall be liable for a civil penalty not to exceed [~~seventy-five~~] **one hundred twelve** dollars **and fifty cents**. Any person convicted of a fourth or subsequent violation shall be liable for a civil penalty not to exceed one hundred dollars for each violation.

§ 57. Subdivision 1 of section 71-2728 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended to read as follows:

1. Any person who knowingly or intentionally violates any provision of or fails to perform any duty imposed pursuant to title 27 of article 27 of this chapter shall upon the first finding of such a violation be provided with a warning that future violations shall result in the imposition of a fine. Any person convicted of a second violation shall be liable for a civil penalty not to exceed one hundred **fifty** dollars. Any person convicted of a third or subsequent violation shall be liable for a civil penalty not to exceed [~~five~~] **seven** hundred **fifty** dollars.

§ 58. Section 71-2729 of the environmental conservation law, as added by chapter 99 of the laws of 2010, is amended to read as follows:

§ 71-2729. Enforcement of title 26 of article 27 of this chapter.

1. a. Any consumer, as defined in title twenty-six of article twenty-seven of this chapter, who violates any provision of, or fails to perform any duty imposed by, section 27-2611 of this chapter, shall be liable for a civil penalty not to exceed one hundred **fifty** dollars for each violation.

b. Any person, except a consumer, manufacturer, or an owner or operator of an electronic waste collection site, electronic waste consolidation facility, or electronic waste recycling facility as these terms are defined in title twenty-six of article twenty-seven of this chapter, who violates any provision, or fails to perform any duty imposed by section 27-2611 of this chapter, shall be liable for a civil penalty not to exceed [~~two hundred fifty~~] **three hundred seventy-five** dollars for each violation.

c. Any manufacturer, or any person operating an electronic waste collection site, an electronic waste consolidation facility, or an electronic waste recycling facility as those terms are defined in title twenty-six of article twenty-seven of this chapter, who:

i. fails to submit any report, registration, fee, or surcharge to the department as required by title twenty-six of article twenty-seven of

this chapter shall be liable for a civil penalty not to exceed one thousand **five hundred** dollars for each day such report, registration, fee, or surcharge is not submitted; and

ii. violates any other provision of title twenty-six of article twenty-seven of this chapter or fails to perform any duty imposed by such title, except for subdivision four of section 27-2603 of this chapter, shall be liable for a civil penalty for each violation not to exceed one thousand **five hundred** dollars for the first violation, [~~two thousand five hundred~~] **three thousand seven hundred fifty** dollars for the second violation and [~~five~~] **seven** thousand **five hundred** dollars for the third and subsequent violations of this title within a twelve-month period.

d. Any retailer, as defined by section 27-2601 of this chapter, who violates any provision of title twenty-six of article twenty-seven of this chapter or fails to perform any duty imposed by such title, shall be liable for a civil penalty for each violation not to exceed [~~two hundred fifty~~] **three hundred seventy-five** dollars for the first violation, [~~five~~] **seven** hundred **fifty** dollars for the second violation and one thousand **five hundred** dollars for the third and subsequent violations of this title in a twelve-month period.

e. Civil penalties under this section shall be assessed by the commissioner after a hearing or opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to this section, and, in addition thereto, such person may by similar process be enjoined from continuing such violation.

2. All penalties collected pursuant to this section shall be paid over to the commissioner for deposit to the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

§ 59. Subdivisions 1 and 3 of section 71-2907 of the environmental conservation law, as amended by chapter 285 of the laws of 2000, are amended to read as follows:

1. Administrative sanctions. Except as otherwise provided in this subdivision, any person who violates any provision of article 33 of this chapter or any rule, regulation or order issued thereunder or commits any offense described in section 33-1301 of this chapter shall be liable to the people of the state for a civil penalty not to exceed [~~five~~] **seven** thousand **five hundred** dollars for a first violation, and not to exceed [~~ten~~] **fifteen** thousand dollars for a subsequent offense, to be assessed by the commissioner after a hearing or opportunity to be heard. Notwithstanding any provision of law to the contrary, an owner or owner's agent of a multiple dwelling or owner, owner's agent or a person in a position of authority for all other types of premises, as such terms are defined in paragraph d of subdivision five of section 33-0905 of this chapter, who violates any provision of a local law adopted pursuant to subdivision one of section 33-1004 of this chapter relating to paragraph b of such subdivision, and a person, who violates any provision of a local law adopted pursuant to subdivision one of section 33-1004 of this chapter relating to paragraph c of such subdivision, and a person who violates the provisions of subdivision three of section three hundred ninety-c of the social services law shall, for a first such violation, in lieu of a penalty, be issued a written warning and shall also be issued educational materials pursuant to subdivision two of section 33-1005 of this chapter. Such person shall, however, for a second violation, be liable to the people of the state for a civil penalty not to exceed one hundred **fifty** dollars, and not to exceed [~~two hundred fifty~~] **three hundred seventy-five** dollars for any subsequent

violation, such penalties to be assessed by the commissioner after a hearing or opportunity to be heard.

Notwithstanding any provision of law to the contrary, any person who violates the provisions of a local law adopted pursuant to subdivision one of section 33-1004 of this chapter relating to paragraph a of such subdivision, shall be issued a warning for the first violation and shall be provided seven days to correct such violation; and shall be liable to the people of the state for a civil penalty not to exceed one hundred **fifty** dollars for a second violation, and not to exceed [~~**two hundred fifty**~~] **three hundred seventy-five** dollars for a subsequent violation, to be assessed by the commissioner after a hearing or opportunity to be heard. The commissioner, acting by the attorney general, may bring suit for collection of such assessed civil penalty in any court of competent jurisdiction. Such civil penalty may be released or compromised by the commissioner before the matter has been referred to the attorney general; and where such matter has been referred to the attorney general, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the attorney general with the consent of the commissioner. Any civil penalty assessed by the commissioner under this subdivision shall be reviewable in a proceeding under article 78 of the civil practice law and rules.

3. Criminal sanctions. Any person who, having the culpable mental states defined in subdivision one or two of section 15.05 or in section 20.20 of the penal law, violates any provision of article 33 of this chapter or any rule, regulation thereunder or commits any offense described in section 33-1301 of this chapter, except an offense relating to the application of a general use pesticide shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed [~~**five**~~] **seven** thousand **five hundred** dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for a subsequent offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed [~~**ten**~~] **fifteen** thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. When a violation consists of the manufacture or production of any prohibited article, each day during which or any part of which such manufacture or production is carried on or continued, shall be deemed a separate violation. Any person who violates any provision of article 33 of this chapter or any rule or regulation thereunder or commits any offense described in section 33-1301 of this chapter relating to the use of a general use pesticide shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed [~~**twenty-five hundred**~~] **three thousand seven hundred fifty** dollars. If the conviction is for a subsequent offense committed after the first such conviction of such person under this subdivision, punishment shall be by a fine not to exceed [~~**five**~~] **seven** thousand **five hundred** dollars. Prosecution hereunder may be conducted by either the attorney general or the district attorney consistent with section 71-0403 of this article. With respect to violations of section 33-1004 of this chapter, penalties imposed pursuant to this subdivision may be assessed only against a person providing a commercial lawn application.

§ 60. Section 71-3103 of the environmental conservation law is amended to read as follows:

§ 71-3103. Enforcement of article 35.

Any person who violates any of the provisions of, or who fails to perform any duties imposed by article 35 or any regulation promulgated by the commissioner thereunder, shall be liable to a civil penalty of not more than [~~twenty-five hundred~~] **three thousand seven hundred fifty** dollars for each such violation and an additional penalty of not more than [~~five~~] **seven** hundred **fifty** dollars for each day during which such violation continues, and, in addition thereto, such person may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the Attorney General at the request and in the name of the commissioner.

§ 61. Subdivision 1 of section 71-3303 of the environmental conservation law, as added by chapter 617 of the laws of 1987, is amended to read as follows:

1. Any person who violates any provision of, or fails to perform any duty imposed by article forty-three of this chapter or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the Lake George park commission made pursuant to article forty-three of this chapter shall be liable for a civil penalty not to exceed [~~five~~] **seven** hundred **fifty** dollars for each such violation and an additional penalty of [~~five~~] **seven** hundred **fifty** dollars for each day during which such violation continues, to be assessed by the Lake George park commission after an opportunity to be heard, or by the court in any action or proceeding initiated by the attorney general in the name of the Lake George park commission. In addition thereto, such person may, by similar process, be enjoined from continuing such violation, and any permit or certificate issued to such person may be revoked or suspended, or a pending renewal application denied based upon such violation.

§ 62. Section 71-3307 of the environmental conservation law, as added by chapter 617 of the laws of 1987, is amended to read as follows:

§ 71-3307. Criminal sanctions.

Any person who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of or who fails to perform any duty imposed by article forty-three of this chapter or any rules or regulations promulgated thereto, or any final determination or order of the Lake George park commission shall be guilty of a violation, and, upon conviction thereof, shall be punished by a fine not to exceed [~~five~~] **seven** hundred **fifty** dollars for each violation and [~~five~~] **seven** hundred **fifty** dollars for each day such violation shall continue.

§ 63. Section 71-3501 of the environmental conservation law is amended to read as follows:

§ 71-3501. Putting noisome or unwholesome substances or maintaining noisome business on or near highway.

A person, who deposits, leaves or keeps, on or near a highway or route of public travel, either on the land or on the water, any noisome or unwholesome substance, or establishes, maintains or carries on, upon or near a public highway or route of public travel, either on the land or on the water, any business, trade or manufacture which is noisome or detrimental to public health, is guilty of a misdemeanor, punishable by a fine of not less than one hundred **fifty** dollars, or by imprisonment not less than three nor more than six months, or both.

§ 64. Section 71-3703 of the environmental conservation law, as amended by chapter 259 of the laws of 2011, subdivision 4 as amended by chapter 44 of the laws of 2020, subdivision 5 as added by chapter 829 of

the laws of 2021, subdivision 6 as added by chapter 111 of the laws of 2023, and subdivision 7 as added by chapter 107 of the laws of 2024, is amended to read as follows:

§ 71-3703. Enforcement of article 37.

1. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 37-0107 or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed [~~two thousand five hundred~~] **three thousand seven hundred fifty** dollars for each such violation and an additional penalty of not more than [~~five~~] **seven** hundred **fifty** dollars for each day during which such violation continues, and, in addition thereto, such person may be enjoined from continuing such violation.

2. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 37-0505 or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed one thousand **five hundred** dollars for each day during which such violation continues, and in addition thereto, such person may be enjoined from continuing such violation. Such person shall for a second violation be liable to the people of the state for a civil penalty not to exceed [~~two thousand five hundred~~] **three thousand seven hundred fifty** dollars for each day during which such violation continues.

3. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 37-0705 or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed one thousand **five hundred** dollars for each day during which such violation continues, and in addition thereto, such person may be enjoined from continuing such violation. Such person shall for a second violation be liable to the people of the state for a civil penalty not to exceed [~~two thousand five hundred~~] **three thousand seven hundred fifty** dollars for each day during which such violation continues.

4. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 37-0117 or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed one thousand **five hundred** dollars for each day during which such violation continues, and in addition thereto, such person may be enjoined from continuing such violation. Such person shall for a second violation be liable to the people of the state for a civil penalty not to exceed [~~two thousand five hundred~~] **three thousand seven hundred fifty** dollars for each day during which such violation continues.

5. Any person who violates any of the provisions of or who fails to perform any duty imposed by sections 37-1003 and 37-1007 of this chapter or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed one thousand **five hundred** dollars for each day during which such violation continues, and in addition thereto, such person may be enjoined from continuing such violation. Such person shall for a second violation be liable to the people of the state for a civil penalty not to exceed [~~two thousand five hundred~~] **three thousand seven hundred fifty** dollars for each day during which such violation continues.

6. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 37-0121 of this chapter or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed one thousand **five hundred** dollars for each day during which such violation continues, and in addition thereto, such person may be enjoined from continuing such violation. Such person shall for a second violation be liable to the people of the state for a civil

penalty not to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty dollars for each day during which such violation continues.

7. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 37-1101 of this chapter or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed one thousand five hundred dollars for each day during which such violation continues, and in addition thereto, such person may be enjoined from continuing such violation. Such person shall for a second violation be liable to the people of the state for a civil penalty not to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty dollars for each day during which such violation continues.

§ 65. Subdivision 1 of section 71-3705 of the environmental conservation law, as amended by chapter 43 of the laws of 2020, is amended to read as follows:

1. Any person who violates any provision of or fails to perform any duty imposed by section 37-0115 of this chapter shall upon the first finding of such a violation be liable for a civil penalty not to exceed [~~five hundred~~] seven hundred fifty dollars for each violation. Any person convicted of a second or subsequent violation shall be liable for a civil penalty not to exceed [~~twenty-five hundred~~] three thousand seven hundred fifty dollars for each violation.

§ 66. Section 71-3803 of the environmental conservation law, as added by chapter 713 of the laws of 1975, is amended to read as follows:

§ 71-3803. Enforcement of article thirty-eight.

Any person who violates any of the provisions of, or who fails to perform any duty imposed by article thirty-eight or any regulation promulgated by the commissioner thereunder, shall be liable to a civil penalty of not more than [~~twenty-five hundred~~] three thousand seven hundred fifty dollars for each such violation and an additional penalty of not more than [~~five~~] seven hundred fifty dollars for each day during which such violation continues, and, in addition thereto, such person may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the attorney general acting alone or at the request of the commissioner.

§ 67. Section 71-3903 of the environmental conservation law, as added by chapter 732 of the laws of 1980, is amended to read as follows:

§ 71-3903. Violations; penalties.

1. Administrative sanctions. Any person who violates, disobeys or disregards any provision of article thirty-nine shall be liable to the people of the state for a civil penalty of not to exceed [~~three~~] four thousand five hundred dollars for every such violation, to be assessed by the commissioner after a hearing or opportunity to be heard. The penalty may be recovered in an action brought by the commissioner in any court of competent jurisdiction. Such civil penalty may be released or [~~comprised~~] compromised by the commissioner before the matter has been referred to the attorney general; and where such matter has been referred to the attorney general, any such penalty may be released or [~~comprised~~] compromised and any action commenced to recover the same may be settled and discontinued by the attorney general with the consent of the commissioner. In addition, the commissioner shall have power, following a hearing, to direct the violator to cease [~~his~~] their violation of article thirty-nine and, where appropriate, to recall any sewage system cleaners or additives sold or distributed in violation of said article. Any such order of the commissioner shall be enforceable in

an action brought by the commissioner in any court of competent jurisdiction. Any civil penalty or order issued by the commissioner under this subdivision shall be reviewable in a proceeding under article seventy-eight of the civil practice law and rules commenced within thirty days of such penalty or order.

2. Criminal sanctions. Any person who knowingly violates any provision of section 39-0105 of this chapter shall, in addition to the sanctions provided in subdivision one of this section, for the first offense, be guilty of a violation punishable by a fine of not less than [~~five~~] **seven** hundred **fifty** nor more than one thousand **five hundred** dollars; for a second and each subsequent offense [~~he~~] **such person** shall be guilty of a misdemeanor punishable by a fine of not less than one thousand **five hundred** nor more than [~~three~~] **four** thousand **five hundred** dollars or a term of imprisonment of not more than six months or both. In addition to or instead of these sanctions, any offender shall be punishable by being ordered by the court to recall any sewage system cleaners or additives sold or distributed in violation of article thirty-nine. The court shall specify a reasonable time for the completion of the recall. Each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

§ 68. Section 71-3905 of the environmental conservation law, as added by chapter 732 of the laws of 1980, is amended to read as follows:

§ 71-3905. Enforcement.

The attorney general or a district attorney, at the request of the attorney general or the commissioner, may prosecute persons who violate article thirty-nine. In addition the attorney general, on [~~his~~] **their** own initiative or at the request of the commissioner, shall have the right to recover a civil penalty of not to exceed [~~three~~] **four** thousand **five hundred** dollars for every violation of any provision of said article, and to seek equitable relief to restrain any violation or threatened violation of such article and to require the recall of any sewage system cleaners or additives sold or distributed in violation of said article.

§ 69. Section 71-4001 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, is amended to read as follows:

§ 71-4001. General criminal penalty.

Except as otherwise specifically provided elsewhere in this chapter or in the penal law, (a) a person who violates any provision of this chapter, or any rule, regulation or order promulgated pursuant thereto, or the terms or conditions of any permit issued thereunder, shall be guilty of a violation; (b) each day on which such violation occurs shall constitute a separate violation; and (c) for each such violation the person shall be subject upon conviction to imprisonment for not more than fifteen days or to a fine of not more than [~~nine~~] **one thousand three** hundred **fifty** dollars, or to both such imprisonment and such fine.

§ 70. Section 71-4003 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, is amended to read as follows:

§ 71-4003. General civil penalty.

Except as otherwise specifically provided elsewhere in this chapter, a person who violates any provision of this chapter, or any rule, regulation or order promulgated pursuant thereto, or the terms or conditions of any permit issued thereunder, shall be liable to a civil penalty of not more than one thousand **five hundred** dollars, and an additional civil

penalty of not more than one thousand **five hundred** dollars for each day during which each such violation continues. Any civil penalty provided for by this chapter may be assessed following a hearing or opportunity to be heard.

§ 71. Section 71-4103 of the environmental conservation law, as amended by chapter 608 of the laws of 1993, is amended to read as follows:

§ 71-4103. Enforcement of article seventy-two.

Any person who violates any of the provisions of article seventy-two of this chapter or the regulations promulgated thereunder shall be liable for a civil penalty of up to one thousand **five hundred** dollars in addition to any amount assessed as a penalty pursuant to subdivision five of section 72-0201 of this chapter, except that any person who fails to pay fees required pursuant to section 72-0303 of this chapter shall be subject to penalty provisions pursuant to subdivision twelve of section 72-0201 of this chapter.

§ 72. Section 71-4303 of the environmental conservation law, as added by chapter 672 of the laws of 1986, is amended to read as follows:

§ 71-4303. Violations of article forty of this chapter.

1. Civil and administrative sanctions. Any person who violates any of the provisions of, or who fails to perform any duty imposed by, article forty of this chapter or any rule or regulation promulgated thereunder, or any terms or conditions of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title, shall be liable in the case of a civil penalty not to exceed twenty-five thousand **five hundred** dollars and an additional penalty of not more than [~~**twenty-five thousand**~~] **thirty-seven thousand five hundred** dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article or by a court in any action or proceeding pursuant to this title, and, in addition thereto such person may by similar process be enjoined from continuing such violation. In addition, upon the provision of notice stating the grounds for its action and giving an opportunity for hearing, the commissioner may revoke, suspend or deny a certificate or a renewal of a certificate issued pursuant to article forty of this chapter. In the case of a second violation, the liability shall be for a civil penalty not to exceed [~~**fifty**~~] **seventy-five** thousand dollars for such violation and an additional penalty not to exceed [~~**fifty**~~] **seventy-five** thousand dollars for each day during which such violation continues.

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

imprisonment for not more than two years or by both such fine and imprisonment.

§ 73. Section 71-4402 of the environmental conservation law, as added by chapter 180 of the laws of 1989, is amended to read as follows:

§ 71-4402. Violations of title 15 of article 27 of this chapter.

1. Civil and administrative sanctions.

Any person who violates any of the provisions of, or who fails to perform any duty imposed by title 15 of article 27 of this chapter, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be liable in the case of a first violation, for a civil penalty not to exceed [~~twenty-five~~] **thirty-seven** thousand **five hundred** dollars and an additional penalty of not more than [~~twenty-five~~] **thirty-seven** thousand **five hundred** dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this chapter, or by the court in any action or proceeding pursuant to section 71-2727 of this chapter, and, in addition thereto, such persons may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied. In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed [~~fifty~~] **seventy-five** thousand dollars for each such violation and an additional penalty not to exceed [~~fifty~~] **seventy-five** thousand dollars for each day during which such violation continues.

2. Criminal sanctions.

a. Any person who violates any of the provisions of or who fails to perform any duty imposed by title 15 of article 27 of this chapter or any rules and regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed [~~five~~] **seven** thousand **five hundred** dollars per day of violation, or by imprisonment for a term of not more than fifteen days, or by both such fine and imprisonment.

b. Any person who, intentionally, knowingly, or recklessly shall violate any of the provisions of or who fails to perform any duty imposed by title 15 of article 27 of this chapter or any rules and regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be guilty of a class B misdemeanor and, upon conviction thereof, shall for a first conviction be punished by a fine not to exceed [~~fifteen~~] **twenty-two** thousand **five hundred** dollars per day of violation or by imprisonment for a term of not more than ninety days, or both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this paragraph, within the preceding five years, such person shall be guilty of a class A misdemeanor and upon conviction, punishment shall be by a fine not to exceed [~~fifty~~] **seventy-five** thousand **five hundred** dollars per day of violation, or by imprisonment for not more than one year or by both such fine and imprisonment.

§ 74. Subdivision 2 of section 71-4411 of the environmental conservation law, as added by chapter 180 of the laws of 1989, is amended to read as follows:

2. Fines. A sentence to pay a fine shall be a sentence to pay any amount fixed by the court, not exceeding the higher of:

(a) [~~one hundred fifty~~] two hundred twenty-five thousand dollars for a class D felony;

(b) one hundred fifty thousand dollars for a class E felony;

(c) [~~fifty~~] seventy-five thousand dollars for a class A misdemeanor;

(d) [~~fifteen~~] twenty-two thousand five hundred dollars for a class B misdemeanor; or

(e) double the amount of the defendant's gain from the commission of the crime.

§ 75. The opening paragraph of subdivision 5 and subdivision 12 of section 72-0201 of the environmental conservation law, the opening paragraph of subdivision 5 as added by chapter 15 of the laws of 1983, and subdivision 12 as added by chapter 608 of the laws of 1993, are amended to read as follows:

If the amount of the fee is not paid within forty-five days of the last date prescribed under subdivision four of this section, a penalty shall be imposed on such deficiency. The amount of such penalty shall not exceed [~~five~~] seven and one half percent of such deficiency per month and the total penalty shall not exceed twenty-five percent of the deficiency.

12. Notwithstanding any other provision of this section, any person who fails to pay fees required pursuant to section 72-0303 of this article shall pay a penalty of [~~fifty~~] seventy-five per centum of the unpaid fee amount, plus interest on the unpaid fee amount computed in accordance with section 6621(a)(2) of the United States internal revenue code of 1986 (Public Law 99-514, 26 U.S.C. section 1 et seq.) from the date the fee was required to be paid.

§ 76. Subdivisions 2 and 3 of section 57-0136 of the environmental conservation law, as amended by chapter 289 of the laws of 2006, are amended to read as follows:

2. Civil penalties. (a) For a violation that takes place in the "core preservation area" as defined in subdivision eleven of section 57-0107 of this title, any person who violates any provision of this title, the land use plan adopted by the commission, any regulation promulgated by the commission, or the terms or conditions of any order, permit, or determination issued by the commission pursuant to this title shall be liable for a civil penalty of not more than [~~twenty-five thousand~~] thirty-seven thousand five hundred dollars for each violation and an additional civil penalty of not more than one thousand five hundred dollars for each day that such violation continues.

(b) For a violation that takes place in the "compatible growth area" as defined in subdivision twelve of section 57-0107 of this title, any person who violates any provision of this title, the land use plan adopted by the commission, any regulation promulgated by the commission, or the terms or conditions of any order, permit, or determination issued by the commission pursuant to this title shall be liable for a civil penalty of not more than [~~ten~~] fifteen thousand dollars for each violation and an additional civil penalty of not more than one thousand five hundred dollars for each day that such violation continues.

3. Criminal penalties. (a) For a violation that takes place in the "core preservation area" as defined in subdivision eleven of section 57-0107 of this title, any person who willfully or intentionally violates any provision of this title, the land use plan adopted by the commission, any regulation promulgated by the commission, or the terms or conditions of any order, permit, or determination issued by the

commission pursuant to this title shall be guilty of a misdemeanor punishable by a fine of not more than [~~twenty-five thousand~~] thirty-seven thousand five hundred dollars for each violation and an additional fine of not more than one thousand five hundred dollars for each day that such violation continues.

(b) For a violation that takes place in the "compatible growth area" as defined in subdivision twelve of section 57-0107 of this title, any person who willfully or intentionally violates any provision of this title, the land use plan adopted by the commission, any regulation promulgated by the commission, or the terms or conditions of any order, permit, or determination issued by the commission pursuant to this title shall be guilty of a misdemeanor punishable by a fine of not more than [~~ten~~] fifteen thousand dollars for each violation and an additional fine of not more than one thousand five hundred dollars for each day that such violation continues.

§ 77. Subdivision 1 of section 37-0211 of the environmental conservation law, as added by chapter 286 of the laws of 1990, such section as renumbered by chapter 307 of the laws of 2020, is amended to read as follows:

1. A violation of any of the provisions of this title or any rule or regulation promulgated pursuant thereto shall be punishable in the case of a first violation, by a civil penalty not to exceed [~~ten~~] fifteen thousand dollars. In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed [~~twenty-five thousand~~] thirty-seven thousand five hundred dollars for each violation.

§ 78. Section 33-0925 of the environmental conservation law, as amended by chapter 43 of the laws of 2007, is amended to read as follows:

§ 33-0925. Sanctions.

Notwithstanding any other provision of law or regulation pursuant to this title and/or any provision of this article as it relates to the application of aquatic antifouling paints, any person who violates any provision of this title or any rule, regulation or order issued thereunder shall be liable to the people of this state for a civil penalty of up to one thousand five hundred dollars for a first violation to be assessed by the commissioner after a hearing or opportunity to be heard. In determining the amount of the penalty, the commissioner shall take into account whether the violation posed an immediate threat to the environment or the health and safety of the public. Any subsequent violation of this title and/or any provision of this article as it relates to the application of aquatic antifouling paints would be subject to the appropriate sanctions pursuant to sections 71-2907 and 71-2911 of this chapter.

§ 79. Subdivisions 1, 2 and 3 of section 27-1809 of the environmental conservation law, as added by chapter 562 of the laws of 2010, are amended to read as follows:

1. Any person who violates the provisions of section 27-1805 of this title shall be liable for a civil penalty in the amount of [~~fifty~~] seventy-five dollars for the first violation, one hundred fifty dollars for a second violation committed within twelve months of a prior violation and [~~two~~] three hundred dollars for a third or subsequent violation committed within twelve months of any prior violation.

2. Any retailer as that term is defined in section 27-1803 of this title, who violates the provisions of section 27-1807 of this title shall be liable for a civil penalty in the amount of [~~two~~] three hundred dollars for the first violation, [~~four~~] six hundred dollars for a second

violation committed within twelve months of a prior violation, and [~~five hundred~~] seven hundred fifty dollars for a third or subsequent violation committed within twelve months of any prior violation.

3. Any battery manufacturer, as that term is defined in section 27-1803 of this title, who violates the provisions of section 27-1807 of this title shall be liable for a civil penalty in the amount of [~~two~~] three thousand dollars for the first violation, [~~four~~] six thousand dollars for a second violation committed within twelve months of a prior violation, and [~~five thousand~~] seven thousand five hundred dollars for a third or subsequent violation committed within twelve months of any prior violation.

§ 80. Paragraph a of subdivision 9 of section 27-1012 of the environmental conservation law, as added by section 8 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

a. Any person required to be registered under this section who, without being so registered, sells or offers for sale beverage containers in this state, in addition to any other penalty imposed by this title, shall be subject to a penalty to be assessed by the commissioner of taxation and finance in an amount not to exceed [~~five hundred~~] seven hundred fifty dollars for the first day on which such sales or offers for sale are made, plus an amount not to exceed [~~five hundred~~] seven hundred fifty dollars for each subsequent day on which such sales or offers for sale are made, not to exceed [~~twenty-five thousand~~] thirty-seven thousand five hundred dollars in the aggregate.

§ 81. Subdivisions 1, 2, 3 and 4 of section 27-1015 of the environmental conservation law, as amended by section 8 of part F of chapter 58 of the laws of 2013, are amended to read as follows:

1. Except as otherwise provided in this section and section 27-1012 of this title, any person who shall violate any provision of this title shall be liable to the state of New York for a civil penalty of not more than [~~five hundred~~] seven hundred fifty dollars, and an additional civil penalty of not more than [~~five hundred~~] seven hundred fifty dollars for each day during which each such violation continues. Any civil penalty may be assessed following a hearing or opportunity to be heard.

2. Any distributor, deposit initiator, redemption center or dealer who violates any provision of this title, except as provided in section 27-1012 of this title, shall be liable to the state of New York for a civil penalty of not more than one thousand five hundred dollars, and an additional civil penalty of not more than one thousand five hundred dollars for each day during which each such violation continues. Any civil penalty may be assessed following a hearing or opportunity to be heard.

3. It shall be unlawful for a distributor or deposit initiator, acting alone or aided by another, to return any empty beverage container to a dealer or redemption center for its refund value if the distributor or deposit initiator had previously accepted such beverage container from any dealer or operator of a redemption center or if such container was previously accepted by a reverse vending machine. A violation of this subdivision shall be a misdemeanor punishable by a fine of not less than [~~five hundred~~] seven hundred fifty dollars nor more than one thousand five hundred dollars and an amount equal to two times the amount of money received as a result of such violation.

4. Any person who willfully tenders to a dealer, distributor, redemption center or deposit initiator more than forty-eight empty beverage containers for which such person knows or should reasonably know that no deposit was paid in New York state may be assessed by the department a

civil penalty of up to one hundred **fifty** dollars for each container or up to [~~**twenty-five thousand**~~] **thirty-seven thousand five hundred** dollars for each such tender of containers. At each location where a person tenders containers for redemption, dealers and redemption centers must conspicuously display a sign in letters that are at least one inch in height with the following information: "WARNING: Persons tendering for redemption containers on which a deposit was never paid in this state may be subject to a civil penalty of up to one hundred **fifty** dollars per container or up to [~~**twenty-five thousand**~~] **thirty-seven thousand five hundred** dollars for each such tender of containers." Any civil penalty may be assessed following a hearing or opportunity to be heard.

§ 82. Subdivision 1 of section 27-2807 of the environmental conservation law, as added by section 2 of part H of chapter 58 of the laws of 2019, is amended to read as follows:

1. Any person required to collect tax who violates any provision of section 27-2803 of this title shall receive a warning notice for the first such violation. A person required to collect tax shall be liable to the state of New York for a civil penalty of [~~**two hundred fifty**~~] **three hundred seventy-five** dollars for the first violation after receiving a warning and [~~**five hundred**~~] **seven hundred fifty** dollars for any subsequent violation in the same calendar year. For purposes of this section, each commercial transaction shall constitute no more than one violation. A hearing or opportunity to be heard shall be provided prior to the assessment of any civil penalty.

§ 83. Subdivision 1 of section 27-3205 of the environmental conservation law, as added by chapter 734 of the laws of 2021, is amended to read as follows:

1. A hotel that violates a provision of this title shall receive a warning notice for the first such violation, detailing the hotel's requirement to correct the violation within thirty days from the date the notice is sent. A hotel shall be liable to the state for a civil penalty of [~~**two hundred fifty**~~] **three hundred seventy-five** dollars for the first violation after receiving a warning and failing to correct the violation within thirty days and [~~**five hundred**~~] **seven hundred fifty** dollars for any subsequent violation in the same calendar year. A hearing or opportunity to be heard shall be provided prior to the assessment of any civil penalty.

§ 84. Section 27-3317 of the environmental conservation law, as amended by chapter 82 of the laws of 2023, is amended to read as follows:

§ 27-3317. Penalties.

Any producer, representative organization, or retailer who violates any provision of or fails to perform any duty imposed pursuant to this title shall be liable for a civil penalty not to exceed [~~**five hundred**~~] **seven hundred fifty** dollars for each violation and an additional penalty of not more than [~~**five hundred**~~] **seven hundred fifty** dollars for each day during which such violation continues. Civil penalties shall be assessed by the department after a hearing or opportunity to be heard pursuant to the provisions of section 71-1709 of this chapter.

§ 85. Subdivision 6 of section 27-3309 of the environmental conservation law, as added by chapter 795 of the laws of 2022, is amended to read as follows:

6. Starting four years after the plan is approved by the department pursuant to this section, the department shall impose a penalty of [~~**twenty-five**~~] **thirty-eight** cents per pound to be assessed on the producer or representative organization for the number of additional pounds of

carpet that would have needed to be recycled through the program to achieve the performance goals specified in the approved stewardship plan. All penalties collected pursuant to this section shall be paid over to the commissioner for deposit to the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

§ 86. Subdivision 4 of section 23-1715 of the environmental conservation law, as amended by chapter 233 of the laws of 1979, is amended to read as follows:

4. In the event of the failure of the holder of an environmental safety permit issued under section 23-1707 **of this title**, of route certification under section 23-1713 **of this title**, or of a non-conforming facility under section 23-1719 **of this title** to comply with the terms thereof or the provisions of the rules and regulations adopted under article 70 of this chapter, the department may revoke said permit or certificate pursuant to the provisions of article 70 of this chapter and impose upon the holder of such permit or certificate a civil penalty of up to one thousand **five hundred** dollars for each day the holder thereof has failed to comply with this title or a permit or certificate issued hereunder, together with the allocated costs of the revocation and enforcement proceeding itself.

§ 87. Subdivisions 4 and 5 of section 19-0320 of the environmental conservation law, as added by chapter 621 of the laws of 1998, the opening paragraph of subdivision 4 as amended by section 1 and the opening paragraph of subdivision 5 as amended by section 2 of part W1 of chapter 62 of the laws of 2003, are amended to read as follows:

4. Notwithstanding the provisions of title twenty-one of article seventy-one of this chapter, operation of a heavy duty vehicle which, when tested, exceeds emission levels set forth in regulations promulgated pursuant to this section shall be a violation, and the following penalties shall apply to any violation found as a result of roadside emissions inspections:

a. First violation: [~~$ 700.00~~] **$1050.00**
Second and subsequent violations: [~~$1300.00~~] **$1950.00**.

b. The penalties set forth in paragraph a of this subdivision shall be reduced to [~~one hundred fifty~~] **two hundred twenty-five** dollars for the first violation and [~~five hundred~~] **seven hundred fifty** dollars for the second and subsequent violations by the court or administrative tribunal before which the summons or appearance ticket is returnable if the violation set forth in the summons or appearance ticket is corrected not later than thirty days after the issuance of the summons or appearance ticket and proof of such correction, as defined in paragraph c of this subdivision, is submitted to the court or administrative tribunal. The penalties described in this section shall not apply to vehicles defined by section one hundred forty-two of the vehicle and traffic law or owned by a county, town, city, or village for a first violation provided the vehicle is repaired within thirty days of ticket issuance.

c. Acceptable proof of repair or adjustment shall be submitted to the court or administrative tribunal on or before the return date of the summons or appearance ticket in a form and manner prescribed by regulations adopted pursuant to this section.

5. Notwithstanding the provisions of title twenty-one of article seventy-one of this chapter, operation of any heavy duty vehicle registered or required to be registered in this state without a certificate of inspection resulting from an annual inspection as required by regu-

lations adopted pursuant to this section shall be a violation, and the following violation structure shall apply to such violations:

a. First violation: [~~$ 700.00~~] $1050.00

Second and subsequent violations: [~~$1300.00~~] $1950.00.

b. The penalties defined in paragraph a of this subdivision shall be reduced to [~~three hundred fifty~~] five hundred twenty-five dollars for the first violation and [~~seven hundred fifty~~] one thousand one hundred twenty-five dollars for second and subsequent violations, provided that the vehicle in question bears a certificate which was valid within the last thirty days. The penalties described in this section shall not apply to vehicles defined by section one hundred forty-two or owned by a county, town, city, or village of the vehicle and traffic law for a first violation provided the vehicle is repaired within thirty days of ticket issuance.

§ 88. Subdivision 6 of section 17-1745 of the environmental conservation law, as added by chapter 199 of the laws of 1999, is amended to read as follows:

6. Penalties. Failure to comply with the provisions of this section shall result in fines of [~~two hundred fifty~~] three hundred seventy-five dollars per day for each violation.

§ 89. Section 15-2723 of the environmental conservation law, as amended by chapter 613 of the laws of 1975, is amended to read as follows:

§ 15-2723. Penalties and enforcement.

Any person who violates any provision of this title or any regulation or order issued pursuant to this act by the commissioner or the agency may be compelled to comply with or obey the same by injunction, mandamus or other appropriate remedy. In addition, any such person shall pay a civil penalty of not less than one hundred fifty dollars or more than one thousand five hundred dollars for each day of such violation. The commissioner or the agency as the case may be, is authorized to commence a civil action to recover such civil penalties or other appropriate relief.

§ 90. Subdivision 2 of section 11-1209 of the environmental conservation law, as added by chapter 726 of the laws of 1977, is amended to read as follows:

2. Whoever shall hunt while in an intoxicated condition or while [~~his~~] their ability to hunt is impaired by the use of a drug shall be guilty of a misdemeanor, punishable by imprisonment in a penitentiary or county jail for not more than one year, or by a fine of not more than [~~five hundred~~] seven hundred fifty dollars, or by both such fine and imprisonment.

§ 91. Subdivision 3 of section 11-0538 of the environmental conservation law, as added by chapter 307 of the laws of 2014, is amended to read as follows:

3. Any person who violates the provisions of this section shall be subject to a penalty of not more than [~~five hundred~~] seven hundred fifty dollars for the first offense and not more than one thousand five hundred dollars for a second and subsequent offenses. Each instance of allowing direct contact of a big cat with the public in violation of this section shall constitute a separate offense.

§ 92. Subdivision 9 of section 11-0512 of the environmental conservation law, as amended by chapter 326 of the laws of 2012, is amended to read as follows:

9. Notwithstanding any other provision of law, any person who knowingly breeds a wild animal or knowingly possesses, owns, harbors, sells,

barters, transfers, exchanges, or imports a wild animal for use as a pet or intentionally releases or sets at-large any wild animal, authorized by this section for use as a pet, from the location where the animal is permitted to be possessed or harbored in violation of the provisions of this section shall be subject to a penalty of not more than [~~five hundred~~] **seven hundred fifty** dollars for the first offense and not more than one thousand **five hundred** dollars for a second and subsequent offenses. Each instance of breeding, owning, harboring, sale, barter, release, transfer, exchange, or import of a wild animal in violation of this section shall constitute a separate offense.

§ 93. Subdivision 3 of section 9-1503 of the environmental conservation law, as amended by chapter 222 of the laws of 1976, is amended to read as follows:

3. No person shall, in any area designated by such list or lists, knowingly pick, pluck, sever, remove, damage by the application of herbicides or defoliants or carry away, without the consent of the owner thereof, any protected plant. An offense under this section shall be a violation, punishable by a fine of not to exceed [~~twenty-five dollars~~] **thirty-seven dollars and fifty cents**.

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

PART III

Section 1. Short title. This act shall be known and may be cited as the "harmful algal bloom monitoring and prevention act".

§ 2. Legislative findings and declarations. The legislature finds that the state of New York has a responsibility to maintain the health and safety of its abundant clean water resources, upon which the residents of New York state, as well as its many visitors, rely on for drinking, agriculture, tourism, recreation, and their livelihoods. Because the waters of the state are under threat by harmful algal blooms (HABS), which are known to be toxic and even fatal to humans, pets, and wildlife, the state has a responsibility to provide coordinated, statewide monitoring, evaluation, prevention and mitigation, going beyond water body-specific data collection and isolated mitigation efforts. While the causes of HABS are complex and varied, with a coordinated and standardized approach to monitoring and evaluation, patterns can more readily be identified to isolate the combination of relevant causes specific to different bodies of water across the state and determine the most effective targeted interventions. To address this threat, the state must develop and maintain a comprehensive state clearinghouse to bring together existing and new available statewide cross-sectional and longitudinal data and information on harmful algal blooms, potential and known causes, best practice interventions, expertise, and funding resources. This data and subsequent report will enable the state to effectively and efficiently administer a central grant program supporting data-driven best practices in prevention and mitigation of harmful algal blooms.

§ 3. The environmental conservation law is amended by adding a new section 15-0519 to read as follows:

§ 15-0519. Harmful algal bloom monitoring and prevention program.

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

a. "Harmful algal blooms" shall mean growths of blooms of algal species present in fresh or salt water that can produce toxins that are

harmful to public health, the economy, or recreational enjoyment, or that can impair water quality and the natural ecology therein.

b. "Municipality" shall mean a county, city, town, or village.

c. "Waters of the state" means all waterways, or bodies of water located within New York state or that part of any body of water which is adjacent to New York state over which the state has territorial jurisdiction.

2. Comprehensive statewide data collection consolidation and analysis; report. a. The commissioner shall develop a program to further the comprehensive and consistent collection, consolidation, analysis and meta-analysis of statewide data relating to the monitoring, evaluation, prevention, and mitigation of harmful algal bloom outbreaks. The commissioner shall provide guidelines for the submission of existing and historical harmful algal bloom monitoring, evaluation, mitigation, and prevention data and strategies from relevant institutions, organizations, and individuals with experience in peer-reviewed research, grantmaking, or other like activities in the area of water quality relating to the monitoring, evaluation, prevention, and mitigation of harmful algal bloom outbreaks, including but not limited to research programs, clinics, labs, and project management.

b. The data collected, consolidated, and analyzed shall consist of elements including but not limited to longitudinal data on the incidence of harmful algal blooms, contextual factors thought to be associated with the incidence of harmful algal blooms such as water temperature, turbidity, flow rate, salinity, nutrient levels for phosphorus and nitrogen, acidity (pH), dissolved oxygen levels, monitoring and evaluation of waters of the state that do not contain harmful algal blooms, and results of harmful algal bloom interventions in New York state.

c. The data collected, consolidated, and analyzed shall meet a standard that is consistent with the practices and expertise of institutions, organizations, or individuals with experience in peer-reviewed research, grantmaking, or other like activities in the area of water quality relating to the monitoring, evaluation, prevention, and mitigation of harmful algal bloom outbreaks, including but not limited to research programs, clinics, labs, and project management.

d. The department shall annually publish and update a list of vetted best practice strategies for harmful algal bloom monitoring, evaluation, prevention, and mitigation, which shall be differentiated by region or water body with unique confirmed causal pathways for the related harmful algal bloom outbreak trends. Such strategies shall be supported by findings of the harmful algal bloom database created pursuant to subdivision three of this section, as well as external evaluation, including but not limited to strategies approved by the federal environmental protection agency, certification that such strategies meet or exceed the American National Standards for health effects of drinking water treatment chemicals (NSF/ANSI/CAN-60), or testing for efficacy by center of excellence in healthy water solutions. The department shall publish such list and findings supporting the strategies on such list on the department's website.

e. No later than five years after the effective date of this section, the commissioner, in consultation with the commissioner of agriculture and markets, shall prepare a report providing comprehensive analysis and meta-analysis of the data collected pursuant to this section, including findings and recommendations for establishing, maintaining, and improving upon a coordinated system of monitoring, evaluation, prevention, and

mitigation of harmful algal bloom outbreaks across New York state. The department shall:

i. update the report at least once every five years after the initial completion of the report;

ii. make the report publicly available on the department's website;

iii. hold at least six regional public comment hearings on the draft report and subsequent updates to the report, including three meetings in the upstate region and three meetings in the downstate region, and shall allow at least one hundred twenty days for the submission of public comment;

iv. provide meaningful opportunities for public comment from all segments of the populations that live near, or are reliant upon for drinking, recreation, or economic activity, the waters of the state included in the report;

v. seek out input from institutions or organizations with relevant expertise, citizen scientists, and labs testing water quality in relation to harmful algal blooms;

vi. identify the magnitude of harmful algal blooms across the state and make recommendations on regulatory measures and other state or local actions to monitor, evaluate, prevent, or mitigate harmful algal blooms, including existing opportunities for coordination of federal, state, municipal, and non-governmental organizations;

vii. identify best practices, technology, and available federal, state, municipal, or private funding for and existing efforts in monitoring, evaluating, preventing, and mitigating harmful algal blooms; and

viii. identify the current need in specific bodies of water for the establishment of programs or organizations to further the monitoring, evaluation, prevention, and mitigation of harmful algal blooms, and the costs therefor.

3. Harmful algal bloom database. a. The commissioner shall establish and maintain a website providing public access to a harmful algal bloom database which shall contain all relevant data, research, and reporting required pursuant to subdivision two of this section.

b. Such database, and analysis of the comprehensive statewide data therein, shall support the coordination of efforts across the state to monitor, evaluate, prevent, and mitigate harmful algal blooms, and shall include, but not be limited to:

i. the geolocation of harmful algal bloom outbreaks, and efforts to monitor, evaluate, prevent, and mitigate such outbreaks;

ii. existing research, analysis, or reports relating to outbreaks of harmful algal blooms in the waters of the state and the causes of such outbreaks;

iii. known or developing strategies and best practices of state, municipal, and non-governmental organizations that monitor, evaluate, prevent, or mitigate harmful algal bloom outbreaks, the respective waters of the state in which such strategies and best practices have been conducted, and the geolocations of such waters;

iv. available sources of financing for algal bloom monitoring, evaluation, prevention, and mitigation, including federal, state, municipal, and/or private funding, grants, or other monies; and

v. information on institutions with expertise in peer-reviewed grant-making and research in the area of water quality and/or harmful algal blooms, including but not limited to the New York sea grant at Stony Brook University, the New York water resource institute at Cornell University, the center of excellence in healthy water solutions, the bureau of water supply protection, the New York city department of envi-

ronmental protection, the department of agriculture and markets, community-based nonprofit organizations with missions that specifically involve monitoring, evaluating, mitigating, or preventing harmful algal blooms, and any other institution or organization providing data compiled pursuant to this section, and the contact information, relevant research programs, clinics, labs, and published research of such institutions.

4. Rules and regulations. The commissioner shall, in a manner which is coordinated with and supports efforts by federal, state, municipal, and non-governmental organizations, promulgate rules and regulations to:

a. limit the causes of harmful algal bloom outbreaks; and

b. monitor and mitigate harmful algal bloom outbreaks.

5. Program development. The commissioner shall establish and support new and existing programs and organizations relevant to the health of waters of the state that have not implemented strategies to monitor, evaluate, prevent, or mitigate harmful algal bloom outbreaks.

6. Harmful algal bloom grant program. In addition to the financing to be identified pursuant to subparagraph iv of paragraph b of subdivision three of this section:

a. The commissioner, in consultation with the commissioner of agriculture and markets, the commissioner of health, and the president of the empire state development corporation, shall establish a harmful algal bloom grant program which shall provide funding to municipalities, intermunicipal organizations, community-based nonprofits, or academic institutions for the deployment of harmful algal bloom monitoring, evaluation, prevention, and mitigation strategies and best practices.

b. The program shall require that applicants for the harmful algal bloom grant program conduct and submit a study, as part of their application, assessing the most appropriate mitigation and prevention strategies for relevant waters of the state and best practices therefor, as informed by the harmful algal bloom database created pursuant to subdivision three of this section.

c. In determining which applicants shall be awarded grants pursuant to this subdivision, first preference shall be given to applicants who propose strategies that incorporate principles of least harm and greatest safety to applicators, the public, and the environment, and utilize passive or non-chemical physical controls, including but not limited to:

i. aeration;

ii. hydrological manipulations;

iii. mechanical mixing;

iv. reservoir drawdown or desiccation;

v. surface skimming;

vi. ultrasound; or

vii. other emerging technologies, as approved by the department.

d. In determining which applicants shall be awarded grants pursuant to this subdivision, second preference shall be given to applicants who demonstrate expertise with previous experience treating water bodies in the United States larger than one thousand acres, with proven success using accepted strategies, including but not limited to strategies that:

i. are aimed at reducing cyanotoxins in the water to less than harmful levels;

ii. employ ready-to-use technology that is means tested, reproducible, and generalizable, without limitation of size or shape of the water body;

iii. employ technology which allows for application under emergency situations and within less than ninety-six hours from approval;

iv. utilize products that are modular and can be used as a preventative measure;

v. utilize products that are quick and easy to apply and are generally recognized as safe to the applicator, public, and environment;

vi. utilize products that float on the surface of the water and do not sink immediately to the bottom of the water column;

vii. utilize products that are distributed autonomously across the water body after a localized application;

viii. utilize products with a time-release mechanism that applies constant and prolonged oxidative stress of the cyanobacteria triggered by the programmed cell death signaling cascade, resulting in their collapse; and

ix. utilize products manufactured in the United States.

e. The commissioner shall make monies available from the harmful algal bloom monitoring and prevention fund, as established pursuant to section ninety-nine-ss of the state finance law, within amounts appropriated therefor, pursuant to this section.

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

§ 99-ss. Harmful algal bloom monitoring and prevention fund. 1. There is hereby established in the joint custody of the state comptroller and commissioner of taxation and finance a special fund to be known as the "harmful algal bloom monitoring and prevention fund".

2. Such fund shall consist of all revenues received by the comptroller and all other moneys appropriated, credited, or transferred thereto from the general fund or any other fund or source pursuant to law. Nothing contained in this section shall prevent the state from receiving grants, gifts, or bequests for the purposes of such fund and depositing them into such fund according to law.

3. Moneys shall be paid out of the fund on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of environmental conservation or the commissioner of environmental conservation's designee.

4. Moneys of the fund shall be available to the commissioner of environmental conservation for the harmful algal bloom monitoring and prevention program established pursuant to section 15-0519 of the environmental conservation law.

§ 5. This act shall take effect one year 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 JJJ

Section 1. The environmental conservation law is amended by adding a new section 37-0123 to read as follows:

§ 37-0123. Perfluoroalkyl and polyfluoroalkyl substances removal treatment installation grant program.

1. Definitions. For purposes of this section, "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" shall have the same meaning as in subdivision seven of section 37-0101 of this title.

2. Grant program. The department, within amounts from any source appropriated or otherwise provided for such purpose, shall establish a perfluoroalkyl and polyfluoroalkyl substances removal treatment installation grant program. The department shall provide a one-time grant to

private well users for up to five thousand dollars for the installation of PFAS treatment, or up to ten thousand dollars for a service connection to a public water system.

3. Eligibility. (a) The following persons shall be eligible to apply for such grant program:

(i) owners of a single or multiple-unit residential property; and

(ii) tenants or occupants of a residential property where the owner of such property has not applied for the grant for such property.

(b) Installers of such treatments may apply for such grant on behalf of an eligible applicant, provided there is a waiver of claims between such parties.

(c) An applicant shall not be eligible to apply for such grant program if such applicant has an offer of an alternate water source from a third party, including bottled water, treatment, or service connection.

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) analytical results from a laboratory certified to test for PFAS by the department of health environmental laboratory approval program. Such results must show a PFAS result greater than the maximum contaminant level or other drinking water cleanup standard set for PFAS by the department of health or the United States environmental protection agency;

(ii) an estimate for the cost of treatment installation or service connection; and

(iii) specification sheets for treatment and equipment to be installed, if applicable and available.

(b) Grants awarded pursuant to this section shall be used solely for the purpose of purchasing and installing PFAS treatment equipment.

(c) The commissioner, upon review of an applicant's application, shall determine if such applicant is eligible for a grant pursuant to this section.

5. Public awareness. The department shall publish information about the grant program on the department's website and create public education materials to publicize the grant program and distribute these materials to local governments, community organizations, and other relevant institutions. The department shall also compile and distribute a list of vendors that offer treatment technology or service connection to a public water system for residents of this state, provided that such a list does not imply an endorsement of the vendors by the department.

§ 2. The environmental conservation law is amended by adding a new section 37-0125 to read as follows:

§ 37-0125. Perfluoroalkyl and polyfluoroalkyl substances removal treatment maintenance rebate program.

1. Definitions. For purposes of this section, "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" shall have the same meaning as in subdivision seven of section 37-0101 of this title.

2. Rebate program. The department, within amounts from any source appropriated or otherwise provided for such purpose, shall establish a perfluoroalkyl and polyfluoroalkyl substances removal treatment maintenance rebate program. The department shall provide a rebate for the maintenance of PFAS treatment equipment installed by private well users.

3. Eligibility. The following persons shall be eligible to apply for such rebate program:

(a) owners of a single or multiple-unit residential property where 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

other state of the United States or the District of Columbia, or under an act of the Congress of the United States that both:

i. Does business in this state and is deriving receipts from activity in this state within the meaning of section two hundred nine of the tax law; and

ii. Has total revenues in excess of one billion dollars in the preceding fiscal year, including but not limited to revenues received by all of the business entity's subsidiaries that do business in this state.

b. A foreign entity shall not be considered to be doing business in this state exclusively by reason of carrying on in this state any of the activities enumerated in subsection (b) of section thirteen hundred one of the business corporation law. If a reporting entity is included as a consolidated subsidiary in the consolidated financial statements of an ultimate parent entity, then such ultimate parent entity may be the reporting entity for purposes of this definition. If a subsidiary of a parent company qualifies as a reporting entity for the purposes of this definition, the subsidiary is not required to prepare a separate report so long as the parent company prepares a report.

3. "Scope 1 emissions" means all direct greenhouse gas emissions that stem from sources that a reporting entity owns or directly controls, regardless of location, including, but not limited to, fuel combustion activities.

4. "Scope 2 emissions" means indirect greenhouse gas emissions from consumed electricity, steam, heating, or cooling purchased or acquired by a reporting entity, regardless of location.

5. "Scope 3 emissions" means indirect upstream and downstream greenhouse gas emissions, other than scope 2 emissions, from sources that the reporting entity does not own or directly control and may include, but are not limited to, purchased goods and services, business travel, employee commutes, and processing and use of sold products and services.

6. "Assurance provider" means a firm or entity which carries out an assurance engagement.

7. "Assurance engagement" means an engagement in which an assurance provider expresses an independent opinion on the reports issued under this section, to enhance the degree of confidence of the department, consumers, and investors about the information disclosed by the reporting entity.

§ 74-0102. Climate corporate data accountability act.

1. a. The department shall adopt regulations on or before December thirty-first, two thousand twenty-six to require a reporting entity to annually disclose to the emissions reporting organization, and to obtain an assurance engagement performed by an independent third-party assurance provider on, all of the reporting entity's scope 1 emissions, scope 2 emissions, and scope 3 emissions. The regulations adopted pursuant to this subdivision shall require that:

i. (1) (A) Starting in two thousand twenty-seven on a date to be determined by the department, and annually thereafter, a reporting entity shall publicly disclose to the emissions reporting organization all of the reporting entity's scope 1 emissions and scope 2 emissions for the prior fiscal year.

(B) Starting in two thousand twenty-eight and annually thereafter, a reporting entity shall publicly disclose its scope 3 emissions to the emissions reporting organization for the prior fiscal year on a schedule set by the department pursuant to regulations developed pursuant to this article.

(2) In complying with the requirements of this section, a reporting entity shall measure and report its emissions of greenhouse gases in conformance with the Greenhouse Gas Protocol Corporate Accounting and Reporting Standard and the Greenhouse Gas Protocol Corporate Value Chain (Scope 3) Accounting and Reporting Standard developed by the World Resources Institute and the World Business Council for Sustainable Development, including guidance for scope 3 emissions calculations that detail acceptable use of both primary and secondary data sources, including the use of industry average data, proxy data, and other generic data in its scope 3 emissions calculations.

(3) (A) Starting in two thousand thirty-four, the department may survey and assess currently available greenhouse gas accounting and reporting standards. At the conclusion of this assessment the department may adopt a globally recognized alternative accounting and reporting standard if it determines its use would more effectively further the goals of this section. This review process shall include consultation with the stakeholders identified in paragraph d of this subdivision.

(B) If the department adopts an alternative accounting and reporting standard, the department shall develop and adopt new regulations, pursuant to this paragraph, to ensure full conformance with the new standard and reporting of scopes 1, 2, and 3 emissions and other requirements of this section.

(4) On or before January first, two thousand thirty-one, the department shall review, and update as necessary, the public disclosure deadlines established pursuant to clause one of this subparagraph to evaluate trends in scope 3 emissions reporting and consider changes to the disclosure deadlines to ensure that scope 3 emissions data is disclosed to the emissions reporting organization as close in time as practicable to the deadline for reporting entities to disclose scope 1 emissions and scope 2 emissions data.

(5) The reporting timelines shall take into account the timelines by which reporting entities typically receive scope 1, scope 2, and scope 3 emissions data, as well as the capacity for an independent assurance engagement to be performed by a third-party assurance provider.

ii. A reporting entity's public disclosure shall maximize access for consumers, investors, and other stakeholders to comprehensive and detailed greenhouse gas emissions data across scope 1 emissions, scope 2 emissions and scope 3 emissions, as defined by this section, and be made in a manner that is easily understandable and accessible.

iii. A reporting entity's public disclosure shall include the name of the reporting entity and any fictitious names, trade names, assumed names, subsidiaries and logos used by the reporting entity.

iv. A reporting entity's emissions reporting shall be structured in a way that minimizes duplication of effort and allows a reporting entity to submit to the emissions reporting organization reports prepared to meet other state, national, and international reporting requirements, including any reports required by the federal government or other states or reports voluntarily prepared, including those prepared using the International Financial Reporting Standards Foundation Sustainability Disclosure Standards as issued by the International Sustainability Standards Board, as long as those reports satisfy all of the requirements of this section.

v. A reporting entity's disclosure shall take into account acquisitions, divestments, mergers, and other structural changes that can affect the greenhouse gas emissions reporting, and is disclosed in a manner consistent with the Greenhouse Gas Protocol standards and guid-

ance or an alternative standard, if one is adopted after two thousand thirty-four.

vi. (1) A reporting entity shall obtain an assurance engagement, performed by an independent third-party assurance provider, of their public disclosure. The reporting entity shall ensure that a copy of the complete assurance provider's report on the greenhouse gas emissions inventory, including the name of the third-party assurance provider, is provided to the emissions reporting organization as part of or in connection with the reporting entity's public disclosure.

(2) The assurance engagement for scope 1 emissions and scope 2 emissions shall be performed at a limited assurance level beginning in two thousand twenty-seven and at a reasonable assurance level beginning in two thousand thirty-one.

(3) On or before January first, two thousand twenty-eight, the department shall review and evaluate trends in third-party assurance requirements for scope 3 emissions, and on or before such date, the department may establish an assurance requirement for third-party assurance engagements of scope 3 emissions. If any such requirement is established, the assurance engagement for scope 3 emissions shall be performed at a limited assurance level beginning in two thousand thirty-one.

(4) A third-party assurance provider shall have significant experience in measuring, analyzing, reporting, or attesting to the emission of greenhouse gases and sufficient competence and capabilities necessary to perform engagements in accordance with professional standards and applicable legal and regulatory requirements. The assurance provider shall be able to issue reports that are appropriate under the circumstances and independent with respect to the reporting entity, and any of the reporting entity's affiliates for which it is providing the assurance report. On or before January first, two thousand thirty-one, the department shall review, and update as necessary, the qualifications for third-party assurance providers based on an evaluation of trends in education relating to the emission of greenhouse gases and the qualifications of third-party assurance providers.

(5) The department shall ensure that the assurance process minimizes the need for reporting entities to engage multiple assurance providers and ensures sufficient assurance provider capacity, as well as timely reporting implementation as required under clause one of subparagraph i of this paragraph.

vii. (1) A reporting entity shall pay an annual fee to the department for the administration and implementation of this section.

(2) The department shall set the fee established pursuant to clause one of this subparagraph in an amount sufficient to cover the department's full costs of administrating and implementing this section. The total amount of fees collected shall not exceed the department's actual and reasonable costs to administer and implement this section.

(3) The proceeds of the fees imposed pursuant to clause one of this subparagraph shall be deposited in the climate accountability and emissions disclosure fund established by section ninety-nine-ss of the state finance law.

b. The department shall create or contract with an emissions reporting organization to develop a reporting program to receive and make publicly available disclosures required by this section. Emissions reporting organizations shall not be authorized to provide services to a company where a conflict of interest exists. A conflict of interest shall include:

i. The emissions reporting organization and reporting entity sharing any management staff or board of directors membership, or any of the senior management staff of the reporting entity having been employed by the emissions reporting organization or reporting entity within the previous five years.

ii. Any employee of the emissions reporting organization, or any employee of a related entity, or a subcontractor who is a member of the emissions reporting organization having provided the reporting entity with services related to the areas of emissions reporting organization, or any services designated by the department, within the previous five years.

iii. Any staff member of the emissions reporting organization providing any type of non-monetary incentive to a reporting entity to secure a services contract.

c. The department may adopt or update any other regulations that it deems necessary and appropriate to implement this subdivision.

d. In developing the regulations required pursuant to this subdivision, the department shall consult with all of the following:

i. the attorney general;

ii. other government stakeholders, including, but not limited to, experts in climate science and corporate carbon emissions accounting and reporting;

iii. investors;

iv. stakeholders representing consumer and environmental justice interests; and

v. reporting entities that have demonstrated leadership in full-scope greenhouse gas emissions accounting and public disclosure and greenhouse gas emissions reductions.

e. This section does not require additional reporting of emissions of greenhouse gases beyond the reporting of scope 1 emissions, scope 2 emissions, and scope 3 emissions required pursuant to the Greenhouse Gas Protocol standards and guidance or an alternative standard, if one is adopted after two thousand thirty-four.

2. a. The department shall prepare a report on the public disclosures made by reporting entities to the emissions reporting organization pursuant to subdivision one of this section and the regulations adopted by the department pursuant to such subdivision. In preparing the report, consideration shall be given to, at a minimum, greenhouse gas emissions from reporting entities in the context of state greenhouse gas emissions reduction and climate goals. The department shall issue the report of its findings to the governor, the speaker of the assembly and the temporary president of the senate and shall publish such report on its website.

b. The emissions reporting organization shall make the reporting entities' disclosures publicly available on the digital platform required to be created by the emissions reporting organization pursuant to subdivision four of this section.

3. a. i. The emissions reporting organization, on or before July first, two thousand twenty-seven pursuant to clause one of subparagraph i of paragraph a of subdivision one of this section, shall create a digital platform, which shall be accessible to the public, that will feature the emissions data of reporting entities in conformance with the regulations adopted by the department pursuant to subdivision one of this section and the report prepared for the department pursuant to subdivision two of this section. The emissions reporting organization

shall make the reporting entities' disclosures and the department's report available on the digital platform within ninety days of receipt.

ii. The digital platform shall be capable of featuring individual reporting entity disclosures, and shall allow consumers, investors, and other stakeholders to view reported data elements aggregated in a variety of ways, including multiyear data, in a manner that is easily understandable and accessible to residents of the state. All data sets and customized views shall be available in electronic format for access and use by the public.

b. The emissions reporting organization shall submit, within thirty days of receipt, the report prepared for the department pursuant to this subdivision to the temporary president of the senate, the speaker of the assembly, and the governor.

4. a. The attorney general may bring a civil action against a reporting entity seeking civil penalties of up to one hundred thousand dollars per day for willful failure to comply with the requirements of this section or regulations set forth by the department, including for nonfiling, late filing, or other failure to meet the requirements of this section. The civil penalties imposed on a reporting entity for such violations shall not exceed five hundred thousand dollars in a reporting year. In seeking civil penalties for a violation of this section, the attorney general shall consider all relevant circumstances, including both of the following:

i. the violator's past and present compliance with this section; and

ii. whether the violator took any good faith measures to comply with this section and when those measures were taken.

b. A reporting entity shall not be subject to a civil action under this section for any misstatements with regard to scope 3 emissions disclosures made with a reasonable basis and disclosed in good faith.

c. Penalties assessed on scope 3 reporting, between two thousand twenty-eight and two thousand thirty-one, shall only occur for nonfiling.

5. This section applies to the state university and city university of New York only to the extent that the regents of the state university or city university, by resolution, make any of these provisions applicable to the university.

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

§ 99-ss. Climate accountability and emissions disclosure fund. 1. There is hereby established in the joint custody of the state comptroller and the department of tax and finance a special fund to be known as the "climate accountability and emissions disclosure fund". Moneys in this account shall be kept separate and not commingled with any other moneys in the custody of the comptroller.

2. Such fund shall consist of all revenues received by the department of taxation and finance, pursuant to the provisions of section 74-0102 of the environmental conservation law, the tax law and all other moneys credited or transferred thereto from any other fund or source pursuant to law. Nothing contained in this section shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law. Any interest received by the comptroller on moneys on deposit shall be retained and become part of the fund, unless otherwise directed by law.

§ 4. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or

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

§ 5. 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 LLL

Section 1. The environmental conservation law is amended by adding a new article 78 to read as follows:

ARTICLE 78

SAFE WATER AND INFRASTRUCTURE ACTION PROGRAM

Section 78-0101. Safe water and infrastructure action program.

§ 78-0101. Safe water and infrastructure action program.

1. Notwithstanding any other provisions of this chapter or any other law and subject to an appropriation made therefor and in accordance with the provisions of this section and with the rules and regulations promulgated by the commissioner in connection therewith, on and after the first day of April, two thousand twenty-six, a consolidated local infrastructure program is hereby established for the purpose of making payments toward the replacement and rehabilitation of existing local municipally-owned and funded drinking water, storm water and sanitary sewer systems. For purposes of this section, such program shall apply to any drinking water system, storm water system or sanitary sewer system within the state that is under the maintenance and/or operational jurisdiction of a county, city, town, village or public authority; provided, however, that such system shall not be under the maintenance and/or operational jurisdiction of a private entity; and provided further that no more than ten percent of the moneys paid under the program shall be paid toward replacement and rehabilitation of drinking water, storm water, and sanitary sewer systems under the maintenance and/or operational jurisdiction of any one county, city, town, village, or public authority. The commissioner, in conjunction with the environmental facilities corporation, shall promulgate all necessary rules and regulations to carry out the program so that an equitable distribution of aid shall be made for the general operation and/or general maintenance of any such existing drinking water system, storm water system or sanitary sewer system. Existing water infrastructure includes all the man-made and natural features that move and treat water in terms of drinking water, waste water, and storm water. Monies from this fund may be used for maintenance and repairs of existing water infrastructure as well as new water infrastructure expansion, but only into already developed areas so as not to support sprawl and development of natural areas. Already developed areas are those that are zoned/defined by municipalities as of January first, two thousand twenty-five as commercial and residential use.

2. On or before the twenty-fifth day of April, June, September and November of each state fiscal year commencing with the state fiscal year beginning on April first, two thousand twenty-seven, there shall be distributed and paid to counties, cities, towns, villages and public

authorities an amount equal to the moneys appropriated for the purposes of this section divided by the number of payment dates in that state fiscal year. Such amounts shall be distributed and paid pursuant to subdivision three of this section.

3. Amounts shall be distributed for local drinking water, storm water and sanitary sewer systems based upon a funding formula that the department and the department of health shall create taking into consideration factors including but not limited to: the system's length and width of pipes; other physical assets maintained by the system, including treatment facilities and pumping stations; the age of the system's infrastructure; and relevant socioeconomic factors, including the presence of disadvantaged communities within a system's service area, to achieve an equitable distribution of aid.

4. Monies made available may be used to match other state and federal funds made available for such projects. The remainder of the apportionment may be used for any existing drinking water, storm water or sewer system purchases, including but not limited to, the acquisition of materials for the replacement or rehabilitation.

5. For any city, town, village or public authority which proposes infrastructure consolidation under this section or merges with another municipality, the funds appropriated under this section may fund costs associated with such consolidation.

6. For each fiscal year, starting in two thousand twenty-seven, funds are to be made available to the local infrastructure assistance account of the general fund, and distributed from that account.

7. At the end of each fiscal year, each county, city, town, village and public authority that receives funding pursuant to this section shall submit an annual report to the department detailing how such money was used. The department shall compile all reports and submit them to the comptroller for their review. Once a report is finalized, it shall be made publicly available on the department's website. The department and the comptroller shall reserve the right to conduct sight visits to ensure the money is being used accurately.

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

PART MMM

Section 1. The public service law is amended by adding a new section 24-c to read as follows:

§ 24-c. Utility intervenor reimbursement. 1. As used in this section, the following terms shall have the following meanings:

(a) "Compensation" means payment from the utility intervenor account fund established by section ninety-seven-uuuu of the state finance law, for all or part, as determined by the department, of reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs for preparation and participation in a proceeding.

(b) "Participant" means a group of persons that apply jointly for an award of compensation under this section and who represent the interests of a significant number of residential or small business customers, or a not-for-profit organization in this state authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential or small business utility customers. For purposes of this section, a participant does not include a non-profit organization or other organization whose principal interests are the welfare of a public utility or its investors or employees, or the welfare of one or more

businesses or industries which receive utility service ordinarily and primarily for use in connection with the profit-seeking manufacture, sale, or distribution of goods or services.

(c) "Other reasonable costs" means reasonable out-of-pocket expenses directly incurred by a participant that are directly related to the contentions or recommendations made by the participant that resulted in a substantial contribution.

(d) "Party" means any interested party, respondent public utility, or commission staff in a hearing or proceeding.

(e) "Proceeding" means a complaint, or investigation, rulemaking, or other formal proceeding before the commission, or alternative dispute resolution procedures in lieu of formal proceedings as may be sponsored or endorsed by the commission, provided however such proceedings shall be limited to those arising under and proceeding pursuant to the following articles of this chapter: (1) the regulation of the price of gas and electricity, pursuant to article four of this chapter except those described in subparagraph (ii) of paragraph (c) of subdivision twelve of section sixty-six of this chapter; (2) the regulation of the price of steam, pursuant to article four-A of this chapter; (3) the submetering, remetering or resale of electricity to residential premises, pursuant to sections sixty-five and sixty-six of this chapter, and pursuant to regulations regarding the submetering, remetering, or resale of electricity adopted by the commission; and (4) such sections of this chapter as are applicable to a proceeding in which the commission makes a finding on the record that the public interest requires the reimbursement of utility intervenor fees pursuant to this section.

(f) "Significant financial hardship" means that the participant will be unable to afford, without undue hardship, to pay the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation.

(g) "Small business" means a business with a gross annual revenue of two hundred fifty thousand dollars or less.

(h) "Substantial contribution" means that, in the judgment of the department, the participant's application may substantially assist the commission in making its decision because the decision may adopt in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations that will be presented by the participant.

2. A participant may apply for an award of compensation under this section in a proceeding in which such participant has sought active party status as defined by the department. The department shall determine appropriate procedures for accepting and responding to such applications. At the time of application, such participant shall serve on every party to the proceeding notice of intent to apply for an award of compensation.

An application shall include:

(a) A statement of the nature and extent and the factual and legal basis of the participant's planned participation in the proceeding as far as it is possible to describe such participation with reasonable specificity at the time the application is filed.

(b) At minimum, a reasonably detailed description of anticipated advocates and expert witness fees and other costs of preparation and participation that the participant expects to request as compensation.

(c) If participation or intervention will impose a significant financial hardship and the participant seeks payment in advance to an award of compensation in order to initiate, continue or complete participation

in the hearing or proceeding, such participant must include evidence of such significant financial hardship in its application.

(d) Any other requirements as required by the department.

3. (a) Within thirty days after the filing of an application the department shall issue a decision that determines whether or not the participant may make a substantial contribution to the final decision in the hearing or proceeding. If the department finds that the participant requesting compensation may make a substantial contribution, the department shall describe this substantial contribution and determine the amount of compensation to be paid pursuant to subdivision four of this section.

(b) Notwithstanding subdivision four of this section, if the department finds that the participant has a significant financial hardship, the department shall provide all or part of the compensation to the participant from any funds in the utility intervenor account appropriated for such purpose, or where such funds are insufficient, the department may direct the public utility or utilities subject to the proceeding to pay all or part of the compensation to the department to be provided to the participant prior to the end of the proceeding. In the event that the participant discontinues its participation in the proceeding without the consent of the department, the department shall be entitled to, in whole or in part, recover any payments made to such participant to be refunded to the utility intervenor account or the public utility or utilities that provided such payment.

(c) The computation of compensation pursuant to paragraph (a) of this subdivision shall take into consideration the market rates paid to persons of comparable training and experience who offer similar services. The compensation awarded may not, in any case, exceed the comparable market rate for services paid by the department or the public utility, whichever is greater, to persons of comparable training and experience who are offering similar services.

(d) Any compensation awarded to a participant and not used by such participant shall be returned to the department for refund to the utility intervenor account or the public utility or utilities that provided such payment.

(e) The department shall require that participants seeking payment maintain an itemized record of all expenditures incurred as a result of such proceeding.

(i) The department may use the itemized record of expenses to verify the claim of financial hardship by a participant seeking payment pursuant to paragraph (c) of subdivision two of this section.

(ii) The department may use the record of expenditures in determining, after the completion of a proceeding, if any unused funds remain.

(iii) The department shall preserve the confidentiality of the participant's records in making any audit or determining the availability of funds after the completion of a proceeding.

(f) In the event that the department finds that two or more participants' applications have substantially similar interests, the department may require such participants to apply jointly in order to receive compensation.

4. Any compensation pursuant to this section shall be paid at the conclusion of the proceeding, using funds appropriated to the utility intervenor account for such purpose, or where such funds are not sufficient for such payment, by the public utility or utilities subject to the proceeding within thirty days. Such compensation shall be remitted

to the department which shall then remit such compensation to the participant.

5. The department shall deny any award to any participant who attempts to delay or obstruct the orderly and timely fulfillment of the department's responsibilities.

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

§ 97-uuuu. Utility intervenor account. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a fund to be known as the utility intervenor account.

2. Such account shall consist of any monies appropriated for the purpose of providing compensation pursuant to section twenty-four-c of the public service law, and all utility intervenor reimbursement monies received from utilities pursuant to section twenty-four-c of the public service law.

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

PART NNN

Section 1. Section 15-0601 of the environmental conservation law is amended by adding four new subdivisions 4, 5, 6 and 7 to read as follows:

4. "Resident applicant" shall mean a single or multifamily dwelling.

5. "Commercial applicant" shall mean a commercial business, private school, university, not-for-profit corporation, or other nonprofit organization located within Nassau or Suffolk counties.

6. "Eligible smart irrigation device" shall mean a smart irrigation device that is new, has not been used or previously owned, and is purchased from an in-person or online retailer.

7. "Smart irrigation device" shall mean any device which is intended to be used or is actually used for irrigation and the monitoring of local weather data to automatically alter irrigation schedules based on such data, and shall include such devices as smart irrigation controllers and smart sprinkler systems.

§ 2. The environmental conservation law is amended by adding a new section 15-0609 to read as follows:

§ 15-0609. Smart irrigation device rebate pilot program in Nassau and Suffolk counties.

1. There is hereby created within the department a smart irrigation device rebate pilot program. The legislature finds that the supply of water from Long Island's aquifers is a precious and finite resource that is specifically threatened by saltwater intrusion. Saltwater intrusion affects many communities on Long Island, including the city of Long Beach, which over the past forty-five years at least, has seen the slow yet steady intrusion of such saltwater into the shallower layers of the Lloyd aquifer, which supplies the city's water. It is essential to properly manage the use of water in order to assure that the water supply will be sufficient to meet current and future needs. The irrigation of commercial and residential lawns and gardens places a significant demand on the water supply and conservation efforts are a critically important part of proper management of such water supply. Data provided by the United States Geological Survey indicates that Long Island residents use seventy percent more water than the national average; and, consumption spikes in the peak water pumpage season during the

summer, mainly because of lawn irrigation. Furthermore, in two thousand seventeen, the department required public water suppliers to develop plans to reduce peak season water pumpage by fifteen percent. According to data from a two thousand twenty-three report from the Long Island commission for aquifer protection, increased irrigation control is needed as peak water pumpage in Nassau County was three and one-half percent lower than the average for the previous decade; and, in Suffolk County, water use actually increased. Additionally, smart irrigation systems have a beneficial impact on conserving water and ensure a high level of lawncare beautification by commercial businesses and residents. Therefore, the purpose of the program is to reduce water consumption, properly manage the use of water to meet current and future needs, enhance conservation efforts and increase effective irrigation techniques. The counties of Nassau and Suffolk can benefit from such program.

2. The department shall create a program, subject to appropriation therefore, to award rebates to commercial applicants and resident applicants within Nassau and Suffolk counties for eligible smart irrigation devices in amounts determined by the department. The program shall open for applications on March first, two thousand twenty-six.

3. The department shall determine the maximum rebate allowable for commercial applicants and for resident applicants in accordance with the requirements of this section and rules promulgated by the department, taking into consideration the effectiveness of products at the lowest price point. Rebates shall be allocated to eligible applicants on a first-come, first-served basis, determined by the date the application is received, for systems purchased after the effective date of this section, until the earlier of the expenditure of all appropriated funds or the program end date.

4. The department shall promulgate rules and regulations to implement and administer the provisions of this section no later than January thirty-first, two thousand twenty-six, including rules and regulations relating to the types of smart irrigation devices eligible under this section and rebate amounts for such devices, the forms, procedure and guidelines required to claim a rebate, the required documentation and basis for establishing eligibility for a rebate, the collection of economic impact data from applicants, and any other requirements the department deems necessary. In the course of developing such rules and regulations, the department shall consult with relevant stakeholders, including the Nassau county department of health, the Suffolk county department of health and retailers selling eligible smart irrigation devices. The department shall conduct education and outreach, with informational materials made available in English and at least the three most common non-English languages spoken by individuals with limited-English proficiency in Nassau and Suffolk counties, based on United States census data, as necessary to inform potential applicants and manufacturers and retailers of smart irrigation devices about the smart irrigation equipment rebate pilot program.

5. The department shall determine and publish on its website on an ongoing basis the amount of available funding for rebates remaining in each fiscal year.

6. No later than one year after the program has opened for applications, the department shall issue a report to the temporary president of the senate and the speaker of the assembly detailing the status of the smart irrigation device rebate pilot program in Nassau and Suffolk counties. Such report shall include:

(a) the amount of funding dedicated by the department for the program in the preceding year;

(b) the amount of eligible purchases for which a rebate was awarded;

(c) the amount and geographic distribution of rebates;

(d) recommendations to improve program effectiveness, including whether such eligible smart irrigation devices should become tax exempt to increase uptake by commercial and residential applicants; and

(e) any other information the department deems necessary.

§ 3. This act shall take effect immediately and shall expire and be deemed repealed three years after it shall have become a law.

PART OOO

Section 1. Section 56-0501 of the environmental conservation law is amended by adding a new subdivision 3 to read as follows:

3. Beginning in state fiscal year two thousand twenty-five--two thousand twenty-six, environmental restoration projects may be funded within available appropriations.

§ 2. Subdivision 1 of section 56-0502 of the environmental conservation law is REPEALED.

§ 3. Subdivisions 1-a and 5 of section 56-0502 of the environmental conservation law, subdivision 1-a as added and subdivision 5 as amended by section 2 of part D of chapter 577 of the laws of 2004, are amended and two new subdivisions 1 and 7 are added to read as follows:

1. "Contaminant" shall mean hazardous waste as defined in section 27-1301 of this chapter, petroleum as defined in section one hundred seventy-two of the navigation law, the chemicals identified in paragraph c of subdivision three of section eleven hundred twelve of the public health law whether or not listed pursuant to the authority of the department of health under such section and any other emerging contaminants as defined in section eleven hundred twelve of the public health law, and any other PFAS substances for which a testing method has been recommended, certified, approved or is in use by the federal environmental protection agency, the department of health or the department.

1-a. "Contamination" or "contaminated" shall [~~have the same meaning as provided in section 27-1405 of this chapter~~] mean the presence of a contaminant in any environmental media, including soil, surface water, groundwater, air, or indoor air.

5. "Municipality", for purposes of this title, shall have the same meaning as provided in subdivision fifteen of section 56-0101 of this article, except that such term shall not refer to a municipality that [~~generated, transported, or disposed of, arranged for, or that caused the generation, transportation, or disposal of contamination located at real property proposed to be investigated or to be remediated under an environmental restoration project. For purposes of this title, the term municipality includes a municipality acting in partnership with a community based organization~~], through gross negligence or willful or intentional misconduct, caused or contributed to contamination which threatens public health or the environment, at real property to be investigated or remediated under an environmental restoration project.

7. "PFAS substances" shall mean a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

§ 4. Paragraph (c) of subdivision 2 of section 56-0503 of the environmental conservation law, as amended by section 38 of part BB of chapter 56 of the laws of 2015, is amended to read as follows:

(c) A provision that the municipality shall assist in identifying a responsible party by searching local records, including property tax rolls, or document reviews, and if, in accordance with the required departmental approval of any settlement with a responsible party, any responsible party payments become available to the municipality, before, during or after the completion of an environmental restoration project, which were not included when the state share was calculated pursuant to this section, [~~the state assistance share shall be recalculated, and~~] **the value of such settlement shall be used by the municipality to fund its municipal share, and the state assistance share shall not be recalculated, to the extent that the total of all such settlement amounts is equal to or less than the municipal share. To the extent the total of all such settlement amounts exceeds the municipal share,** the municipality shall pay **such exceedance** to the state, for deposit into the environmental restoration project account of the hazardous waste remedial fund established under section ninety-seven-b of the state finance law[~~, the difference between the original state assistance payment and the recalculated state share. Recalculation of the state share shall be done each time a payment from a responsible party is received by the municipality~~];

§ 5. Paragraphs (a), (d), and (e) of subdivision 1 of section 56-0505 of the environmental conservation law, as amended by section 5 of part D of chapter 1 of the laws of 2003, are amended and a new paragraph (f) is added to read as follows:

(a) the benefit to the environment **and public health** realized by the expeditious remediation of the property proposed to be subject to such project;

(d) real property in a designated brownfield opportunity area pursuant to section nine hundred seventy-r of the general municipal law **or real property in a disadvantaged community pursuant to subdivision five of section 75-0101 of this chapter**; [~~and~~]

(e) the opportunity for other funding sources to be available for the **investigation or** remediation of such property, including, but not limited to, enforcement actions against responsible parties (other than the municipality to which state assistance was provided under this title; or a successor in title, lender, or lessee who was not otherwise a responsible party prior to such municipality taking title to the property), state assistance payments pursuant to title thirteen of article twenty-seven of this chapter, and the existence of private parties willing to remediate such property using private funding sources. Highest priority shall be granted to projects for which other such funding sources are not available[~~.~~]**; and**

(f) for drinking water contamination sites as defined in section 27-1201 of this chapter, any requirements made by the commissioner of health pursuant to section 27-1205 of this chapter, for a municipally owned public water system to take action to reduce exposure to an emerging contaminant or contaminants.

§ 6. Subdivision 2 of section 56-0505 of the environmental conservation law is REPEALED.

§ 7. Subdivisions 3, 4, and 5 of section 56-0505 of the environmental conservation law are renumbered subdivisions 2, 3, and 4 and subdivision 2, as amended by section 5 of part D of chapter 1 of the laws of 2003 and as renumbered by this section, is amended to read as follows:

2. The remediation objective of an environmental restoration remediation project shall meet the same standard for protection of public

health and the environment that applies to remedial actions undertaken pursuant to [~~section~~] sections 27-1313 and 27-1205 of this chapter.

§ 8. Subdivision 3 of section 56-0509 of the environmental conservation law, as amended by section 4 of part D of chapter 577 of the laws of 2004, is amended to read as follows:

3. (a) The state shall indemnify and save harmless any municipality[~~,~~] that completes an environmental restoration remediation project in compliance with the terms and conditions of a state assistance contract or written agreement pursuant to subdivision three of section 56-0503 of this title providing such assistance and any successor in title, lessee, or lender [~~identified in paragraph (a) of subdivision one of this section~~] in the amount of any judgment or settlement, obtained against such municipality, successor in title, lessee, or lender in any court for any common law cause of action arising out of: (i) the presence of any contamination in or on property at anytime before the effective date of a contract entered into pursuant to this title; or (ii) municipal actions related to the implementation of the environmental restoration remediation project.

(b) Such municipality, successor in title, lessee, or lender shall be entitled to representation by the attorney general, unless the attorney general determines, or a court of competent jurisdiction determines, that such representation would constitute a conflict of interest, in which case the attorney general shall certify to the comptroller that such party is entitled to private counsel of its choice, and reasonable attorneys' fees and expenses shall be reimbursed by the state. Any settlement of such an action shall be subject to the approval of the attorney general as to form and amount, and this subdivision shall not apply to any settlement of any such action which has not received such approval.

§ 9. Notwithstanding subdivisions a, b, and c of section 32 of chapter 413 of the laws of 1996, a memorandum of understanding shall not be required to make available twenty million dollars ($20,000,000) from the Clean Water/Clean Air Bond Act of 1996 for state assistance payments to municipalities for environmental remediation in accordance with title 5 of article 56 of the environmental conservation law.

§ 10. This act shall take effect immediately.

PART PPP

Section 1. The public authorities law is amended by adding a new section 1885 to read as follows:

§ 1885. Previously owned zero-emission vehicles rebate program. 1. There is hereby created within the authority a zero-emission vehicles rebate program. The purpose of the program is to reduce greenhouse gas emissions, improve air quality, and reduce noise pollution by promoting the adoption of quieter, zero-emission vehicles.

2. As used in this section:

(a) "Institutional or commercial applicant" shall mean a commercial business, or a state agency, state authority, local authority, town, county, village, school district, private school, university, not-for-profit corporation, or other nonprofit organization.

(b) "Individual applicant" shall mean a person, who is not an institutional or commercial applicant, and who intends to use an eligible zero-emission vehicle for private home use and not for any commercial purposes.

(c) "Zero-emission vehicle" shall have the same meaning as under part two hundred eighteen of title six of the New York codes, rules and regulations.

(d) "Eligible zero-emission vehicle" shall mean a zero-emission vehicle that has been used or previously owned, and is purchased or leased from a storefront or online retailer.

(e) "Local authority" shall have the same meaning as in subdivision two of section two of this chapter.

(f) "State agency" shall mean all state departments, boards, commissions, offices or institutions.

(g) "State authority" shall have the same meaning as in subdivision one of section two of this chapter.

3. The authority shall award rebates to institutional or commercial applicants and individual applicants at the point of sale for eligible zero-emission vehicles in amounts up to two thousand dollars, as determined by the authority.

4. The authority shall determine the rebate eligibility of each applicant in accordance with the requirements of this section and rules promulgated by the authority. The total amount of rebates allocated to certified applicants in each fiscal year shall not exceed the amount of funds available for the program in such fiscal year. Rebates shall be allocated to applicants on a first-come, first-served basis, determined by the date the application is received, until all appropriated funds for the fiscal year are expended or the program ends, whichever comes first.

5. The authority shall promulgate rules and regulations to implement and administer the provisions of this section no later than one year after the effective date of this section, including rules and regulations relating to the forms required to claim a rebate under this section, the required documentation and basis for establishing eligibility for a rebate, procedures and guidelines for claiming a rebate, the collection of economic impact data from applicants, and any other requirements the authority deems necessary. The authority shall conduct education and outreach, with informational materials made available in at least English and the three most common non-English languages spoken by individuals with limited-English proficiency in the state of New York, based on United States census data, as necessary to inform potential applicants and manufacturers and retailers of eligible zero-emission vehicles about the zero-emission vehicles rebate program.

6. The authority shall determine and publish on its website on an ongoing basis the amount of available funding for rebates remaining in each fiscal year.

7. No later than two years after the effective date of this section, and annually thereafter on the first of January, the authority shall issue a report to the temporary president of the senate, the speaker of the assembly, the chair of the senate committee on energy and telecommunications and the chair of the assembly committee on energy detailing the status of the zero-emission vehicles rebate program. Such report shall include:

(a) the amount of funding dedicated by the authority for the program in the preceding year;

(b) the amount of eligible purchases for which a rebate was awarded;

(c) the amount and geographic distribution of rebates; and

(d) any other information the authority deems necessary.

§ 2. This act shall take effect immediately and shall expire and be 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 reconductors" 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

overloaded lines and underutilized corridors within the transmission network.

(e) "Topology optimization" means hardware and/or software technologies that identify reconfigurations of the transmission grid and can enable the routing of power flows around congested or overloaded transmission elements.

(f) "Electric corporation" and "combination electric and gas corporation" shall have the same meaning as in section two of this chapter.

(g) "Transmission" shall have the same meaning as "major electric transmission facility" as defined in section one hundred thirty-seven of this chapter.

2. For proceedings before the commission in which an electric corporation or combination electric and gas corporation proposes capital improvements or additions to the transmission system, the department may authorize such electric corporations or combination electric and gas corporations to conduct a cost-effectiveness analysis of multiple strategies, including, but not limited to, the deployment of grid enhancing technologies, and advanced reconductoring. Where grid enhancing technologies or advanced reconductoring, whether in combination with or instead of other capital investments, offer a more cost-effective strategy to achieve transmission goals, including, but not limited to, distributed energy resource interconnection, the commission may approve the deployment of grid enhancing technologies or advanced reconductoring as part of the overall solutions strategy.

3. As part of a proceeding before the commission in which it proposes capital improvements or additions to the transmission system, an electric corporation or combination electric and gas corporation may propose a performance incentive mechanism that provides a financial incentive for the cost-effective deployment of grid enhancing technologies or advanced reconductoring.

4. The department shall promulgate any rules and/or regulations it deems necessary to implement the provisions of this section.

5. Beginning five years after the effective date of this section, and every five years thereafter, each electric corporation or combination electric and gas corporation shall report to the federally designated bulk system operator, and the commission on or before September first on the deployment of any grid enhancing technologies or advanced reconductoring in a format determined by the department.

§ 2. Section 1005 of the public authorities law is amended by adding a new subdivision 31 to read as follows:

31. For any transmission facility the authority constructs or upgrades in connection with this section the authority may conduct a cost-effectiveness analysis of multiple strategies, including, but not limited to, the deployment of grid enhancing technologies and advanced reconductoring. Where grid enhancing technologies or advanced reconductoring, whether in combination with or instead of other capital investments, offer a more cost-effective strategy to achieve transmission goals, including, but not limited to, distributed energy resource interconnection, the authority, as deemed feasible and advisable by the trustees and with any necessary approval from the public service commission, is authorized to deploy grid enhancing technologies or advanced reconductoring, as part of the overall solutions strategy.

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

PART SSS

Section 1. Paragraphs (a) and (b) of subdivision 2-a of section 314 of the executive law, as amended by chapter 96 of the laws of 2019, subparagraph (i) of paragraph (a) as amended by chapter 669 of the laws of 2022, are amended to read as follows:

(a) The director shall establish a procedure [~~enabling~~] **requiring** the office to accept New York municipal corporation certification verification for minority and women-owned business enterprise applicants in lieu of requiring the applicant to complete the state certification process **separately**. [~~The~~] **Any municipal corporation that chooses to use such procedure shall first enter into a memorandum of understanding regarding acceptance of such municipal corporation certification verification with the office, and the** director shall promulgate rules and regulations to set forth criteria for the acceptance of municipal corporation certification. [~~All eligible municipal corporation certifications~~] **An applicant certified in lieu of completing the state certification process separately pursuant to this section** shall [~~require~~] **meet the definition of a minority-owned** business [~~enterprises seeking certification to meet the following standards:~~

~~(i) have at least fifty-one percent ownership by a minority~~] **enterprise** or a women-owned **business** enterprise [~~and be owned by United States citizens or permanent resident noncitizens;~~

~~(ii) be an enterprise in which the minority and/or women-ownership interest is real, substantial and continuing;~~

~~(iii) be an enterprise in which the minority and/or women-ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise;~~

~~(iv) be an enterprise authorized to do business in this state;~~

~~(v) be subject to a physical site inspection to verify the fifty-one percent ownership requirement;~~

~~(vi) be owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a personal net worth that does not exceed fifteen million dollars and such other amount as the director shall set forth in regulations, as adjusted annually for inflation according to the consumer price index; and~~

~~(vii) be an enterprise that is a small business pursuant to subdivision twenty of~~] **as set forth in** section three hundred ten of this article **in order to receive state certification**.

(b) The director shall work with all municipal corporations that have a municipal minority and women-owned business enterprise program to develop standards to accept state certification to meet the municipal corporation minority and women-owned business enterprise certification standards **whenever a municipal corporation requests assistance. Upon entering into a memorandum of understanding pursuant to paragraph (a) of this subdivision, each municipal corporation that has a municipal minority and women-owned business enterprise program shall establish a procedure requiring such municipality to accept state certification verification for minority and women-owned business enterprise applicants in lieu of requiring applicants to apply to each entity separately. The municipal corporation shall develop rules and regulations in order to accept state certification in situations where an applicant who is certified as a minority or women-owned business enterprise pursuant to the law or rule for such municipal corporation's certification program also meets the definition of a minority-owned business enterprise or women-owned business enterprise as set forth in section three hundred ten of this article**.

§ 2. This act shall take effect on the two hundred seventieth day after it shall have become a law; provided, however, that the amendments to paragraphs (a) and (b) of subdivision 2-a of section 314 of the executive law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART TTT

Section 1. Legislative intent. The legislature finds and declares that:

1. The increasing burden of high utility rates leaves New York residents with extreme financial difficulties. Soaring electricity rates leave one in five New York residents at risk of having their electricity cut off. Meanwhile, the long-term trend of utilities receiving record profits threatens the livelihood of millions of New Yorkers who struggle to afford utility bills.

2. The current process in which the public service commission (hereinafter the "commission") and regulated utilities set rates for utility bills to ratepayers has historically been inaccessible and indecipherable to the public and often runs contrary to the stated goals of the commission to ensure affordable, safe, secure, and reliable utility service for New York residential and business consumers.

3. Regulated utilities are entitled to earn a fair and reasonable rate of return on their capital investments, pursuant to Supreme Court rulings in Federal Power Commission et al. v. Hope Natural Gas Co. (1944) and Bluefield Water Works and Improvement Co. v. Public Service Commission of West Virginia (1923). However, recent trends suggest that the "fair and reasonable" legal standard is not always reflected in actual utility rates for consumers. Aligning the incentives of regulated utilities and ratepayers is essential to protect the interests of all New York residents by establishing a more accurate standard for a regulated utility's right to earn a fair and reasonable rate of return.

§ 2. The public service law is amended by adding a new section 65-c to read as follows:

§ 65-c. Setting a rate of return on equity and common equity ratio. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Regulated utility" means an "electric corporation", "gas corporation", "steam corporation", or "water-works corporation" as defined in section two of this chapter.

(b) "Generic financing methodology" means a standardized procedure for determining the authorized rates of return on equity and common equity ratios of utilities regulated by the commission.

(c) "Authorized common equity ratio" means the authorized percentage of a utility's total capitalization, such as common equity, preferred stock, and long-term debt, that consists of common equity, retained earnings, and capital surplus.

(d) "Actual common equity ratio" means the actual percentage of a utility's total capitalization, such as common equity, preferred stock, and long-term debt, that consists of common equity, retained earnings, and capital surplus.

(e) "Authorized rate of return on equity" also known as return on equity ("ROE") or the cost of equity capital, means the return on the equity portion of the rate base that regulated utilities are authorized to collect in rates.

(f) "Actual rate of return on equity" means a measure of financial performance calculated by dividing net income by shareholders' equity.

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

(h) "Publicly available data" means published data that is openly accessible via the internet, or indirectly accessible through a public library or similar institution.

2. Setting the generic financing methodology; common equity ratio; rate of return on equity. (a) On an annual basis, the commission shall promulgate rules and regulations that:

(i) update the generic financing methodology such that, to the greatest extent possible, all of its calculations are based upon publicly available data;

(ii) set a fair and reasonable authorized common equity ratio for each regulated utility and a single authorized rate of return on equity for all regulated utilities, based on the generic financing methodology; and

(iii) reconcile the prior rate period's authorized rate of return on equity to a calculation of the average monthly rate of return on equity produced by the generic financing methodology for that rate period, such as a "true-up mechanism". In making this determination, the commission shall require that: (A) any revenues derived from an authorized rate of return on equity exceeding the average monthly rate of return on equity be returned to ratepayers in the form of a surcredit to their bills for the following rate period; and (B) any revenues that would have been derived from an average monthly rate of return on equity exceeding the authorized rate of return on equity shall be recovered from ratepayers in the form of a surcharge to their bills for the following rate period.

(b) The promulgated generic financing methodology, authorized common equity ratio, authorized rate of return on equity, and the prior year's average monthly rate of return on equity shall clearly state the methods used to justify and explain its proposed guidance.

(c) The promulgated generic financing methodology, authorized common equity ratio, authorized rate of return on equity, and prior rate period's average monthly rate of return on equity shall be subject to traditional notice and comment procedures, as outlined in the state administrative procedure act, which shall include input from public interest organizations, utility accounting experts, representatives from regulated utilities, and other organizations and interested parties, including residents of this state, as necessary.

(d) The final generic financing methodology, authorized common equity ratio, authorized rate of return on equity, and prior rate period's average monthly rate of return on equity adopted by the commission, following the notice and comment period, shall give preference to the best interest of the ratepayers.

3. Adopting the authorized common equity ratio, authorized rate of return on equity and/or prior rate period's average monthly rate of return on equity. Except as provided in subdivision four of this section, every regulated utility shall:

(a) adopt the authorized common equity ratio based on the generic financing methodology for the following rate period as set specifically for each regulated utility by the commission;

(b) adopt the authorized rate of return on equity based on the generic financing methodology for the following rate period; and

(c) adopt the surcredit/surcharge based on the prior rate period's average monthly rate of return on equity, as outlined in subdivision two of this section, for the following rate period.

4. Rebutting the authorized common equity ratio, rate of return on equity, and prior rate period's average monthly rate of return on equity. (a) The burden of rebutting the authorized common equity ratio, authorized rate of return on equity, and/or prior rate period's average monthly rate of return on equity shall rest exclusively with the regulated utility during a public hearing facilitated by the commission. In order to rebut the authorized common equity ratio and/or authorized rate of return on equity, the regulated utility shall first initiate a request for public hearing through procedures outlined by the commission. Should the commission find a substantial basis for the claims outlined by the regulated utility in its request, it shall publish a set of dates from which a public hearing shall take place.

(b) During the public hearing the regulated utility shall:

(i) present documentary evidence, including but not limited to exhibits, written and oral testimony, and data, describing why the authorized common equity ratio, authorized rate of return on equity, or prior rate period's average monthly rate of return on equity is insufficient to meet its current or future operating and capital needs;

(ii) present documentary evidence, including but not limited to exhibits, written and oral testimony, and data, describing why the authorized common equity ratio, authorized rate of return on equity, or prior rate period's average monthly rate of return on equity does not provide a fair and reasonable return;

(iii) describe with sufficient detail why the authorized common equity ratio, authorized rate of return on equity or prior rate period's average monthly rate of return on equity adopted by the commission is insufficient for the regulated utility to attract capital at reasonable terms; and

(iv) describe with sufficient detail why the authorized common equity ratio, authorized rate of return on equity, or prior rate period's average monthly rate of return on equity is insufficient for the regulated utility to maintain its financial integrity during the rate year.

(c) If the commission determines, by a preponderance of the evidence, after the conclusion of the public hearing, that the regulated utility has sufficiently demonstrated that the authorized common equity ratio, authorized rate of return on equity, or prior rate period's average monthly rate of return on equity is insufficient to meet the regulated utilities' operating needs, capital needs, or both, then the commission and the regulated utility shall then enter into settlement negotiations through adjudication pursuant to the procedures set out under this article.

5. Settlement negotiations following successful rebuttal. All settlement negotiations shall take into consideration the following factors prior to reaching a final authorized common equity ratio, authorized rate of return on equity, or prior rate period's average monthly rate of return on equity:

(a) testimonies and exhibits from expert witnesses, including those from outside public interest organizations;

(b) how the negotiated settlement reduces delivery rates for consumers;

(c) how the negotiated settlement improves equity for, minimizes impacts on, and prioritizes benefits to utility rates for disadvantaged communities as defined in section 75-0101 of the environmental conservation law;

(d) whether the testimony and exhibits of the regulated utility reflect positions that are in the best interest of the public and promote principles of equity for disadvantaged communities;

(e) whether the proposals of the regulated utility would result in the lowest possible delivery cost to the benefit of the rate payer; and

(f) whether the new settlement agreement provides a just and reasonable return for the regulated utility.

6. Reports and legislative hearing on findings between the commission and regulated utilities. (a) Annually, the commission shall submit to the governor and the legislature, a report outlining the findings and determinations of the final authorized common equity ratio, authorized rate of return on equity and/or prior rate period's average monthly rate of return on equity, whether set through the procedures outlined in subdivisions three and four of this section or through negotiated settlements outlined in subdivision five of this section, between a regulated utility and the commission during the previous year.

(b) Such report shall analyze and describe in clear, accessible language how the final authorized common equity ratio, authorized rate of return on equity, and/or prior rate period's average monthly rate of return on equity has changed, reflects new circumstances, or remained the same during the previous year.

(c) Such report shall include all monthly data used for generic financing methodology calculations that is not publicly available data, together with an explanation of why it was necessary to use such non-public data instead of a publicly available data source.

(d) The annual report shall be published online on the commission's website and be made publicly available.

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

PART UUU

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 41 to read as follows:

(41) (A) Every policy which provides medical coverage that includes coverage for physician services in a physician's office and every policy which provides major medical or similar comprehensive-type coverage shall include coverage for inhalers for the treatment of asthma if recommended or prescribed by a physician or other licensed health care provider legally authorized to prescribe under title eight of the education law.

(B) Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy; provided however, the total amount that a covered person is required to pay out of pocket for covered inhalers shall be capped at an amount not to exceed thirty-five dollars per thirty-day supply, regardless of the insured's deductible, copayment, coinsurance or any other cost sharing requirement.

§ 2. Subsection (l) of section 3221 of the insurance law is amended by adding a new paragraph 23 to read as follows:

(23) (A) Every group or blanket accident and health insurance policy issued or issued for delivery in this state which provides medical coverage that includes coverage for physician services in a physician's office and every policy which provides major medical or similar comprehensive-type coverage shall include coverage for inhalers for the treat-

ment of asthma if recommended or prescribed by a physician or other licensed health care provider legally authorized to prescribe under title eight of the education law.

(B) Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy; provided however, the total amount that a covered person is required to pay out of pocket for covered inhalers shall be capped at an amount not to exceed thirty-five dollars per thirty-day supply, regardless of the insured's deductible, copayment, coinsurance or any other cost sharing requirement.

§ 3. Section 4303 of the insurance law is amended by adding a new subsection (ww) to read as follows:

(ww) (1) A medical expense indemnity corporation or a health service corporation which provides medical coverage that includes coverage for physician services in a physician's office and every policy which provides major medical or similar comprehensive-type coverage shall include coverage for inhalers for the treatment of asthma if recommended or prescribed by a physician or other licensed health care provider legally authorized to prescribe under title eight of the education law.

(2) Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy; provided however, the total amount that a covered person is required to pay out of pocket for covered inhalers shall be capped at an amount not to exceed thirty-five dollars per thirty-day supply, regardless of the insured's deductible, copayment, coinsurance or any other cost sharing requirement.

§ 4. This act shall take effect January 1, 2026 and shall apply to all policies and contracts issued, renewed, modified, altered, or amended on or after such date.

PART VVV

Section 1. Section 2878-a of the public authorities law is amended by adding a new subdivision 3 to read as follows:

3. (a) A transportation authority established under this chapter may, by resolution approved by a two-thirds vote of its members then in office, or by a declaration that competitive bidding is impractical or inappropriate with respect to electric-powered omnibuses, rolling stock, vehicles or other related equipment because the item is available through an existing contract between a vendor and (i) another public authority provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts, or (ii) the state of New York, or (iii) a political subdivision of the state of New York, provided that in any case when under this subdivision the authority determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. The authority shall accept sole responsibility for any payment due the vendor as a result of the authority's order. In each case where the authority declares competitive bidding impractical or inappropriate, it shall state the reason therefor in writing and summarize any negotiations that have been conducted. The authority shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the authority declares that competitive bidding is impractical or inappropriate. All procurements approved

pursuant to this subdivision shall be subject to audit and inspection by the department of audit and control or any successor agencies. For purposes of this subdivision, "transportation authority" shall not include transportation authorities governed under titles nine, nine-A and eleven of article five of this chapter or title three of article three of this chapter. For the purposes of this subdivision, "electric-powered omnibuses" shall include any bus owned, leased, rented or otherwise controlled by the authority that otherwise meets the definition of bus provided in section five hundred nine-a of the vehicle and traffic law that is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants.

(b) (i) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized entities shall be preserved and protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (3) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

(ii) At least one year prior to the beginning of the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the authority shall create and implement a workforce development report that (1) forecasts the number of jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the authority by the proposed purchase over a six-year period from the date of the publication of the workforce development report, (2) identifies gaps in skills needed to operate and maintain the new electric-powered omnibuses, rolling stock, vehicles or related equipment, (3) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase, and (4) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase.

(c) Nothing contained herein shall be construed to affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization. Prior to beginning the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall inform the respective collective bargaining agent of any potential jobs that may be affected, altered, or eliminated as a result of the purchase, and it shall be a mandatory subject for collective bargaining.

§ 2. Section 104 of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. (a) Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any chief

executive officer of a political subdivision or agency which operates a public transportation system is authorized to make purchases of electric-powered omnibuses or other related equipment upon a resolution approved by a two-thirds vote of its board then in office because the item is available through an existing contract between a vendor and (i) a public authority of the state provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts, or (ii) the state of New York, or (iii) a political subdivision of the state of New York, provided that in any case when under this subdivision the political subdivision determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. The political subdivision shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the political subdivision declares that competitive bidding is impractical or inappropriate. All purchases shall be subject to audit and inspection by the political subdivision for which made, in addition to the department of audit and control of New York state. For purposes of this subdivision, "political subdivision or agency which operates a public transportation system" shall not include transportation authorities governed under titles nine, nine-A and eleven of article five of the public authorities law or title three of article three of the public authorities law. For the purposes of this subdivision, "electric-powered omnibuses" shall include any bus owned, leased, rented or otherwise controlled by the political subdivision that otherwise meets the definition of bus provided in section five hundred nine-a of the vehicle and traffic law that is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants.

(b) (i) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized entities shall be preserved and protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (3) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

(ii) At least one year prior to the beginning of the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall create and implement a workforce development report that (1) forecasts the number of jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the transit provider by the proposed purchase over a six-year period from the date of the publication of the workforce development report, (2) identifies gaps in skills needed to operate and maintain the new electric-powered omnibuses, rolling stock, vehicles or related equipment,

(3) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase, and (4) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase.

(c) Nothing contained herein shall be construed to affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization. Prior to beginning the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall inform the respective collective bargaining agent of any potential jobs that may be affected, altered, or eliminated as a result of the purchase, and it shall be a mandatory subject for collective bargaining.

§ 3. Section 104 of the general municipal law, as amended by section 27 of part L of chapter 55 of the laws of 2012, is amended to read as follows:

§ 104. Purchase through office of general services. 1. Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any officer, board or agency of a political subdivision, of a district therein, of a fire company or of a voluntary ambulance service is authorized to make purchases of commodities and services available pursuant to section one hundred sixty-three of the state finance law, may make such purchases through the office of general services subject to such rules as may be established from time to time pursuant to section one hundred sixty-three of the state finance law or through the general services administration pursuant to section 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355; provided that any such purchase shall exceed five hundred dollars and that the political subdivision, district, fire company or voluntary ambulance service for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor. All purchases shall be subject to audit and inspection by the political subdivision, district, fire company or voluntary ambulance service for which made. No officer, board or agency of a political subdivision, or a district therein, of a fire company or of a voluntary ambulance service shall make any purchase through such office when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through such office. Two or more fire companies or voluntary ambulance services may join in making purchases pursuant to this section, and for the purposes of this section such groups shall be deemed "fire companies or voluntary ambulance services."

2. (a) Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any chief executive officer of a political subdivision or agency which operates a public transportation system is authorized to make purchases of electric-powered omnibuses or other related equipment upon a resolution approved by a two-thirds vote of its board then in office because the item is available through an existing contract between a vendor and (a) a public authority of the state provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts, or (b) the state of New York, or (c) a political subdivision of the state of New York, provided that in any case when under this subdivision the political subdivision determines that obtaining such item thereby would be in the public

interest and sets forth the reasons for such determination. The political subdivision shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the political subdivision declares that competitive bidding is impractical or inappropriate. All purchases shall be subject to audit and inspection by the political subdivision for which made, in addition to the department of audit and control of New York state. For purposes of this subdivision, "political subdivision or agency which operates a public transportation system" shall not include transportation authorities governed under titles nine, nine-A and eleven of article five of the public authorities law or title three of article three of the public authorities law. For the purposes of this subdivision, "electric-powered omnibuses" shall include any bus owned, leased, rented or otherwise controlled by the political subdivision that otherwise meets the definition of bus provided in section five hundred nine-a of the vehicle and traffic law that is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants.

(b) (i) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized entities shall be preserved and protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (3) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

(ii) At least one year prior to the beginning of the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall create and implement a workforce development report that (1) forecasts the number of jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the transit provider by the proposed purchase over a six-year period from the date of the publication of the workforce development report, (2) identifies gaps in skills needed to operate and maintain the new electric-powered omnibuses, rolling stock, vehicles or related equipment, (3) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase, and (4) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase.

(c) Nothing contained herein shall be construed to affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization. Prior to beginning the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall inform

the respective collective bargaining agent of any potential jobs that may be affected, altered, or eliminated as a result of the purchase, and it shall be a mandatory subject for collective bargaining.

§ 4. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section or part of this act or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect immediately; provided, however, that the amendments to section 104 of the general municipal law made by section two of this act shall be subject to the expiration and reversion of such section pursuant to section 9 of subpart A of part C of chapter 97 of the laws of 2011, as amended, when upon such date the provisions of section three of this act shall take effect.

PART WWW

Section 1. A temporary state commission, to be known as the New York state public bank commission, hereinafter referred to as the commission, is hereby established to hire a consultant to study the feasibility of establishing a bank owned by the state of New York or by a public authority constituted by the state of New York for the public interest.

§ 2. (a) The commission shall consist of thirteen members, to be appointed as follows: (i) six members shall be appointed by the governor, one of whom shall be a representative of the New York state department of financial services, one shall be a representative from the New York state department of taxation and finance, the remaining four governor's appointees shall not be employees of the executive branch and at least one member shall represent the banking and financial industries of the state including, but not limited to, the New York bankers association, at least one member shall represent community banking, and no more than one member may be a representative of any financial services firm located within the state, including, but not limited to, the New York state small business development center;

(ii) three members shall be appointed by the temporary president of the senate, one of whom shall be a member of the senate;

(iii) three members shall be appointed by the speaker of the assembly, one of whom shall be a member of the assembly; and

(iv) the state comptroller or a proxy.

(b) The majority of the members of the entire commission shall designate one of the commissioners to serve as the chair of the commission.

(c) The members of the commission shall be appointed no later than ninety days after the effective date of this act.

(d) The commission is directed to hire a reputable consultant that has the capacity, capability, and experience to conduct a feasibility study to evaluate and make recommendations concerning the formation and control of a state public bank. Consultants that have conducted a previous feasibility study of a public bank at the request of a government entity in the United States will be given preference. Such study shall make recommendations, with the advice of the department of financial

services, including but not limited to, on the feasibility of establishing a state bank in New York and may recommend legislation for the legislature to consider in order to create a state public bank for New York.

§ 3. The scope of such study shall include, but shall not be limited to:

(a) the purposes of such public bank in the public interest;

(b) an analysis of cost savings, impacts on the state's finances, economic development and infrastructure, housing and additional needs of the state, including but not limited to:

(i) appropriate governance structures;

(ii) minimum capitalization requirements;

(iii) appropriate insurance and risk management tools;

(iv) charter requirements;

(v) financial and operations framework;

(vi) deposits;

(vii) permitted activities;

(viii) benefits;

(ix) potential challenges that such public banks may encounter;

(x) how the lack of accessible financial services contributes to the cycle of poverty;

(xi) barriers to small business formation and growth;

(xii) impacts of such public banks on small businesses, including minority- and women-owned business enterprises;

(xiii) impacts of such public banks on the unbanked, the underbanked and banking deserts; and

(xiv) how a state public bank may provide banking to the cannabis industry;

(c) a fiscal analysis of costs associated with formation;

(d) an analysis that considers the effects of an economic recession on the financial results of such public banks;

(e) a legal analysis of whether the proposed structure and operation of such public bank complies with the New York state constitution;

(f) an analysis of how the proposed governance structure of such public bank would protect such public bank from unlawful insider transactions and apparent conflicts of interest;

(g) a fiscal analysis of the benefits associated with the creation of such public bank, including, but not limited to, cost savings, jobs created, jobs retained, economic activity generated and private capital leveraged;

(h) a qualitative assessment of social and environmental benefits of such public bank;

(i) a review of feasibility studies on public banking, including the city of Philadelphia public bank feasibility study and the city of San Francisco public bank feasibility study; and

(j) a review of AB-857 (2019 Cal. Stats. Ch. 442).

§ 4. The sum of five hundred thousand dollars ($500,000), or so much thereof as may be necessary, is hereby appropriated to the department of financial services from any moneys in the state treasury in the general fund to the credit of the state purposes account not otherwise appropriated for the purposes of carrying out the provisions of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the superintendent of financial services, or such superintendent's duly designated representative in the manner provided by law.

§ 5. No earlier than six months and no later than seven months after the effective date of this act, the commission shall submit a report to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate banks committee and the chair of the assembly banks committee on the findings and conclusions of the study conducted pursuant to sections two and three of this act and shall submit any legislative recommendations deemed to be necessary. Such report shall be contemporaneously published on the official website of the department of financial services.

§ 6. This act shall take effect on the thirtieth day after it shall have become a law and shall expire and be deemed repealed one year after such effective date.

PART XXX

Section 1. Subdivision 6 of section 51 of the public authorities law is REPEALED.

§ 2. This act shall take effect immediately.

PART YYY

Section 1. Definitions. For the purposes of this act, the following terms shall have the following meanings:

1. "Harriman campus" means the W. Averell Harriman state office building campus located in Albany, New York.

2. "Wadsworth project" means the project under which 27 acres of the Harriman campus are, at the time of this act's effective date, targeted for development of the department of health's new Wadsworth center public health laboratory.

§ 2. Mixed-use property at Harriman campus. 1. Empire state development in conjunction with the office of general services, shall create a development plan under which 7 acres of the portion of the Harriman campus targeted for the Wadsworth project shall be developed into mixed-use commercial and residential property.

2. Empire state development, in conjunction with the office of general services, shall complete the development plan created under subdivision one of this section, and make such development plan available for public comment, no later than 180 days after the effective date of this act.

§ 3. Redesign of Harriman campus. 1. Empire state development, in conjunction with the office of general services, shall create a master plan for a redesign of the Harriman campus. Such a plan shall include but not be limited to: (a) the identification of sites on the Harriman campus for mixed-use commercial and retail development; (b) the repurposing or redesign of portions of the ring road surrounding the campus; and (c) an analysis of parking needs in surface lots.

2. The master plan created under subdivision one of this section shall prioritize: (a) the identification of opportunities to increase the integration and connectivity of the Harriman campus with surrounding neighborhoods in the city of Albany; (b) the development of workforce and low-to-middle-income housing; and (c) the development of infrastructure needed to further the utilization of multi-modal transportation.

3. Empire state development, in conjunction with the office of general services, shall complete the master plan created under subdivision one of this section and make such master plan available for public comment no later than one year after the effective date of this act.

§ 4. This act shall take effect immediately.

PART ZZZ

Section 1. The insurance law is amended by adding a new section 7013 to read as follows:

§ 7013. Captive insurance program for commuter vans, pre-arranged for-hire vehicles, and accessible vehicles. (a) The superintendent shall utilize and implement a captive insurance program for commuter vans, pre-arranged for-hire vehicles, and accessible vehicles that are engaged in the business of carrying or transporting passengers for hire. The program shall include, but shall not be limited to:

(1) identifying and licensing a captive insurance company or companies to provide necessary insurance coverage to commuter vans, pre-arranged for-hire vehicles, and accessible vehicles;

(2) standards for enrollment of eligible commuter vans, pre-arranged for-hire vehicles, and accessible vehicles including mechanisms for determining eligibility; and

(3) standards for monitoring the performance of such captive insurance company or companies in providing affordable insurance coverage to commuter vans, pre-arranged for-hire vehicles, and accessible vehicles participating in the program pursuant to subsection (c) of this section.

(b) For the purposes of this section, the following terms shall have the following meanings:

(1) "commuter van" shall mean a commuter van service having a seating capacity of nine passengers but not more than twenty-four passengers or such greater capacity as the superintendent may establish by rule and carrying passengers for hire. The term "commuter van" shall include, but not be limited to, shuttles and transportation vans.

(2) "pre-arranged for-hire vehicle" shall mean a motor vehicle that is used in the business of transporting passengers for compensation on a pre-arranged basis, and operated in such business under a license or permit issued by a licensing jurisdiction. Such term shall include, but not be limited to, small school buses pursuant to section one hundred forty-two or sixteen hundred forty-two-a of the vehicle and traffic law. The term "pre-arranged for-hire vehicle" shall apply to vehicles as defined in this paragraph regardless of any other provision of local law or rule defining or describing such vehicles by any other terms such as school bus, charter bus, livery, taxi, black car, or luxury limousine.

(3) "accessible vehicle" shall mean a vehicle that:

(A) complies with the accessibility requirements of the Americans with Disabilities Act of 1990, as amended, and the regulations promulgated thereunder;

(B) is equipped with a lift, ramp or any other device, arrangement or alteration, so it is capable of transporting individuals who use wheel-chairs, scooters, or other mobility aids while they remain seated in their wheelchairs, scooters, or other mobility aids;

(C) is equipped with an assistive listening system for persons with hearing impairments that is connected with any intercom, video or audio system, when such a system is installed or designed and approved to provide service to persons with disabilities;

(D) is equipped with standardized signs printed in: (i) braille; and (ii) large-print text so that such signs are visible to persons with low vision;

(E) provides sufficient floor space to accommodate a service animal;

(F) if powered by a hybrid-electric motor, is equipped with an appro-priate device to enable persons who are blind to hear the approach of

the vehicle as readily as they can hear a conventional gasoline-powered vehicle;

(G) shall include, but not be limited to, "ambulette" which shall have the same meaning set forth in 17 NYCRR Part 720.8 or "paratransit" vehicle which means a special-purpose vehicle, designed and equipped to provide nonemergency transport, that has wheelchair-carrying capacity, stretcher-carrying capacity, or the ability to carry disabled persons as defined in section fifteen-b of the transportation law.

(c) Insurance companies shall maintain requirements, including but not limited to: $500,000 combined single limits (CSL); $50,000 personal injury protection (PIP) (Basic); and $25,000/$50,000 uninsured motorist coverage (UM/UIM). In addition, all no fault insurance related to commuter vans, pre-arranged for-hire vehicles, and accessible vehicles insured in this program will rely on the medical treatment guidelines promulgated in existing workers' compensation law.

§ 2. This act shall take effect immediately.

PART AAAA

Section 1. Short title. This act shall be known and may be cited as the "Farebox Assistance to Relieve Essential Straphangers Act" or the "FARES Act".

§ 2. This act enacts into law major components of legislation necessary to implement the FARES Act. Each component is wholly contained within a Subpart identified as Subparts A through C. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section four of this act sets forth the general effective date of this act.

SUBPART A

Section 1. Legislative findings. The New York state legislature finds that the City of New York's "Fair Fares" program, which provides reduced fares on New York City Transit Authority subways and buses for individuals earning under one hundred twenty percent of the poverty level, is a tool that can help ensure that mass transit remains affordable for all New Yorkers. However, Fair Fares does not currently apply to intracity commuter rail trips taken in the City, and the legislature finds that expanding this discount to include commuter rail could provide significant affordability benefits for New Yorkers below or near the poverty level and improve the quality of life for many outer borough New Yorkers lacking easy access to subways.

§ 2. Section 1266 of the public authorities law is amended by adding a new subdivision 16-a to read as follows:

16-a. (a) Notwithstanding any other provisions of law or the terms of any contract, the authority, in consultation with the city of New York, shall expand the Fair Fares NYC program to permit individuals who are eligible for the program and any individual whose income is two hundred percent of the federal poverty level to receive a fifty percent discount on trips using the Long Island Rail Road or Metro-North Railroad within the city of New York.

(b) For purposes of this subdivision, "Fair Fares NYC program" shall have the same meaning and eligibility standards as set forth in chapter twelve of title sixty-eight of the rules of the city of New York, which provides a fifty percent fare discount for designated transit options.

(c) Additionally, the authority shall consult with the city of New York in conducting a public outreach campaign to increase public awareness and expand usage of the Fair Fares NYC program by eligible individuals.

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

SUBPART B

Section 1. Legislative findings. The New York state legislature finds that the Metropolitan Transportation Authority's "City Ticket" which provides reduced fares on commuter rail trips within New York City, has been incredibly successful in promoting New Yorkers' use of the commuter rail system, and has particularly helped the MTA fill seats during off-peak trips. City Ticket is an important tool for ensuring that mass transit remains affordable for New Yorkers, as well as improving the quality of life for many outer borough New Yorkers lacking easy access to subways. Additional analysis since City Ticket's implementation and expansion has found that providing a weekly ticket option, similar to a previous Atlantic Ticket option, could assist riders with financial planning, ensure greater access to transit, and increase commuter rail ridership.

§ 2. Section 1266 of the public authorities law is amended by adding a new subdivision 16-b to read as follows:

16-b. Notwithstanding any other provisions of law or the terms of any contract, the authority, in consultation with the Long Island Rail Road and Metro-North Railroad and in conjunction with the New York city transit authority, shall offer a weekly and a monthly optional, discounted ticket for Long Island Rail Road and Metro-North Railroad service that is also valid for optional, discounted transfers between the commuter rail services and the city transit authority's subways and buses for trips within the city of New York.

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

SUBPART C

Section 1. Section 1266 of the public authorities law is amended by adding a new subdivision 16-c to read as follows:

16-c. Notwithstanding any other provisions of law or the terms of any contract, the authority, in consultation with the Long Island Rail Road and Metro-North Railroad, shall develop a lower cost, intra-city combination ticket valid for transfers between the Long Island Rail Road and Metro-North Commuter Railroad Company for both peak and off-peak trains.

§ 3. This act shall take effect eighteen months after it shall have become a law.

§ 3. Severability clause. If any clause, sentence, paragraph, subdivision, section, subpart or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, subpart or part thereof directly involved in the contro-

versy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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

PART BBBB

Section 1. Short title. This act shall be known and may be cited as the "Make Transit Affordable Act".

§ 2. Legislative findings and intent. The legislature hereby finds and declares the importance of the New York Metropolitan Transportation Authority (MTA) and affirms the duty of the legislature to ensure that the MTA remains affordable. The MTA provides an essential service: transporting millions of New Yorkers on billions of trips each year to and from places of work, worship, and gathering. For many New Yorkers, however, the cost is prohibitive, especially as inflation climbs and wages remain stagnant. As the MTA begins to implement congestion pricing, it has never been more important to promote public transit as a truly viable alternative to vehicular transport. To that end, the state of New York must fund a second, more expansive fare-free bus pilot program, building on the success of the 2023-2024 pilot program. It is the intent of the legislature to include $45,000,000 in additional appropriations in the SFY26 budget to Make Transit Affordable by providing an expanded, world-class free bus pilot program.

§ 3. The public authorities law is amended by adding a new section 1266-n to read as follows:

§ 1266-n. Fare-free bus pilot program. Subject to appropriation, the authority shall allocate forty-five million dollars in state funds received to expand the fare-free bus pilot program within the city of New York.

1. The fare-free bus pilot program expansion shall last for at least one year.

2. The fare-free bus pilot program expansion shall consist of at least fifteen new fare-free bus routes and shall cost no more than forty-five million dollars in net operating costs. Net operating costs shall be determined by the total costs of implementing the fare-free bus pilot program expansion and shall not accrue to the city of New York.

3. The fare-free bus routes included in the fare-free bus pilot program expansion shall be selected by the authority, and may include either New York City Transit Authority or MTA bus routes, provided that there shall be at least three new fare-free bus routes within each of the following counties: Bronx county, Kings county, New York county, Queens county, Richmond county.

4. The factors considered by the authority in selecting such fare-free bus routes shall include but not be limited to:

(a) addressing service adequacy and equity for low-income and economically disadvantaged communities;

(b) access to employment and commercial activity in areas served by such fare-free routes; and

(c) addressing routes facing high rates of operator assaults.

5. The routes selected shall rank in the top twenty-five percent of ridership for the given borough.

6. Thirty days prior to the implementation of the fare-free bus pilot program expansion, the authority shall provide to the temporary president of the senate and speaker of the assembly, and prominently publish on its website, a report justifying the authority's choice of fare-free bus routes, according to the criteria in subdivision four of this section and any additional criteria specified by the authority.

7. The authority shall report to its board on the fare-free bus pilot program expansion after it has been in effect for three months, six months, and again upon the conclusion of the fare-free bus pilot program expansion. Such reports shall also be prominently published, with copies sent to the governor, temporary president of the senate and speaker of the assembly and shall include, but not be limited to, the following comparative performance metrics:

(a) ridership totals relative to equivalent time periods before the fare-free bus pilot program expansion took effect;

(b) percent of scheduled service delivered;

(c) average end-to-end bus speed changes;

(d) customer journey time performance;

(e) dwell time at bus stops;

(f) the cost to provide such service itemized by route;

(g) scheduled service frequency; and

(h) data on bus operator assaults per fare-free route in comparison with system wide.

8. The authority shall also survey riders on the fare-free routes, by in-person methods at the three-, six- and twelve-month marks on topics including but not limited to:

(a) overall rider satisfaction;

(b) experience of security and safety when riding the fare-free bus;

(c) demographic information including annual income, vehicle access, race and ethnicity, disability status, age, and enrollment status in the fair-fares program; and

(d) open-ended questions such as how fare-free buses at the point of service have impacted the rider.

9. The authority shall implement all-door boarding on all fare-free buses beginning the first day of the fare-free bus pilot program expansion.

10. The authority shall promote the fare-free routes through the following methods at a minimum: signage on buses, signage at bus stops, intersecting subway stops, announcement on the authority "fares & tolls" webpage, digital advertisements on subways, and across MTA social media accounts. Any messaging promoting the fare-free routes shall also include messaging reminding riders that such program is on select routes and that such riders should treat their bus operators with respect and decorum.

11. The authority shall present the fare-free bus pilot program expansion to its board for approval no later than sixty days after the effective date of this section, for implementation no later than ninety days after board adoption.

§ 4. This act shall take effect immediately.

PART CCCC

Section 1. Section 4 of 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, is amended to read as follows:

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

§ 2. Subdivision 2 of section 361 of the economic development law, as added by section 1 of subpart A of part TT of chapter 58 of the laws of 2024, is amended and two new subdivisions 5 and 6 are added to read as follows:

2. Empire AI research institute at the university of Buffalo. A state-owned research and computing facility at the state university of New York at Buffalo shall be established, to be known as the empire AI research institute, to promote responsible research and development to advance the ethical and public interest uses of artificial intelligence technology in the state. The institute shall be operated and managed by the consortium **in a manner consistent with the plan of operation filed pursuant to section three of subpart A of part TT of chapter fifty-eight of the laws of two thousand twenty-four**. Construction of the institute shall be completed by the university at Buffalo, its affiliates or related entities at the direction of the consortium, or the consortium.

5. Policy and procedures. The consortium shall establish and publish the policy and procedures for procurement of any equipment and services related to the institute.

6. Ex-officio members. The chairs of the science and technology committee in the assembly and internet and technology committee in the senate shall serve as ex-officio, non-voting members on the board of the consortium.

§ 3. This act shall take effect immediately.

PART DDDD

Section 1. Subdivisions 1 and 2 of section 27-1003 of the environmental conservation law, as amended by section 2 of part SS of chapter 59 of the laws of 2009, are amended to read as follows:

1. "Beverage" means carbonated soft drinks, **noncarbonated drinks, carbonated fruit beverages,** water, beer, other malt beverages and [~~a~~] wine [~~product~~] **products** as defined in [~~subdivision thirty-six-a of~~] section three of the alcoholic beverage control law. "Malt beverages" means any beverage obtained by the alcoholic fermentation or infusion or decoction of barley, malt, hops, or other wholesome grain or cereal and water including, but not limited to ale, stout or malt liquor. **"Noncarbonated drinks" means any noncarbonated liquid intended for drinking by humans, excluding: cider, mead, spirits, and wine as such terms are defined in section three of the alcoholic beverage control law; beverages with dairy milk as the primary (first) ingredient; plant-based dairy alternatives; drugs regulated under the federal food, drug and cosmetic act; infant formula; meal replacement liquids; syrups; medicinals; tinctures; products that are frozen at the time of sale or intended to be consumed in a frozen state; drink powders; and broths and soups.** "Water" means any beverage identified through the use of letters, words or symbols on its product label as a type of water, including any flavored water or nutritionally enhanced water[~~, provided, however, that "water" does not include any beverage identified as a type of water to which a sugar has been added~~].

2. "Beverage container" means the individual, separate, sealed glass, metal, aluminum, steel or plastic bottle, can or jar used for containing

less than one gallon or 3.78 liters **of liquid** at the time of sale or offer for sale of a beverage intended for use or consumption in this state. Beverage containers sold or offered for sale or distributed aboard aircraft or ships shall be considered as intended for use or consumption outside this state.

§ 2. Subdivision 12 of section 27-1003 of the environmental conservation law, as added by section 3 of part SS of chapter 59 of the laws of 2009, is amended and a new subdivision 14 is added to read as follows:

12. "Reverse vending machine" means an automated device that uses a laser scanner, microprocessor, or other technology to accurately recognize the universal product code (UPC) on containers to determine if the container is redeemable and accumulates information regarding containers redeemed, including the number of such containers redeemed, thereby enabling the reverse vending machine to accept containers from redeemers and to issue **legal tender or** a scrip [~~or~~], receipt**, or other form of credit** for their refund value. **Such definition shall also apply to alternative technology approved by the commissioner pursuant to subparagraph (iii) of paragraph (b) of subdivision one of section 27-1007 of this title. Nothing in this definition shall be construed to relieve a dealer specified in subparagraph (iii) of paragraph (b) of subdivision one of section 27-1007 of this title of the requirement to provide an immediate form of deposit repayment if the reverse vending machine or alternative technology does not provide such.**

14. "Redemption rate" means the percentage of beverage containers sold that are redeemed for the refund value.

§ 3. Paragraphs (a) and (b) of subdivision 1 and subdivisions 3, 6 and 11 of section 27-1007 of the environmental conservation law, paragraph (a) of subdivisions 1 and subdivisions 3, 6 and 11 as added by section 4 of part SS of chapter 59 of the laws of 2009 and paragraph (b) of subdivision 1 as amended by chapter 459 of the laws of 2011, are amended and two new subdivisions 13 and 14 are added to read as follows:

(a) A dealer shall accept at [~~his or her~~] **such dealer's** place of business from a redeemer any empty beverage containers of the design, shape, size, color, composition and brand sold or offered for sale by the dealer, and shall pay to the redeemer the refund value of each such beverage container as established in section 27-1005 of this title. Redemptions of refund value must be in legal tender, or a scrip or receipt from a reverse vending machine, provided that the scrip or receipt can be exchanged for legal tender for a period of not less than sixty days without requiring the purchase of other goods. **In the event such scrip or receipt expires, such scrip or receipt must indicate any expiration date and the dealer must post a conspicuous sign indicating how many days a redeemer has to exchange the scrip or receipt for legal tender. If such notification is not provided, a dealer must redeem the full refund value indicated on any legible scrip or receipt.** The use or presence of a reverse vending machine shall not relieve a dealer of any obligations imposed pursuant to this section. If a dealer utilizes a reverse vending machine to redeem containers, the dealer shall provide redemption of beverage containers when the reverse vending machine is full, broken, under repair or does not accept a type of beverage container sold or offered for sale by such dealer and may not limit the hours or days of redemption except as provided by subdivision three of this section.

(b) Beginning March first, two thousand ten, a dealer whose place of business is part of a chain engaged in the same general field of business which operates ten or more units in this state under common owner-

ship and whose business has at least: (i) forty thousand but less than sixty thousand square feet devoted to the display of merchandise for sale to the public shall install and maintain at least two reverse vending machines at the dealer's place of business; (ii) sixty thousand but less than eighty-five thousand square feet devoted to the display of merchandise for sale to the public shall install and maintain at least three reverse vending machines at the dealer's place of business; or (iii) eighty-five thousand square feet devoted to the display of merchandise for sale to the public shall install and maintain at least four reverse vending machines at the dealer's place of business. The requirements of [~~paragraph (b) of~~] this subdivision to install and maintain reverse vending machines shall not apply to a dealer that: (i) sells only beverage containers of twenty ounces or less where such beverage containers are packaged in quantities fewer than six; (ii) sells beverage containers and devotes no more than five percent of its floor space to the display and sale of consumer commodities, as defined in section two hundred fourteen-h of the agriculture and markets law; or (iii) obtains a waiver from the commissioner authorizing dealers to provide consumers with an alternative technology that: (A) determines if the container is redeemable, (B) provides protections against fraud through a system that validates each container redeemed by reading the universal product code and, except with respect to refillable containers, renders the container unredeemable, (C) accumulates information regarding containers redeemed, and (D) issues legal tender, or a scrip, receipt, or other form of credit for the refund value, that can be exchanged for legal tender for a period of not less than sixty days without requiring the purchase of other goods **and includes any expiration date on the scrip, receipt, or other form of credit**. Notwithstanding the foregoing, if the alternative technology does not allow consumers to immediately obtain the refund value of the redeemed container, a dealer shall be permitted to deploy such alternative technology only if it also offers an alternative that allows consumers to conveniently and immediately obtain such refund value through a reverse vending machine or other alternative method.

3. On or after June first, two thousand nine, a dealer may limit the number of empty beverage containers to be accepted for redemption at the dealer's place of business to no less than seventy-two containers [~~per visit,~~] per redeemer, per day, provided that:

(a) The dealer has a written agreement with a redemption center, be it either at a fixed physical location within the same county and within [~~one-half~~] **one** mile of the dealer's place of business, or a mobile redemption center, operated by a redemption center, that is located within one-quarter mile of the dealer's place of business. The redemption center must have a written agreement with the dealer to accept containers on behalf of the dealer; and the redemption center's hours of operation must cover at least [~~9:00 a.m. through 7:00 p.m.~~] **eight hours** daily or in the case of a mobile redemption center, the hours of operation must cover at least four consecutive hours between 8:00 a.m. and 8:00 p.m. daily. The dealer must post a conspicuous, permanent sign, meeting the size and color specifications set forth in subdivision two of this section, open to public view, identifying the location and hours of operation of the affiliated redemption center or mobile redemption center; and

(b) The dealer provides, at a minimum, a consecutive two hour period between 7:00 a.m. and 7:00 p.m. daily whereby the dealer will accept up to two hundred forty containers, per redeemer, per day, and posts a

conspicuous, permanent sign, meeting the size and color specifications set forth in subdivision two of this section, open to public view, identifying those hours. The dealer may not change the hours of redemption without first posting a thirty day notice; and

(c) The dealer's primary business is the sale of food or beverages for consumption off-premises, and the dealer's place of business is less than ten thousand square feet in size.

6. In addition to the refund value of a beverage container as established by section 27-1005 of this title, a deposit initiator shall pay to any dealer or operator of a redemption center a handling fee of three and one-half cents for each beverage container accepted by the deposit initiator from such dealer or operator of a redemption center. **Beginning July first, two thousand twenty-five, the handling fee shall be four and one-half cents. Beginning July first, two thousand twenty-seven, the handling fee shall be five cents.** Payment of the handling fee shall be as compensation for collecting, sorting and packaging of empty beverage containers for transport back to the deposit initiator or its designee. Payment of the handling fee may not be conditioned on the purchase of any goods or services, nor may such payment be made out of the refund value account established pursuant to section 27-1012 of this title. A distributor who does not initiate deposits on a type of beverage container is considered a dealer only for the purpose of receiving a handling fee from a deposit initiator.

11. Notwithstanding the provisions of subdivision two of section 27-1009 of this title, a deposit initiator or distributor shall accept and redeem beverage containers as provided in this title, if the dealer or operator of a redemption center shall have accepted and paid the refund value of such beverage containers**, subject to the prohibitions set forth in subdivisions nine and ten of this section**.

13. The department and the department of taxation and finance are authorized to audit any reverse vending machine.

14. Notwithstanding any provision of this section to the contrary, a dealer shall not be required to accept from a redeemer any empty beverage container at a farmers' market as such term is defined by the department of agriculture and markets.

§ 4. Section 27-1009 of the environmental conservation law, as amended by section 4 of part F of chapter 58 of the laws of 2013, is amended to read as follows:

§ 27-1009. Refusal of acceptance.

1. **a.** A dealer or operator of a redemption center may refuse to accept from a redeemer, and a deposit initiator or distributor may refuse to accept from a dealer or operator of a redemption center any empty beverage container which does not state thereon a refund value as established by section 27-1005 and provided by section 27-1011 of this title.

b. Any person who accepts any such container for redemption shall not be entitled to payment of any handling fee or refund value on such container.

c. Nothing in this subdivision shall prohibit any such person, at such person's option, from accepting such a container for recycling or disposal.

2. **a.** A dealer or operator of a redemption center **and a deposit initiator or distributor** may also refuse to accept any broken bottle, corroded, crushed or dismembered container, or any beverage container which contains a significant amount of foreign material, as determined in rules and regulations to be promulgated by the commissioner**, other than non-corroded containers compacted by a reverse vending machine, as**

determined in rules and regulations to be promulgated by the commissioner.

b. Any person who accepts any such container for redemption shall not be entitled to payment of any handling fee or refund value on such container.

c. Nothing in this subdivision shall prohibit any such person, at such person's option, from accepting such a container for recycling or disposal.

3. A dealer or operator of a redemption center and a deposit initiator or distributor shall refuse to accept for refund an empty beverage container that the dealer, redemption center, deposit initiator, or distributor knows was purchased outside of the state.

§ 5. Paragraphs a and c of subdivision 4 of section 27-1012 of the environmental conservation law, as added by section 8 of part SS of chapter 59 of the laws of 2009, are amended to read as follows:

a. Quarterly payments.

(i) An amount equal to [~~eighty~~] sixty percent of the balance outstanding in the refund value account at the close of each quarter shall be paid to the commissioner of taxation and finance at the time the report provided for in subdivision three of this section is required to be filed. The commissioner of taxation and finance may require that the payments be made electronically. The remaining [~~twenty~~] forty percent of the balance outstanding at the close of each quarter shall be the monies of the deposit initiator and may be withdrawn from such account by the deposit initiator.

(ii) Notwithstanding subparagraph (i) of this paragraph, a deposit initiator who demonstrates to the satisfaction of the commissioner that at least seventy-five percent of deposits it initiates are redeemed shall pay an amount equal to fifty-five percent of the balance outstanding in the refund value account specifically attributable to refillable beverage containers at the close of each quarter to the commissioner of taxation and finance at the time the report provided for in subdivision three of this section is required to be filed.

(iii) If the provisions of this section with respect to such account have not been fully complied with, each deposit initiator shall pay to such commissioner at such time, in lieu of the amount described in the preceding sentence, an amount equal to the balance which would have been outstanding on such date had such provisions been fully complied with. The commissioner of taxation and finance may require that the payments be made electronically.

c. Final report. A deposit initiator who ceases to do business in this state as a deposit initiator shall file a final report and remit payment of [~~eighty~~] sixty percent of all amounts remaining in the refund value account as of the close of the deposit initiator's last day of business. The commissioner of taxation and finance may require that the payments be made electronically. The deposit initiator shall indicate on the report that it is a "final report". The final report is due to be filed with payment twenty days after the close of the quarterly period in which the deposit initiator ceases to do business. In the event the deposit initiator pays out more in refund values than it collects in such final quarterly period, the deposit initiator may apply to the commissioner of taxation and finance for a refund of the amount of such excess payment of refund values from sources other than the refund value account, in the manner as provided by the commissioner of taxation and finance.

§ 6. Subdivision 5 of section 27-1012 of the environmental conservation law, as amended by section 2 of part JJ of chapter 58 of the laws of 2017, is amended to read as follows:

5. All moneys collected or received by the department of taxation and finance pursuant to this title shall be deposited to the credit of the comptroller with such responsible banks, banking houses or trust companies as may be designated by the comptroller. Such deposits shall be kept separate and apart from all other moneys in the possession of the comptroller. The comptroller shall require adequate security from all such depositories. Of the total revenue collected, the comptroller shall retain the amount determined by the commissioner of taxation and finance to be necessary for refunds out of which the comptroller must pay any refunds to which a deposit initiator may be entitled. **Of the revenue remaining following payments of any refunds, the comptroller shall annually, through the state fiscal year ending March thirty-first, two thousand twenty-nine, retain an amount equal to three million dollars for the beverage container assistance program established pursuant to section 27-1018 of this title.** After reserving the amount to pay refunds, the comptroller must, by the tenth day of each month, pay into the state treasury to the credit of the general fund the revenue deposited under this subdivision during the preceding calendar month and remaining to the comptroller's credit on the last day of that preceding month; provided, however, that, beginning April first, two thousand thirteen, nineteen million dollars, and all fiscal years thereafter, twenty-three million dollars plus all funds received from the payments due each fiscal year pursuant to subdivision four of this section in excess of the greater of the amount received from April first, two thousand twelve through March thirty-first, two thousand thirteen or one hundred twenty-two million two hundred thousand dollars, shall be deposited to the credit of the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

§ 7. Section 27-1012 of the environmental conservation law is amended by adding a new subdivision 13 to read as follows:

13. Annually the department, in consultation with the department of taxation and finance, shall use available information to produce an annual report at a minimum containing information on: redemption rates; container material types by percent usage; refillable container usage; fraud and enforcement actions; an analysis of the handling fee and consumer price index; the financial health of redemption centers in the state, including an analysis of regional variation; and an analysis of redemption rates and relevant incentive structures for deposit initiators, dealers, redeemers, redemption centers, and distributors. Such report shall be provided to the legislature and posted publicly on the department's website.

§ 8. Paragraph a of subdivision 7 of section 27-1012 of the environmental conservation law, as amended by section 8 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

a. Any person who is a deposit initiator under this title before April first, two thousand nine, must apply by June first, two thousand nine to the commissioner of taxation and finance for registration as a deposit initiator. Any person who becomes a deposit initiator on or after April first, two thousand nine shall apply for registration prior to collecting any deposits as such a deposit initiator. Such application shall be in a form prescribed by the commissioner of taxation and finance and shall require such information deemed to be necessary for proper administration of this title. The commissioner of taxation and finance may

require that applications for registration must be submitted electronically. The commissioner of taxation and finance shall electronically issue a deposit initiator registration certificate in a form prescribed by the commissioner of taxation and finance within fifteen days of receipt of such application or may take an additional ten days if the commissioner of taxation and finance deems it necessary to consult with the commissioner before issuing such registration certificate. A registration certificate issued pursuant to this subdivision may be issued for a specified term of not less than three years and shall be subject to renewal in accordance with procedures specified by the commissioner of taxation and finance. The commissioner of taxation and finance shall furnish to the commissioner a complete list of registered deposit initiators and shall continually update such list as warranted. The commissioner shall share any information with the commissioner of taxation and finance that is necessary for the administration of this subdivision. **The commissioner shall publish on its website and annually update the list of registered deposit initiators and their covered products, and a list of registered redemption centers and the total combined number of redeemed containers handled by all such redemption centers in the prior year on the department's website.**

§ 9. Section 27-1013 of the environmental conservation law, as amended by section 7 of part F of chapter 58 of the laws of 2013, is amended to read as follows:

§ 27-1013. Redemption centers.

1. **(a)(i) As of the effective date of the chapter of the laws of two thousand twenty-five that amended this section and subject to applicable provisions of local and state law, any person, firm or corporation which establishes a redemption center shall submit an application to the commissioner for registration as a condition of operation.**

(ii) Any redemption center in business on or before April first, two thousand twenty-five may continue to operate as if the department had issued such redemption center a registration required by regulations adopted under this section; provided, however, that such redemption center shall submit a renewal application to the commissioner in accordance with applicable regulations by April first, two thousand twenty-six.

(iii) An application for registration or renewal shall be in a form prescribed by the commissioner and shall, at a minimum, require the name and physical address of the redemption center, the name, address and contact information of the owner and/or operator of the redemption center, the names and addresses of each dealer or distributor with which the redemption center has contracted to collect, sort and obtain the refund value and handling fee of empty beverage containers, as applicable, the number of beverage containers redeemed by the redemption center during the preceding twelve months, as applicable, and such other information as the commissioner deems necessary for proper administration of this title. The commissioner shall issue a redemption center registration certificate or renewal certificate in a form prescribed by the commissioner within thirty days of receipt of such application. A registration certificate or renewal certificate issued pursuant to this subdivision shall be subject to renewal every three years in accordance with procedures specified by the commissioner.

(iv) Any redemption center that ceases operations shall notify the commissioner of such cessation in writing within thirty days in a form prescribed by the commissioner.

(b) The commissioner shall issue a registration or renewal within thirty days of the submission of an application by a person, firm or corporation which establishes a redemption center in accordance with the provisions of this section, subject to applicable provisions of local and state laws. An application for registration or renewal shall be deemed approved if the department fails to act on such application within thirty days of submission. Registrations and renewals shall be issued at no cost to the applicant.

(c) After due notice and an opportunity to be heard, the department may deny an application for registration or renewal 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 an applicant, results from audits, good faith efforts of an applicant to comply, any economic benefit from noncompliance, and whether any 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.

(d) Any person, firm or corporation required to be registered under this section which, without being registered, redeems beverage containers in this state, shall not be eligible to receive a handling fee for any such redeemed beverage containers, and if such person, firm or corporation has received a handling fee after the effective date of this paragraph, it shall be promptly refunded to the distributor or deposit initiator which paid such handling fee.

2. The commissioner is hereby empowered to promulgate rules and regulations governing:

(a) the circumstances in which deposit initiators, dealers and distributors, individually or collectively, are required to accept the return of empty beverage containers, including beverage containers processed through reverse vending machines and make payment therefor;

(b) the sorting of the containers which a deposit initiator or distributor may require of dealers and redemption centers;

(c) the collection of returned beverage containers by deposit initiators or distributors, including the party to whom such expense is to be charged, the frequency of such pick ups and the payment for refunds and handling fees thereon;

(d) the right of dealers to restrict or limit the number of containers redeemed, the rules for redemption at the dealers' place of business, and the redemption of containers from a beverage for which sales have been discontinued;

(e) [~~to issue~~] registrations and renewals issued to persons, firms or corporations which establish redemption centers, subject to applicable provisions of local and state laws, [~~at which redeemers and dealers may return empty beverage containers and receive payment of the refund value of such beverage containers. Such registrations shall be issued at no cost. Should the department require by regulations adopted pursuant to this paragraph that redemption centers must obtain a registration as a condition of operation, any redemption center in business as of March first, two thousand thirteen that previously provided the department with the notification information required by regulations in effect as of such date may continue to operate as if the department had issued such redemption center a registration required by regulations adopted under this paragraph; provided, however, that such redemption center shall provide the department with any other information required by regulations adopted pursuant to this paragraph. The department may, 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

at one time to such dealer or redemption center to provide: such person's name and address [and]; the license plate of the vehicle used to transport the containers, or, in the case of an agent or employee of a not-for-profit corporation, a sales tax exemption certificate; and a certification that to the best of such person's knowledge the containers were originally sold as filled beverage containers in this state and were not previously redeemed. After complying at least once with these requirements, a person need not comply at each subsequent tender to a dealer or redemption center for redemption of more than two thousand five hundred containers if: all such containers were collected at one location in this state; all proceeds of the refund value benefit a nonprofit organization that has been determined by the United States Internal Revenue Service to be exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c)(3); and the person tendering the containers for redemption signs a declaration indicating the person's name, the address of the collection point and the name of the organization or organizations that will receive the refund value. The dealer or redemption center redeeming the beverage containers shall keep [the] such information on file for a minimum of twelve months and provide [same] such information to the department upon request.

§ 10. Section 27-1014 of the environmental conservation law, as amended by section 10 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

§ 27-1014. Authority to promulgate rules and regulations.

In addition to the authority of the commissioner[,] under sections 27-1007, 27-1009 [and], 27-1011, 27-1012, 27-1013, and 27-1018 of this title, the commissioner shall have the power to promulgate rules and regulations necessary and appropriate for the administration of this title.

§ 11. Section 27-1018 of the environmental conservation law, as added by section 13 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

§ 27-1018. Beverage container assistance program.

1. Notwithstanding any other provision of law to the contrary, within the amounts retained by the comptroller for use under the beverage container assistance program pursuant to subdivision five of section 27-1012 of this title, and within the limits of appropriations therefor, the commissioner shall make state assistance payments to [municipalities,] qualifying small businesses and not-for-profit organizations located in the state, upon application, for (a) the cost and installation of reverse vending machines located or to be located in the state [. Such state assistance payments shall not exceed fifty percent of the costs of equipment, and/or the acquisition and/or rehabilitation of real property or structures located or to be located in the state related to the collecting, sorting, and packaging of empty beverage containers subject to the provisions of this title. Such payments may include costs related to the establishment of redemption centers, including mobile redemption centers], and (b) support for redemption centers that operate independently from dealers, which support may take the form of a supplemental handling fee of no more than one additional cent per container redeemed.

2. The department may develop policies and procedures for the evaluation of redemption center eligibility and support. Preference shall be given to redemption centers that do not own, lease, or utilize any reverse vending machines, redemption centers demonstrating significant financial distress, redemption centers that redeem a small number of

containers relative to other redemption centers, and not-for-profit organizations and qualified small businesses that do not have a redemption center within one mile.

3. Up to five percent of funds available under the beverage container assistance program may be used for the department's administrative costs to administer the program under this section, provided that any such funds which are unused at the end of each fiscal year shall be made available for program assistance in the following fiscal year. Any such unused funds remaining upon the termination of the program shall be deposited in the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

4. For the purposes of this section, [~~municipalities and~~] not-for-profit organizations shall have the meaning as defined in section 54-0101 of this chapter and qualified small businesses shall mean a dealer[~~, distributor~~] or redemption center as defined in this title that employs less than fifty employees.

§ 12. Section 27-1018 of the environmental conservation law is REPEALED.

§ 13. The multi-agency bottle bill fraud investigation team, led by the department of environmental conservation and first announced on October 23, 2023, shall submit a report to the governor, the temporary president of the senate, and the speaker of the assembly no later than one year after the effective date of this act. Such report shall include, but not be limited to, any findings of pervasive beverage container redemption fraud in New York state, and any recommendations for legislative action in response to such fraud.

§ 14. This act shall take effect immediately; provided, however, that sections two, three, four, five, six, seven, eight, nine, ten and eleven of this act shall take effect July 1, 2025; provided further, however, that section one of this act shall take effect July 1, 2027; and provided, further, that section twelve of this act shall take effect January 1, 2039, with any remaining funds transferred to the environmental protection fund established pursuant to section 92-s of the state finance 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 EEEE

Section 1. Section 88 of the highway law is amended by adding a new subdivision 12-a to read as follows:

12-a. (a) The commissioner shall develop and implement, upon federal approval if necessary, an official business directional sign program to provide directional information regarding the presence of publicly available zero-emission vehicle charging and refueling stations. Such program may be incorporated into the official business directional sign program implemented by the commissioner pursuant to subdivision twelve of this section. The official business zero-emission vehicle station directional sign program guidelines shall include the installation and maintenance of signage designating where publicly accessible zero-emission vehicle charging and refueling stations are located within three miles of a roadway exit or off-ramp in accordance with the manual on uniform traffic control devices.

(b) The official business zero-emission vehicle station directional sign program shall be integrated with, but not limited by, information

centers provided for in subdivision ten of this section to maximize the information made available in the specific interest of the traveling public.

(c) The installation of zero-emission vehicle charging and refueling station signage shall only occur during the regular course of maintenance for existing signage. The commissioner shall seek to speed federal approval of the official business zero-emission vehicle directional sign program if such approval is necessary.

(d) For purposes of this section "zero-emission vehicle" shall mean a motor vehicle that is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants.

§ 1-a. The public authorities law is amended by adding a new section 359-b to read as follows:

§ 359-b. Publicly available zero-emission vehicle charging and refueling station signage. 1. Upon board approval, the executive director of the authority shall develop and implement, upon federal approval if necessary, an official business directional sign program to provide directional information regarding the presence of publicly available zero-emission vehicle charging and refueling stations. Such program may be incorporated into relevant business directional sign programs already maintained by the authority as appropriate. The official business zero-emission vehicle station directional sign program guidelines shall include the installation and maintenance of signage designating where publicly accessible zero-emission vehicle charging and refueling stations are located within ten miles of a roadway exit or off-ramp in accordance with the manual on uniform traffic control devices.

2. The official business zero-emission vehicle station directional sign program may be integrated with, but not limited by, tourist information facilities to maximize the information made available in the specific interest of the traveling public.

3. The installation of zero-emission vehicle charging and refueling station signage shall only occur during the regular course of maintenance for existing signage. The executive director shall seek to expedite federal approval of the official business zero-emission vehicle directional sign program if such approval is necessary.

4. For purposes of this section "zero-emission vehicle" shall mean a motor vehicle that is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law and apply to signage installed or maintained by the department of transportation on or after such effective date.

PART FFFF

Section 1. Subparagraph (i) of paragraph (a) of subdivision 4 of section 502 of the vehicle and traffic law, as amended by chapter 379 of the laws of 2022, is amended to read as follows:

(i) Upon submission of an application for a driver's license, the applicant shall be required to take and pass a test, or submit evidence of passage of a test, with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated, under the overpowering influence of "Road Rage", "Work Zone Safety" awareness, "Motorcycle Safety" awareness and "Pedestrian and Bicyclist Safety" awareness as defined by the commissioner, "School Bus Safety" awareness, the law relating to exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle or hazard vehicle pursuant to section eleven hundred forty-four-a of this chapter, the ability to read and comprehend traffic signs and symbols**, the responsibilities of a driver when stopped by a law enforcement officer** and such other matters as the commissioner may prescribe, and to satisfactorily complete a course prescribed by the commissioner of not less than four hours and not more than five hours, consisting of classroom driver training and highway safety instruction or the equivalent thereof. Such test shall include at least seven written questions concerning the effects of consumption of alcohol or drugs on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from violations of section eleven hundred ninety-two of this chapter, prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs. Such test shall include one or more written questions concerning the devastating effects of "Road Rage" on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from assaulting, threatening or interfering with the lawful conduct of another person legally using the roadway. Such test shall include one or more questions concerning the potential dangers to persons and equipment resulting from the unsafe operation of a motor vehicle in a work zone. Such test may include one or more questions concerning motorcycle safety. Such test may include one or more questions concerning the law for exercising due care to avoid colliding with a parked, stopped or standing vehicle pursuant to section eleven hundred forty-four-a of this chapter. Such test may include one or more questions concerning school bus safety. **Such test shall include one or more questions concerning the responsibilities of a driver when stopped by a law enforcement officer.** Such test may include one or more questions concerning pedestrian and bicyclist safety. Such test shall be administered by the commissioner. The commissioner shall cause the applicant to take a vision test and a test for color blindness. Upon passage of the vision test, the application may be accepted and the application fee shall be payable.

§ 2. Paragraph (b) of subdivision 4 of section 502 of the vehicle and traffic law, as amended by chapter 379 of the laws of 2022, is amended to read as follows:

(b) Upon successful completion of the requirements set forth in paragraph (a) of this subdivision which shall include an alcohol and drug education component as described in paragraph (c) of this subdivision, a "Road Rage" awareness component as described in paragraph (c-1) of this subdivision, a "Work Zone Safety" awareness component as described in paragraph (c-2) of this subdivision, a "Motorcycle Safety" awareness component as described in paragraph (c-3) of this subdivision, a "School Bus Safety" awareness component as described in paragraph (c-4) of this subdivision, [~~and~~] a "Pedestrian and Bicyclist Safety" awareness component as described in paragraph (c-5) of this subdivision, **and a traffic stop instruction component as described in paragraph (c-6) of this subdivision,** the commissioner shall cause the applicant to take a road

test in a representative vehicle of a type prescribed by the commissioner which shall be appropriate to the type of license for which application is made, except that the commissioner may waive the road test requirements for certain classes of applicants. Provided, however, that the term "representative vehicle" shall not include a three-wheeled motor vehicle that has two wheels situated in the front and one wheel in the rear, has a steering mechanism and seating which does not require the operator to straddle or sit astride, is equipped with safety belts for all occupants and is manufactured to comply with federal motor vehicle safety standards for motorcycles including, but not limited to, 49 C.F.R. part 571. The commissioner shall have the power to establish a program to allow persons other than employees of the department to conduct road tests in representative vehicles when such tests are required for applicants to obtain a class A, B or C license. If [~~she~~] **the commissioner** chooses to do so, [~~she~~] **they** shall set forth [~~her~~] **their** reasons in writing and conduct a public hearing on the matter. [~~She~~] **The commissioner** shall only establish such a program after holding the public hearing.

§ 3. Subdivision 4 of section 502 of the vehicle and traffic law is amended by adding a new paragraph (c-6) to read as follows:

(c-6) Traffic stop instruction component. (i) The commissioner shall provide in the pre-licensing course, set forth in paragraph (b) of this subdivision, a mandatory component in traffic stop instruction as a prerequisite for obtaining a license to operate a motor vehicle. The purpose of this component is to educate prospective licensees on their responsibilities when stopped by a law enforcement officer.

(ii) The commissioner shall establish a curriculum for the traffic stop instruction component which shall include but not be limited to: instruction describing appropriate actions to be taken by drivers during traffic stops and appropriate interactions with law enforcement officers who initiate traffic stops. The curriculum shall also explain a driver's responsibilities when stopped by a law enforcement officer, including moving the vehicle onto the shoulder of the highway or, where the highway has no shoulder, an area adjacent to the highway where the vehicle can safely be stopped during a traffic stop; turning off the motor vehicle's engine and radio; avoiding sudden movements and keeping the driver's hands in plain view of the officer. The commissioner is authorized to collaborate with the division of state police and non-profit organizations focusing on defending or promoting civil liberties and any other agencies or organizations they deem necessary in establishing the curriculum.

§ 4. Paragraph 1 of subsection (a) of section 2336 of the insurance law, as amended by section 3 of chapter 4 of the laws of 2021, is amended to read as follows:

(1) Any schedule of rates or rating plan for motor vehicle liability and collision insurance submitted to the superintendent shall provide for an actuarially appropriate reduction in premium charges for any insured for a three year period after successfully completing a motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, provided that, except as provided in article twelve-C of the vehicle and traffic law, there shall be no reduction in premiums for a self-instruction defensive driving course or a course that does not provide for actual classroom instruction for a minimum number of hours as determined by the depart-

ment of motor vehicles. Such reduction in premium charges shall be subsequently modified to the extent appropriate, based upon analysis of loss experience statistics and other relevant factors. All such accident prevention courses shall be monitored by the department of motor vehicles and shall include components of instruction in "Road Rage" awareness [~~and~~] in "Work Zone Safety" awareness**, and in traffic stops** as defined by the commissioner of motor vehicles. The provisions of this section shall not apply to attendance at a program pursuant to article twenty-one of the vehicle and traffic law as a result of any traffic infraction.

§ 5. Paragraph 1 of subsection (a) of section 2336 of the insurance law, as amended by section 4 of chapter 4 of the laws of 2021, is amended to read as follows:

(1) Any schedule of rates or rating plan for motor vehicle liability and collision insurance submitted to the superintendent shall provide for an actuarially appropriate reduction in premium charges for any insured for a three year period after successfully completing a motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, provided that in either event there shall be no reduction in premiums for a self-instruction defensive driving course or a course that does not provide for actual classroom instruction for a minimum number of hours as determined by the department of motor vehicles. Such reduction in premium charges shall be subsequently modified to the extent appropriate, based upon analysis of loss experience statistics and other relevant factors. All such accident prevention courses shall be monitored by the department of motor vehicles and shall include components of instruction in "Road Rage" awareness [~~and~~]**,** in "Work Zone Safety" awareness **and in traffic stops** as defined by the commissioner of motor vehicles. The provisions of this section shall not apply to attendance at a program pursuant to article twenty-one of the vehicle and traffic law as a result of any traffic infraction.

§ 6. This act shall take effect one year after it shall have become a law; provided that the amendments to subsection (a) of section 2336 of the insurance law made by section four of this act shall be subject to the expiration and reversion of such subsection pursuant to section 5 of chapter 751 of the laws of 2005, as amended, when upon such date the provisions of section five of this act shall take effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART GGGG

Section 1. Short title. This act shall be known and may be cited as the "just energy transition act".

§ 2. Legislative findings and statement of purpose. The legislature hereby finds, determines and declares:

(a) New York state, especially New York city, is reliant on fossil fuels for energy production, making the transition to renewable sources for the downstate electricity system key to achieving the requirements of section 4 of the New York state climate leadership and community protection act, including that seventy percent of the state's electric-

ity be from renewable energy sources by the year 2030 and that one hundred percent of the state's electricity be from zero-emission sources by the year 2040.

(b) New York state is committed to the responsible replacement and redevelopment of its fossil fueled generation facilities that currently ensure resource adequacy in the state, especially in locations where the health benefits to historically disadvantaged communities can be maximized, and where the cost effective phasing-out of such facilities can be done while helping to ensure a just transition for the existing workforce.

(c) A public policy purpose would be served and the interests of the people of the state would be advanced by directing the New York state energy research and development authority, in consultation with the department of public service and the department of environmental conservation, to continue the development of the study commenced in 2022, as referenced in the climate action council scoping plan of strategies to facilitate the replacement and redevelopment of New York's oldest and most-polluting fossil fueled generation facilities and their sites by 2030, while ensuring resource adequacy, with renewable energy systems as defined in paragraph (b) of subdivision 1 of section 66-p of the public service law, energy storage systems, and electricity transmission and distribution systems and equipment.

(d) It is the intent of the legislature in enacting this act to empower the New York state energy research and development authority, department of public service, and department of environmental conservation, to develop a study as described in the climate action council scoping plan and paragraph (c) of section three of this act in the manner authorized and directed herein, and for those entities and the public service commission, and any other agencies or authorities of the state as may be required, to commence any proceedings or other initiatives necessary to carry out the strategies described therein.

§ 3. The New York state energy research and development authority is authorized and directed to:

(a) develop a study of competitive options to facilitate the phase-out, replacement and redevelopment of New York state's oldest and most-polluting fossil fueled generation facilities and their sites by the year 2030, with renewable generation options that include those described in the scoping plan issued by the climate action council under section 75-0103 of the environmental conservation law, renewable energy systems as defined in paragraph (b) of subdivision 1 of section 66-p of the public service law, energy storage systems, and electricity transmission and distribution systems and equipment, while ensuring resource adequacy and other reliability services are maintained, and to do so in consultation with the department of public service, the department of environmental conservation, Long Island power authority, and other relevant state agencies and authorities with subject matter expertise, the federally designated electric bulk system operator, the New York State Reliability Council, and the owners of such facilities. The study should prioritize the replacement and redevelopment of such fossil fueled generation facilities with facilities that will directly assist in achieving the energy, environmental justice and emissions reductions requirements of section 66-p of the public service law. The study shall address the phase-out of at least four gigawatts of fossil fueled generation statewide capacity in total and prioritize those facilities that only operate when electricity usage is highest. The study shall include recommendations of standards and requirements that:

(i) significantly reduce the state's electricity system reliance on fossil fuels, taking into account the requirements and timing of the state's emission reduction programs;

(ii) establish a competitive program to promote private sector investment in eligible technologies that the public service commission has determined, after notice and provision for the opportunity to comment, ensure resource adequacy, while achieving the requirements of section 66-p of the public service law;

(iii) provide significant environmental, health and other benefits to disadvantaged communities as such communities will be defined under section 75-0111 of the environmental conservation law; and

(iv) have significant potential for job creation and retention, economic development, and just transition opportunities benefiting New Yorkers and the state's workforce, as described in the scoping plan issued by the climate action council under section 75-0103 of the environmental conservation law; and

(v) ensure the availability of assistance under the electric generation facility cessation mitigation fund established in section 1 of part BB of chapter 58 of the laws of 2016 to any local government entity impacted by the replacement and redevelopment of fossil fueled generation facilities under this section;

(b) provide public notice of the study, and ensure the results of the study are made easily accessible to members of disadvantaged communities, as defined in section 75-0101 of the environmental conservation law, and provide an opportunity for public comment on the study of not less than 60 days and conduct at least two public hearings on the study, of which at least one shall be held in disadvantaged communities, as defined in section 75-0101 of the environmental conservation law with such public hearings offering video participation and accessibility;

(c) address public comments and update the study, as appropriate, especially to ensure resource adequacy and reliability services are maintained; and

(d) deliver the study to the governor, temporary president of the senate and speaker of the assembly within 180 days of the effective date of this section.

§ 4. The department of public service, the department of environmental conservation, and Long Island power authority shall commence proceedings and stakeholder processes to establish programs and other initiatives necessary to carry out the strategies, programs, standards, and requirements described in the study referred to in section three of this act within 60 days of delivery of the study to the governor, temporary president of the senate and speaker of the assembly.

§ 5. The public service commission shall:

(a) commence a proceeding to implement the strategies, programs, standards, and requirements described in the study referred to in section three of this act within 90 days of delivery of the study to the governor, temporary president of the senate and speaker of the assembly; and

(b) issue an order regarding implementation of the strategies, programs, standards, and requirements described in the study referred to in section three of this act no later than July 30, 2026. Such order shall at a minimum:

(i) direct the New York state energy research and development authority to implement a competitive award process to facilitate the replacement and redevelopment of at least four gigawatts of fossil fueled generation facilities statewide while maintaining reliability consistent with the recommendations of the study pursuant to section three of this

act, and that as part of such competitive award process, consideration shall be given to security of offtake with respect to generation and transmission; and

(ii) direct that with respect to the competitive award process required, the only eligible electricity generation from hydroelectric facilities shall be electricity that is generated from non-state-owned low impact run-of-river facilities located in the state that provide a year-round electricity capacity resource.

(c)(i) Any projects pursuant to this section, or the study provided herein, shall be deemed public work and shall be subject to and performed in accordance with articles 8 and 9 of the labor law. Each contract for such project shall contain a provision that such project shall only be undertaken pursuant to a project labor agreement. For purposes of this section, "project labor agreement" shall mean a pre-hire collective bargaining agreement between the New York state energy research and development authority, a third party on behalf of the authority, or a recipient of support under this section, and a bona fide building and construction trade labor organization establishing the labor organization as the collective bargaining representative for all persons who will perform work on a public work project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform project work. All contractors and subcontractors associated with this work shall be required to utilize apprenticeship agreements as defined by article 23 of the labor law.

(ii) The New York state energy research and development authority, or public service commission, where appropriate, shall include requirements in any procurement or development of a renewable energy generating project, as defined in this subdivision, that the components and parts shall be produced or made in whole or substantial part in the United States, its territories or possessions. The New York state energy research and development authority's president and chief executive officer, or their designee may waive the procurement and development requirements set forth in this paragraph if such official determines that: the requirements would not be in the public interest; the requirements would result in unreasonable costs; obtaining such infrastructure components and parts in the United States would increase the cost of a renewable energy generating project by an unreasonable amount; or such components or parts cannot be produced, made, or assembled in the United States in sufficient and reasonably available quantities or of satisfactory quality. Such determination shall be made on an annual basis no later than December thirty-first, after providing notice and an opportunity for public comment, and such determination shall be made publicly available, in writing, on the New York state energy research and development authority's website with a detailed explanation of the findings leading to such determination. If the New York state energy research and development authority's president and chief executive officer, or their designee, has issued determinations for three consecutive years finding that no such waiver is warranted pursuant to this paragraph, then the New York state energy research and development authority shall no longer be required to provide the annual determination required by this paragraph.

(d)(i) The commissioner of labor, in consultation with labor organizations, shall develop a comprehensive plan to transition, train, or retrain employees that are impacted by projects undertaken pursuant to this act, or the study provided in section three of this act. This plan

shall include a method of allowing displaced and transitioning workers, including affected labor organizations, to notify the commissioner of the loss of employment, their previous title, and previous wage rates including whether they previously received medical and/or retirement benefits. The plan shall require employers to notify the commissioner of workers laid off or discharged due to this act.

(ii) The commissioner of labor shall create a program pursuant to which, where applicable and feasible, newly created job opportunities shall be offered to a pool of transitioning workers who have lost their employment or will be losing their employment in the energy sector through projects undertaken pursuant to this act, or the study provided in section three of this act. Such program shall include a method for the commissioner of labor to communicate names and contact information for displaced or transitioning workers to public entities that may have job opportunities for such workers every 90 days.

(e) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing public employees and the work jurisdiction, covered job titles, and work assignments, set forth in the civil service law and collective bargaining agreements with labor organizations representing public employees shall be preserved and protected. Nothing in this section shall result in the: (i) displacement of any currently employed worker or loss of position (including partial displacement as such a reduction in the hours of non-overtime work, wages, or employment benefits) or result in the impairment of existing collective bargaining agreements; (ii) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (iii) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

§ 6. The Long Island power authority shall establish a program or programs in its service territory consistent with the recommendation of the study conducted pursuant to section three of this act, the provisions of section five of this act, and the objectives of this act.

§ 7. This act shall take effect immediately.

PART HHHH

Section 1. Short title. This act shall be known and may be cited as the "accountability for development assistance act".

§ 2. The executive law is amended by adding a new section 170-i to read as follows:

§ 170-i. Accountability in economic development assistance provided by the state. 1. Definitions. As used in this section:

(a) "Base years" means the first two complete calendar years following the effective date of a recipient receiving development assistance.

(b) "Date of assistance" means the commencement date of the development assistance agreement, which date triggers the period during which the recipient is obligated to create or retain jobs and continue operations at the specific project site.

(c) "Development assistance" or "economic development assistance" means economic development benefits as such term is defined in section fifty-eight of the New York state urban development corporation act, or any portion thereof, provided however, that for the purposes of this section such term shall include any economic development benefits

provided by a state or local authority as such terms are defined in section two of the public authorities law.

(d) "Full-time, permanent job" means a job in which the new employee works for the recipient at a rate of at least thirty-five hours per week.

(e) "New employee" means a full-time, permanent employee who represents a net increase in the number of the recipient's employees statewide. "New employee" may include an employee who previously filled a new employee position with the recipient who was rehired or called back from a layoff that occurs during or following the base years.

The term "new employee" does not include any of the following:

(1) An employee of the recipient who performs a job that was previously performed by another employee in this state, if that job existed in this state for at least six months before hiring the employee.

(2) A child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or indirect ownership interest of at least five percent in the profits, capital, or value of any member of the recipient.

(f) "Part-time job" means a job in which the new employee works for the recipient at a rate of less than thirty-five hours per week.

(g) "Recipient" means any entity that receives economic development assistance.

(h) "Retained employee" means any employee defined as having a full-time or full-time equivalent job preserved at a specific facility or site, the continuance of which is threatened by a specific and demonstrable threat, which shall be specified in the application for development assistance.

(i) "Specific project site" means that distinct operational unit to which any development assistance is applied.

(j) "Granting entity" or "granting body" means the department or any other state department or state agency that provides development assistance.

(k) "Temporary job" means a job in which the new employee is hired for a specific duration of time or season.

(l) "Value of assistance" means the face value of any form of development assistance.

2. Standardized applications for state economic development assistance. (a) All final applications submitted to the department or any state entity requesting development assistance shall be required to contain, at a minimum:

(1) An application tracking number that is specific to both the granting entity and to each application.

(2) The office mailing address, office telephone number, and chief officer of the granting body.

(3) The office mailing address, telephone number, and the name of the chief officer of the applicant or authorized designee for the specific project site for which development assistance is requested.

(4) The applicant's total number of employees at the specific project site on the date that the application is submitted to the granting entity, including the number of full-time, permanent jobs, the number of part-time jobs, and the number of temporary jobs.

(5) The type of economic development assistance and value of assistance being requested.

(6) The number of jobs to be created and retained or both created and retained by the applicant as a result of the development assistance,

including the number of full-time, permanent jobs, the number of part-time jobs, and the number of temporary jobs.

(7) A detailed list of the occupation or job classifications and number of new employees or retained employees to be hired in full-time, permanent jobs, a schedule of anticipated starting dates of the new hires and the anticipated average wage by occupation or job classification and total payroll to be created as a result of the development assistance.

(8) A list of all other forms of development assistance that the applicant is requesting for the specific project site and the name of each granting entity from which that development assistance is being requested.

(9) A narrative, if necessary, describing why the development assistance is needed and how the applicant's use of the development assistance may reduce employment at any site in New York.

(10) A certification by the chief officer of the applicant or the chief officer's authorized designee that the information contained in the application submitted to the granting body contains no knowing misrepresentation of material facts upon which eligibility for development assistance is based.

(b) Every granting body either shall complete, or shall require the applicant to complete, an application form that meets the minimum requirements as prescribed in this section each time an applicant applies for development assistance covered by this section.

(c) The department shall have the discretion to modify any standardized application for state development assistance required under paragraph (a) of this subdivision for any grants that are not given as an incentive to a recipient business organization.

(d) For each development assistance agreement, the recipient shall annually submit to the granting entity a progress report that shall include all update information completion of the contractual obligations of the recipient as provided in the development assistance agreement.

(e) If a recipient of development assistance fails to comply with paragraph (d) of this subdivision, the department shall, within twenty working days after the reporting submittal deadlines set forth in such paragraph (d), suspend within thirty-three working days any current development assistance to such recipient under its control, and shall be prohibited from completing any current or providing any future development assistance until it receives proof that such recipient has come into compliance with the requirements of paragraph (d) of this subdivision.

(f) The department shall have the discretion to modify the information required in the progress report required under paragraph (d) of this subdivision consistent with the disclosure purpose of this subdivision for any grants that are not given as an incentive to a recipient business organization.

(g) The granting entity, or a successor agency, shall have full authority to verify information contained in the recipient's application and progress report, including the authority to inspect the specific project site and inspect the records of the recipient that are subject to the development assistance agreement.

3. Recapture. (a) All development assistance agreements shall contain, at a minimum, the following provisions:

(1) The recipient shall:

(i) make the level of capital investment in the economic development project specified in the development assistance agreement; and

(ii) create or retain, or both, the requisite number of jobs, paying not less than specified wages for the created and retained jobs, within and for the duration of the time period specified in the development assistance programs and the development assistance agreement.

(2) If the recipient fails to create or retain the requisite number of jobs within and for the time period specified, in the development assistance programs and the development assistance agreement, the recipient shall be deemed to no longer qualify for the state economic assistance and the recipient shall:

(i) be required to pay to the state the full amount of the state tax exemption that it received;

(ii) where the recipient receives a grant or loan, be required to repay to the state a pro rata amount of the grant or loan, and such amount shall reflect the percentage of the deficiency between the requisite number of jobs to be created or retained by the recipient and the actual number of such jobs in existence as of the date the department determines the recipient is in breach of the job creation or retention covenants contained in the development assistance agreement, provided however, if the recipient ceases operations at the relevant project site within five years of the date of assistance, the recipient shall be required to repay the entire amount of the grant or to accelerate repayment of the loan back to the state; and

(iii) where the recipient receives a tax credit, the development assistance agreement shall provide that (A) if the number of new or retained employees falls below the requisite number set forth in the development assistance agreement, the allowance of the credit shall be automatically suspended until the number of new and retained employees equals or exceeds the requisite number in the development assistance agreement; (B) if the recipient discontinues operations at the specific project site during the first five years of the term of the development assistance agreement, the recipient shall forfeit all credits taken by the recipient during such five year period; and (C) in the event of a revocation or suspension of the credit, the granting entity shall initiate proceedings against the recipient to recover wrongfully exempted state income taxes and the recipient shall promptly repay to the granting entity any wrongfully exempted state income taxes. The forfeited amount of credits shall be deemed assessed on the date the granting entity initiates proceedings against such recipient and the recipient shall promptly repay to the granting entity any wrongfully exempted state income taxes.

(b) The relevant granting entity may elect to waive enforcement of any contractual provision arising out of the development assistance agreement required by this section based on a finding that the waiver is necessary to avert an imminent and demonstrable hardship to the recipient that may result in such recipient's insolvency or discharge of workers. If a waiver is granted, the recipient shall agree to a contractual modification, including recapture provisions, to the development assistance agreement.

4. Unified economic development report. For each state fiscal year ending on or after June thirtieth, two thousand twenty-six, the department of economic development shall submit an annual unified economic development report to the governor, senate and assembly. The unified economic development report shall be due within three months after the end of the fiscal year, and shall present all types of development assistance granted during the prior fiscal year, including the aggregate amount of uncollected or diverted state tax revenues resulting from each

type of development assistance provided by each agency pursuant to law, as reported to the department of economic development pursuant to this section.

5. Development assistance disclosure to the department of economic development. (a) Beginning February first, two thousand twenty-seven and each year thereafter, any granting entity that provided development assistance shall submit to the department of economic development copies of all development assistance agreements that it approved in the prior calendar year.

(b) By June first, two thousand twenty-eight and by June first of each year thereafter, any granting entity with an active development assistance agreement shall submit to the department of economic development copies of all progress reports compiled pursuant to paragraph (d) of subdivision two of this section.

(c) The department of economic development shall compile and publish all progress reports received pursuant to this subdivision.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to contracts and agreements entered into on or after such effective date. 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.

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

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