STATE OF NEW YORK

9008--B

IN SENATE

January 21, 2026

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

AN ACT to amend part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part A); to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof (Part B); to amend the vehicle and traffic law in relation to requiring the completion of the motorcycle rider safety course to obtain a motorcycle license (Part C); to amend the vehicle and traffic law and the general municipal law, in relation to requiring the installation of intelligent speed assistance devices for repeated violation of maximum speed limits; and providing for the repeal of such provisions upon expiration thereof (Part D); to amend the vehicle and traffic law, in relation to allowing for-hire autonomous vehicles outside of New York City; to amend part FF of chapter 55 of the laws of 2017, relating to motor vehicles equipped with autonomous vehicle technology, in relation to the effectiveness thereof (Part E); to amend the penal law, in relation to penalties for violence against highway workers; and to amend the vehicle and traffic law, in relation to license suspension for certain crimes against highway workers and establishing new penalties for intrusion into an active work zone (Part F); to amend the vehicle and traffic law, in relation to expanding the automated work zone speed enforcement program to include additional New York roadways (Part G); to amend part PP of chapter 54 of the laws of 2016, amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending provisions of law relating to certain tax incre-

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

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ment financing provisions (Part H); authorizing the Metropolitan Transportation Authority to conduct environmental reviews under the State Environmental Quality Review Act for the crosstown extension of the Second Avenue Subway project in two stages (Part I); to amend the agriculture and markets law, in relation to dairy promotion and marketing of agricultural products in New York state; and to repeal sections 16-x, 16-y and 16-z of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, in relation thereto (Part J); to amend the tax law, in relation to extending the refundability of the investment tax credit for farmers (Part K); to amend the public authorities law, the public service law and the real property law, in relation to the green jobs-green New York program (Part L); intentionally omitted (Part M); to amend the public service law, in relation to executive compensation disclosure by gas, electric, steam and water-works corporations; limiting retention of revenues derived from their actual return on equity in excess of authorized rates of return; prohibiting public utilities from using funds for certain activities (Part N); to amend the public service law, in relation to procedures for new rates or charges proposed by utilities (Part O); to amend the public service law, in relation to establishing an energy affordability index (Part P); to amend the real property law and the public service law, in relation to prohibiting utility service terminations in multiple dwellings (Part Q); to amend the environmental conservation law and the public housing law, in relation enacting the "sustainable housing and sprawl prevention act" (Part R); to amend the environmental conservation law, in relation to removing the statutory caps on rebates for certain infrastructure projects and vehicle purchases by municipalities (Part S); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part T); in relation to authorizing the trustees of the state university of New York to lease and contract to make available certain land on the state university of New York at Farmingdale's campus (Subpart A); in relation to authorizing the trustees of the state university of New York to lease and contract to make available certain land on the state university of New York at Stony Brook's campus (Subpart B); and in relation to authorizing the lease of certain lands at SUNY college of environmental science and forestry for the purpose of building undergraduate and graduate student housing (Subpart C) (Part U); to amend the New York state urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part V); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to extending loan powers (Part W); to amend the general business law, in relation to requiring synthetic content creations system providers to include provenance data on synthetic content produced or modified by a synthetic content creations system that the synthetic content creations system provider makes available (Part X); to amend the general business law, in relation to establishing the "Safe by Design Act" (Part Y); intentionally omitted (Part Z); to amend the general business law, in relation to enacting the "data broker accountability act" (Part AA); to amend the insurance law, in relation to premium increase explanations (Part BB); to amend the insurance law, in relation to the determination of a benchmark loss ratio for homeowners' insurance (Part CC); to amend the insurance law, in relation to insurance discounts for real property (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); to amend the insurance law, in relation to requiring annual reports on insurance for multi-family buildings (Part GG); to amend the insurance law, in relation to the annual consumer guide of health insurers (Subpart A); to amend the insurance law and the public health law, in relation to ongoing treatment by an out-of-network provider during pregnancy (Subpart B); to amend the insurance law, in relation to accessible formulary drug lists (Subpart C); and to amend the insurance law and the public health law, in relation to utilization reviews for treatment for a chronic health condition (Subpart D) (Part HH); to amend the insurance law, in relation to providing motor vehicle liability, comprehensive and collision insurance premium deductions for the installation of a dashboard camera (Part II); to amend the general business law and the civil practice law and rules, in relation to protecting private education loan borrowers and cosigners (Part JJ); to amend the insurance law, in relation to extending the policy period for excess profit refunds to motor vehicle policyholders (Part KK); to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part LL); intentionally omitted (Part MM); in relation to enacting the "Long Island MacArthur Airport terminal and rail integration project act" (Part NN); to amend the public authorities law, in relation to authorizing the New York state environmental facilities corporation to award grants and loans to non-public entities for certain water quality projects (Part OO); to amend the New York state urban development corporation act, in relation to enacting the food retail establishment subsidization for healthy communities (FRESH Communities) act (Part PP); to amend the executive law, in relation to enacting the "climate resilient New York act of 2026" (Part QQ); to amend the public authorities law, in relation to establishing the zero-emission vehicles rebate program; and providing for the repeal of such provisions upon expiration thereof (Part RR); to amend the public service law, in relation to utility intervenor reimbursement; and to amend the state finance law, in relation to establishing the utility intervenor account (Part SS); to amend the public authorities law, in relation to directing the New York state energy research and development authority to establish a ride clean rebate program (Part TT); to direct the department of financial services to conduct a study on the banking development district program and to make recommendations to improve such program (Part UU); to amend the environmental conservation law, in relation to the availability of technical assistance grants in brownfield site remedial programs (Part VV); to amend the environmental conservation law, in relation to environmental restoration projects; and to repeal certain provisions of such law relating thereto (Part WW); to amend the environmental conservation law, in relation to the management of PFAS in biosolids; and to amend the agriculture and markets law and the state finance law, in relation to establishing the PFAS agricultural response program and the agricultural PFAS response Fund (Part XX); to amend the environmental conservation law, in relation to directing the department of environmental conservation to establish a perfluoroalkyl and polyfluoroalkyl substances removal treatment installation grant program and a perfluoroakyl and polyfluoroalkyl substances removal treatment maintenance rebate program (Part YY); to amend the public authorities law, in relation to a ten percent fare rate reduction program in the metropolitan transportation authority for veterans (Part ZZ); enacting the one city, one fare act (Part AAA); to amend the public authorities law, in relation to limiting certain fees and fines for tolls charged by a public authority (Part BBB); to amend the transportation law, in relation to maximum grant awards for airport improvement and revitalization (Part CCC); to amend the vehicle and traffic law, in relation to fines imposed for failure to exercise due care and move over when approaching parked, stopped or standing motor vehicles on the shoulder of a highway (Part DDD); to amend the vehicle and traffic law, in relation to increasing penalties for certain speed violations (Part EEE); to amend the public authorities law, in relation to tickets purchased for the Long Island Rail Road and the Metro-North Commuter Railroad Company (Part FFF); to amend the public authorities law, in relation to directing the New York state energy research and development authority to establish a heat pump rebate program; and providing for the repeal of such provisions upon the expiration thereof (Part GGG); to amend the financial services law, in relation to establishing the office of digital innovation, governance, integrity and trust (Part HHH); to amend the environmental conservation law and the public service law, in relation to enacting the accelerate solar for affordable power (ASAP) act (Part III); to amend part I of chapter 413 of the laws of 1999 relating to providing for mass transportation payments, in relation to the amount of payments in the Rochester-Genesee Regional Transportation District and adding Yates County to such District (Part JJJ); to amend the public authorities law, in relation to requiring the metropolitan transportation authority to publish certain information pertaining to capital project data for projects that are committed for construction on the capital program dashboard (Part KKK); to amend the agriculture and markets law, in relation to establishing farm security resiliency grant awards for farm employers who have suffered eligible losses as a result of eligible weather conditions or events (Part LLL); to amend the transportation law, in relation to a state transportation plan (Part MMM); to amend the public service law, in relation to establishing the excelsior power program (Part NNN); and to amend the vehicle and traffic law, in relation to school bus stop-arm cameras (Part OOO)

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

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 2026-2027 state fiscal year. Each component is wholly contained within a Part identified as Parts A through OOO. 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. Section 13 of part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, as amended by section 1 of part G of chapter 58 of the laws of 2024, is amended to read as follows:

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

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

§ 2. This act shall take effect April 1, 2002; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2002; provided further, however, that this act shall expire and be deemed repealed on April 1, [~~2026~~] 2028.

§ 3. This act shall take effect immediately.

PART B

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

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

§ 2. This act shall take effect immediately.

PART C

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

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

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

PART D

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

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

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

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

(ii) (A) Upon the finding of vehicle owner liability for failure of an operator to comply with certain posted maximum speed limits through a photo speed violation monitoring system pursuant to section eleven hundred eighty-b of this article, where such person has been found liable for notices of liability for no less than sixteen notices of liability for such vehicle for failure to comply with such limits within the past twelve months, the commissioner shall order a hearing by the administrative tribunal created pursuant to article two-A of this chapter to determine whether such person shall install and maintain an intelligent speed assistance device under this paragraph. The procedure of such hearing shall be governed by the provisions of the applicable law or regulation. Whenever the tribunal finds, after such hearing, that such person has been found liable for notices of liability for no less than sixteen notices of liability within the past twelve months, the tribunal shall order the installment of an intelligent speed assistance device in any motor vehicle owned or operated by such person for a minimum period of time as prescribed in subparagraph (iii) of this paragraph. The person shall then provide proof of installation as outlined in subparagraph (iv) of this paragraph and pursuant to such order. The period of time prescribed in subparagraph (iii) of this paragraph shall commence on the date of the installation of the intelligent speed assistance device.

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

(iii) Where a person is mandated to install an intelligent speed assistance device for the first time under this subdivision, such person shall be required to install such device in any motor vehicle owned or operated by such person for a period of twelve months. At the conclusion of the twelve-month period, provided that the person has successfully completed the term of installation with no further violations described in subparagraph (i) or (ii) of this paragraph, the commissioner shall provide a letter authorizing the removal of such device. Where a person is mandated to install an intelligent speed assistance device a second time under this subdivision within ten years of completing the first term of installation, such person shall be required to install such device in any motor vehicle owned or operated by such person for a period of twenty-four months. At the conclusion of the twenty-four month period, provided that the person has successfully completed the term of installation with no further violations described in subparagraph (i) or (ii) of this paragraph, the commissioner shall provide a letter authorizing the removal of such device. Where a person is mandated to install an intelligent speed assistance device a third time under this subdivision within fifteen years of completing the first term of installation, such person shall be required to install such device in any motor vehiclecle owned or operated by such person for a period of thirty-six months. A person who is mandated to install an intelligent speed assistance device for a fourth or subsequent time under this subparagraph shall not remove such device until such time as the commissioner approves such removal.

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

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

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

(vii) The commissioner shall create a list of approved intelligent speed assistance devices and update such list no less that once every two years. Approved intelligent speed assistance devices must be capable of accurately detecting speed limits across road and weather conditions, and the commissioner may promulgate any rules and regulations necessary to further ensure that devices operate reliably.

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

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

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

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

(ii) to respond to, process, facilitate, adjust, or defend an insurance claim;

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

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

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

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

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

(C) No vehicle owner shall operate, or permit another person to operate, a motor vehicle that they own without an intelligent speed assistance device when such vehicle is mandated to have such device.

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

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

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

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

(1) Number of individuals actively required to have intelligent speed assistance devices installed in motor vehicles they own or operate on an annual basis, disaggregated by the number of individuals required to install intelligent speed assistance devices under subparagraph (i) of this paragraph and the number of individuals required to install intelligent speed assistance devices for failure to comply with certain posted maximum speed limits through a photo speed violation monitoring system under subparagraph (ii) of this paragraph.

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

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

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

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

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

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

(3) Number of reported accidents involving individuals with intelligent speed assistance devices installed.

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

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

(xv) The commissioner may promulgate any rules and regulations necessary to implement the provisions of this paragraph.

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

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

Certifying convictions, findings of liability, forfeitures and nonappearances to the commissioner and recording convictions and findings of liability.

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

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

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

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

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

§ 373. Records. A traffic violations bureau as herein authorized shall keep a record of all violations of which each person has been guilty, whether such guilt was established in court or in the bureau, and also a record of all fines collected and the disposition thereof. It shall also perform such other or additional duties and keep such other or additional records as shall be prescribed by the court and/or the local legislative body. **Upon a judgment of conviction of any person for any violation or set of violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty or section eleven hundred eighty-two of the vehicle and traffic law or, in jurisdictions using a traffic violations bureau, a final determination imposing monetary liability upon a person as a motor vehicle owner for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of the vehicle and traffic law pursuant to a demonstration program established pursuant to section eleven hundred eighty-e, eleven hundred eighty-f, eleven hundred eighty-g, or eleven hundred eighty-h of the vehicle and traffic law, the court or bureau or clerk thereof shall within fifteen days certify the facts of the case to the commissioner of the department of motor vehicles in such form and in such manner as may be prescribed by such commissioner, who shall record the same in their office. Such certificate shall be presumptive evidence of the facts recited therein. If any such conviction shall be reversed upon appeal therefrom, or shall be vacated or set aside, the person whose conviction has been so reversed, vacated, or set aside may serve on the commissioner a certified copy of the appropriate order and such commissioner shall thereupon record the same in connection with the record of such conviction. Provided, however, that such commissioner may prescribe time limitations for the reporting of judgments of conviction and transmission of such license that are longer than those prescribed by this section for any courts or bureaus to which this section is applicable.**

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

PART E

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

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

§ 2. This act shall take effect immediately.

PART F

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 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, buildings 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, automotive facilities inspector, 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 twenty-four-a of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred twenty-four-b 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 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, automotive facilities inspector, 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 twenty-four-a of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred twenty-four-b 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, automotive facilities inspector, 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 twenty-four-a of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred twenty-four-b 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 is performing an assigned duty; or

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

§ 120.13-a Menacing a highway worker.

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

Menacing a highway worker is a class E felony.

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

§ 118-a. Highway worker. Any person employed by or on behalf of the state, a county, city, town or village, a public authority, local authority, or public utility company, or the agent or contractor of any such entity, or a flagperson, 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, inspection, maintenance, improvement, 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.

§ 124-a. 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.

§ 124-b. 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.

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

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

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

§ 1221-a. Intrusion into an active work zone. 1. No driver of a vehicle shall enter or intrude into an active work zone except upon direction from a flagperson, police officer or other visibly designated person in charge of traffic control or direction from a traffic control device regulating entry therein. For purposes of this section, the term "active work zone" shall mean the physical area of a highway, street or private road on which construction, maintenance or utility work is being conducted, which area is marked by any signs, channeling devices, barriers, pavement markings, or work vehicles, and where workers are physically present.

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

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

PART G

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

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 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 monitoring system shall not be installed or operated on a [~~controlled-access~~] highway exit ramp.

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

(b) If the commissioner or chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority 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, the thruway, Triborough bridge and tunnel authority facilities or bridge authority facilities, as applicable 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 travel-ing 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.

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

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

9. "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 highway construction or maintenance work area located on a [~~controlled-access~~] highway, the thruway, Triborough bridge and tunnel authority facility or bridge authority facility 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. Paragraphs 2, 4, and 6 of subdivision (m) of section 1180-e of the vehicle and traffic law, as amended by section 2 of part Q of chapter 58 of the laws of 2025, are amended to read as follows:

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, the thruway, Triborough bridge and tunnel authority facilities or bridge authority facilities, as applicable, to the extent the information is maintained by the commissioner, the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, 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, the thruway, Triborough bridge and tunnel authority facilities or bridge authority facilities, in the aggregate on a daily, weekly and monthly basis to the extent the information is maintained by the commissioner, the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, or the department of motor vehicles of this state;

6. to the extent the information is maintained by the commissioner, the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, 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, the thruway, Triborough bridge and tunnel authority facilities or bridge authority facilities, 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;

§ 5. This act shall take effect immediately; provided, however, that the amendments made to section 1180-e of the vehicle and traffic law by sections one, two, three and four of this act shall not affect the repeal of such section and shall expire and be deemed repealed therewith.

PART H

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 I of chapter 58 of the laws of 2025, 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, [~~2026~~] **2028**, and provided further that such repeal shall not affect the validity or duration of any contract entered into before that date pursuant to paragraph f of such subdivision.

§ 2. This act shall take effect immediately.

PART I

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

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

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

3. "Subterranean Tunnel Component" shall mean the component of the 125 Street Subway Extension Project consisting of construction of a subterranean tunnel running from 125 Street and Lenox Avenue west along 125 Street past Broadway.

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

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

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

§ 2. The Authority shall conduct the applicable environmental review of the Subterranean Tunnel Component in accordance with the provisions of article eight of the environmental conservation law, provided that such environmental review shall not be required to be conducted concurrent with, or inclusive of, the environmental review specified in section three of this act.

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

§ 4. (1) The Authority shall not approve, permit, acquire real property pursuant to the eminent domain procedure law, or undertake any discretionary action required to construct the Subterranean Tunnel Component described in section two of this act, and no agency, as defined in section 8-0105 of the environmental conservation law, shall permit or authorize any activity relating to construction of the Subterranean Tunnel Component, until the Authority has completed the applicable environmental review required pursuant to section two of this act.

(2) The Authority shall not approve, permit, acquire real property pursuant to the eminent domain procedure law, or undertake any discretionary action required to construct the other components of the 125 Street Subway Extension project described in section three of this act, and no agency, as defined in section 8-0105 of the environmental conservation law, shall permit or authorize any activity relating construction of the other components of the 125 Street Subway Extension project, until the Authority has completed the applicable environmental review required pursuant to section three of the act.

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

§ 5. This act shall take effect immediately.

PART J

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

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

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

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

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

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

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

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

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

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

(d) "Milk dealer" means any person who purchases or handles or receives or sells milk, including individuals, partnerships, corporations, cooperative associations, and unincorporated cooperative associations.

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

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

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

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

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

(ii) Producers may vote by individual ballot or through their cooperatives in accordance with the following procedures:

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

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

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

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

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

(5) The commissioner may appoint a referendum advisory committee to assist and advise the commissioner in the conduct of the referendum. Such committee shall review referendum procedures and the tabulation of results and shall advise the commissioner of its findings. The final certification of the referendum results shall be made by the commissioner. The committee shall consist of not less than three members, none of whom shall be persons directly affected by the promotion order being voted upon. Two members shall be representatives of general farm organizations which are not directly affected by the order being voted upon. The members of the committee shall not receive a salary but shall be entitled to actual and reasonable expenses incurred in the performance of their duties.

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

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

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

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

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

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

<u>(d) Carrying out, in other ways, the declared policy and intent of this section.</u>

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

<u>(a) Provision for levying an assessment against all producers subject to the regulation for the purpose of carrying out the provisions of such order and to pay the cost of administering and enforcing such order. In order to collect any such assessments, provision shall be made for each milk dealer who receives milk from producers to deduct the amount of assessment from moneys otherwise due to producers for the milk so delivered. The rate of such assessment shall not exceed two per cent per hundredweight of the gross value of the producer's milk, and there may be credited against any such assessment the amounts per hundredweight otherwise paid by any producer covered by the order by voluntary contribution or otherwise pursuant to any other federal or state milk market order for any similar research promotion or program. Notwithstanding the provisions of paragraph (b) of subdivision three of this section, the commissioner, upon written petition of no less than twenty-five per cent of producers in the area, either as individuals or through cooperative representation, may call a hearing for the sole purpose of establishing a new rate of assessment hereunder and may submit a proposed change in the rate of assessment to the producers for acceptance or rejection without otherwise affecting the order. The producers in the area may vote on the proposed rate either as individuals or through cooperative representation. Notwithstanding the foregoing provisions of this paragraph and of paragraph (b) of subdivision three of this section, or the provisions of any order promulgated pursuant to this section, the rate of assessment, for any period during which a dairy products promotion and research order established pursuant to the federal dairy and tobacco adjustment act of 1983 is in effect, shall not be less than an amount equal to the maximum credit which producers participating in this state's dairy products promotion or nutrition education programs may receive pursuant to subdivision (g) of section 113 of such federal act.</u>

<u>(b) Provision for payments to organizations engaged in campaigns by advertisements or otherwise, including participation in similar regional or national plans or campaigns to promote the increased consumption of milk and dairy products, to acquaint the public with the dietary advantages of milk and dairy products and with the economy of their inclusion in the diet and to command, for milk and dairy products, consumer attention consistent with their importance and value.</u>

<u>(c) Provision for payments to institutions or organizations engaged in research leading to the development of new or improved dairy products or research with respect to the value of milk and dairy products in the human diet.</u>

<u>(d) Provision for requiring records to be kept and reports to be filed by milk dealers with respect to milk received from producers and with respect to assessments on the milk of such producers.</u>

<u>(e) Provision for the auditing of the records of such milk dealers for the purpose of verifying payment of producer assessments.</u>

<u>(f) Provision for an advisory board as hereinafter indicated.</u>

<u>(g) Such other provisions as may be necessary to effectuate the declared policies of this section.</u>

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

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

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

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

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

(d) The purchasing power of consumers; and

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

6. Interstate orders for compacts. The commissioner is authorized to confer and cooperate with the legally constituted authorities of other states and of the United States with respect to the issuance and operation of joint and concurrent dairy promotion orders or other activities tending to carry out the declared intent of this section. The commissioner may join with such other authorities in conducting joint investigations, holding joint hearings, and issuing joint or concurrent order or orders complementary to those of the federal government and shall have the authority to employ or designate a joint agent or joint agencies to carry out and enforce such joint, concurrent, or supplementary orders.

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

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

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

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

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

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

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

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

(iii) The preparation and submission to the commissioner of an estimated budget required for the proper operation of the order.

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

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

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

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

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

§ 2. The agriculture and markets law is amended by adding a new article 25 to read as follows:

ARTICLE 25

MARKETING OF AGRICULTURAL PRODUCTS

293. Powers and duties of the commissioner.
294. Rules and regulations; enforcement.

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

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

2. To establish orderly, efficient, and equitable marketing of agricultural commodities and aquatic products.

3. To provide for uniform grading and proper preparation of agricultural commodities and aquatic products for market.

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

5. To eliminate or reduce the economic waste in the marketing of agricultural commodities and aquatic products.

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

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

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

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

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

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

4. "Producer" means any person engaged within this state in the business of producing, or causing to be produced for any market, any agricultural commodity or aquatic product.

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

cultural commodities or aquatic products, who as owner, agent or otherwise ships or causes an agricultural commodity to be shipped.

6. "Processor" means any person engaged within this state in processing, or in the operation of receiving, grading, packing, canning, freezing, dehydrating, fermenting, distilling, extracting, preserving, grinding, crushing, or in any other way preserving or changing the form of an agricultural product or aquatic product for the purpose of marketing such commodity but shall not include a person engaged in manufacturing from an agricultural commodity or aquatic product another and different product.

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

8. "Marketing agreement" means an agreement entered into, with the approval of the commissioner, by producers with distributors, processors and handlers regulating the preparation, sale and handling of agricultural commodities or aquatic products.

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

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

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

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

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

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

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

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

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

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

(c) Protect the interests of consumers of such commodity, by exercising the powers of this article to such extent as is necessary to effectuate the purposes of this article.

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

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

5. Any marketing agreement or order issued by the commissioner pursuant to this article may contain any or all of the following:

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

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

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

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

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

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

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

6. The commissioner may temporarily suspend the operation of an effective marketing order for a continuing period of no longer than one growing and marketing season, if the purposes of this article are deemed unnecessary during such season.

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

(a) The quantity of such agricultural commodity available for distribution.

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

(c) The cost of producing such agricultural commodity.

(d) The purchasing power of consumers.

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

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

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

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

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

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

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

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

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

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

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

(iii) The preparation and submission to the commissioner of the estimated budget required or the proper operation of the marketing order.

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

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

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

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

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

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

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

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

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

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

PART K

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

(d) Except as otherwise provided in this paragraph, the credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the fixed dollar minimum amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowable under this subdivision for any taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit allowed for a taxable year commencing prior to January first, nineteen hundred eighty-seven and not deductible in such taxable year may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years but in no event shall such credit be carried over to taxable years commencing on or after January first, two thousand two, and any amount of credit allowed for a taxable year commencing on or after January first, nineteen hundred eighty-seven and not deductible in such year may be carried over to the fifteen taxable years next following such taxable year and may be deducted from the taxpayer's tax for such year or years. In lieu of such carryover, (i) any such taxpayer which qualifies as a new business under paragraph (f) of this subdivision may elect to treat the amount of such carryover as an overpayment of tax to be credited or refunded in accordance with the provisions of section ten hundred eighty-six of this chapter, and (ii) any such taxpayer that is an eligible farmer, as defined in subdivision eleven of this section, may for taxable years beginning before January first, two thousand [~~twenty-eight~~] **thirty-three**, elect to treat the amount of such carryover as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter, provided, however, the provisions of subsection (c) of section ten hundred eighty-eight of this chapter notwithstanding, no interest shall be paid thereon.

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

(5) If the amount of credit allowable under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess allowed for a taxable year commencing prior to January first, nineteen hundred eighty-seven may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years, but in no event shall such credit be carried over to taxable years commencing on or after January first, nineteen hundred ninety-seven, and any amount of credit allowed for a taxable year commencing on or after January first, nineteen hundred eighty-seven and not deductible in such year may be carried over to the ten taxable years next following such taxable year and may be deducted from the taxpayer's tax for such year or years. In lieu of carrying over any such excess, (A) a taxpayer who qualifies as an owner of a new business for purposes of paragraph ten of this subsection may, at the taxpayer's option, receive such excess as a refund, and (B) a taxpayer that is an eligible farmer as defined in subsection (n) of this section may, at the taxpayer's option, for taxable years beginning before January first, two thousand [~~twenty-eight~~] **thirty-three,** receive such excess as a refund. Any refund paid pursuant to this paragraph shall be deemed to be a refund of an overpayment of tax as provided in section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

§ 3. This act shall take effect immediately.

PART L

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

(ii) loans shall not exceed thirteen thousand dollars per applicant for approved qualified energy efficiency services for residential structures, and twenty-six thousand dollars per applicant for approved qualified energy efficiency services for non-residential structures, provided, however, that the authority may permit a loan in excess of such amounts if the total cost of energy efficiency measures financed by such loan will [~~achieve~~] **include** a payback period [~~of fifteen years or less~~] **which does not exceed the useful life of the energy efficiency measures installed**, but in no event shall any such loan exceed [~~twenty-five~~] **fifty** thousand dollars per applicant for residential structures and fifty thousand dollars per applicant for non-residential structures; and for multi-family structures loans shall be in amounts determined by the authority, provided, however, that the authority shall assure that a significant number of residential structures are included in the program;

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

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

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

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

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

(a) Any person, firm, company, partnership or corporation offering to sell real property which is subject to a green jobs-green New York on-bill recovery charge pursuant to title nine-A of article eight of the public authorities law and which provides that such charge shall survive changes in ownership, tenancy or meter account responsibility if not fully satisfied prior to sale or transfer, shall provide written notice to the prospective purchaser or the prospective purchaser's agent, stating as follows: "This property is subject to a green jobs-green New York on-bill recovery charge". Such notice shall also state the total amount of the original charge, the payment schedule and the approximate remaining balance, a description of the energy efficiency services performed, including improvements to the property, and an explanation of the benefit of the green jobs-green New York qualified energy efficiency services. Such notice shall be provided by the seller prior to accepting a purchase offer; provided that such notice is not necessary if the loan agreement provides that upon sale or transfer of the subject property the purchaser or transferee is only responsible for on-bill recovery charges after sale or transfer if they agree through written express assumption provided in accordance with the terms of the on-bill recovery loan agreement, and in the absence of such assumption, the original seller, transferor, or current loan holder of the subject property shall be responsible for payment of such remaining charges through direct billing and payment to the New York state energy research and development authority, or its agent.

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

PART M

Intentionally Omitted

PART N

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

(n) (i) The commission shall require each application for a major change in rates filed by a gas corporation, an electric corporation, or a combination gas and electric corporation, to include an executive compensation disclosure. Such executive compensation disclosure shall include: (A) the median of the annual total compensation of all employees of the gas corporation, electric corporation, or combination gas and electric corporation, except for management positions; (B) the annual total compensation of the chief executive officer; (C) the annual total compensation for each other management position; and (D) the ratio of the amount described in clause (A) of this subparagraph to the amount described in clause (B) of this subparagraph.

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

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

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

(ii) The commission shall not approve an increase in the applicant's aggregate revenues by more than the increase set forth in the budget constrained proposal absent a demonstration by the applicant that such budget constrained proposal would jeopardize safety, reliability, energy affordability programs, energy efficiency programs, or cost-effective electrification upgrades. If the commission finds that the applicant has made such a demonstration, the commission must provide a detailed explanation as to why an increase of more than the budget constrained proposal was necessary in its order approving the increase, and such increase shall not be in excess of the amount above the budget constrained proposal necessary to maintain safety, reliability, energy affordability programs, energy efficiency programs, and cost-effective electrification upgrades. The commission, in making its determinations, shall consider the disclosures required pursuant to paragraph (n) of this subdivision, the rubric set forth in paragraph (p) of this subdivision, and the affordability index provided by the applicant pursuant to section sixty-six-y of this article.

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

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

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

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

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

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

(iii) establish heightened scrutiny standards for capital expenditures, requiring gas corporations, electric corporations, and combination gas and electric corporations to demonstrate that such expenditures provide measurable benefits to ratepayers in the form of reduced costs, improved reliability, improved efficiency, or enhanced grid flexibility; and

(iv) require utilities to demonstrate consideration of non-wire and non-pipe alternatives prior to approval of traditional capital investments in distribution infrastructure.

(q) (i) The commission is authorized and directed to, no later than January first, two thousand twenty-seven, establish rules to limit a utility's ability to recover its direct or indirect costs 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.

(ii) In establishing such rules the commission may consider: (A) setting an overall percentage of the utility's expenses in a rate case that are not recoverable; (B) setting a baseline of the reasonable cost of participation in a rate case; and (C) establishing discovery parameters and what information in a proceeding must be disclosed to interveners and to the commission to reduce time and costs associated with a lengthy discovery process.

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

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

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

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

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

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

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

(h) (i) The commission shall require each application for a major change in rates filed by a steam corporation to include an executive compensation disclosure. Such executive compensation disclosure shall include: (A) the median of the annual total compensation of all employees of the steam corporation, except for management positions; (B) the annual total compensation of the chief executive officer; (C) the annual total compensation for each other management position; and (D) the ratio of the amount described in clause (A) of this subparagraph to the amount described in clause (B) of this subparagraph.

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

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

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

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

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

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

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

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

and (D) the ratio of the amount described in clause (A) of this subparagraph to the amount described in clause (B) of this subparagraph.

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

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

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

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

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

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

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

ARTICLE 12

UTILITY LOBBYING ACT

Section 240. Definitions.

241. Limitations on rates.

§ 240. Definitions. As used in this article, unless the context otherwise indicates, the following terms have the following meanings:

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

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

(a) the transmission and distribution portion of a rural electrification cooperative;

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

(c) a municipal or quasi-municipal transmission and distribution utility located in the state;

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

(e) a transmission and distribution utility wholly owned by a municipality located in the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) any direct or indirect cost associated with (i) travel, lodging or food and beverage expenses for the public utility's board of directors and officers or the board of directors and officers of such public utility's parent company; (ii) entertainment or gifts; (iii) any owned, leased or chartered aircraft for such public utility's board of directors and officers or the board of directors and officers of such public utility's parent company; or (iv) investor relations;

(d) expenditures for lobbying;

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

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

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

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

4. The public utility shall make available for public inspection all materials filed with the commission in accordance with subdivisions two and three of this section. The commission shall make available the annual reports filed by public utilities in accordance with this section on its publicly accessible website with notice of the availability of the reports prominently displayed on the website.

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

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

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

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

§ 5. This act shall take effect January 1, 2027. 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 O

Section 1. Intentionally omitted.

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

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

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

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

(iv) For any electric or gas utility corporation, when filing for the first major change in rates following the effective date of this paragraph, the commission shall only approve a rate plan if the commission issues an order on the merits following litigation at a hearing on contested issues, with respect to such filing if it results from a litigated rate case. For a filing for a second major change by such electric or gas utility following the effective date of this paragraph, the commission shall only approve a rate plan with respect to such filing if it results from a joint settlement agreement between the department, other parties to the rate case, and such electric or gas utility corporation. With respect to a filing by such electric or gas utility for a major change thereafter, the commission shall only approve a rate plan resulting from a settlement if the prior rate plan approval resulted from a litigated rate case, and shall only approve a rate plan resulting from a litigated rate case if the prior rate plan approval resulted from a settlement between the department and such electric or gas utility corporation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) For any steam corporation, when filing for the first major change in rates following the effective date of this paragraph, the commission shall only approve a rate plan if the commission issues an order on the merits following litigation at a hearing on contested issues, with respect to such filing if it results from a litigated rate case. For a filing for a second major change by such steam corporation following the effective date of this paragraph, the commission shall only approve a rate plan with respect to such filing if it results from a joint settlement agreement between the department, other parties to the rate case, and such steam corporation. With respect to a filing by such steam corporation for a major change thereafter, the commission shall only approve a rate plan resulting from a settlement if the prior rate plan approval resulted from a litigated rate case, and shall only approve a rate plan resulting from a litigated rate case if the prior rate plan approval resulted from a settlement between the department and such steam corporation.

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

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

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

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

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

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

(b) "Hearing" means a formal proceeding conducted by the commission, initiated either upon complaint or at its own discretion, to examine and determine the appropriateness of proposed changes in rates, charges, contracts, agreements, rules, regulations, services, or general privileges or facilities by a utility, as outlined in paragraph (f) of subdivision ten of this section.

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

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

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

14. (a) To alleviate the impact of rate compression on all customers, the following limitations on make whole provisions are hereby established for any period beyond the initial suspension period. The percentage limit applied shall extend uniformly to the entirety of the extended suspension period.

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

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

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

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

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

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

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

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

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

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

(iv) For any water-works corporation, when filing for the first major change in rates following the effective date of this paragraph, the commission shall only approve a rate plan if the commission issues an order on the merits following litigation at a hearing on contested issues, with respect to such filing if it results from a litigated rate case. For a filing for a second major change by such water-works corporation following the effective date of this paragraph, the commission shall only approve a rate plan with respect to such filing if it results from a joint settlement agreement between the department, other parties to the rate case, and such water-works corporation. With respect to a filing by such water-works corporation for a major change thereafter, the commission shall only approve a rate plan resulting from a settlement if the prior rate plan approval resulted from a litigated rate case, and shall only approve a rate plan resulting from a litigated rate case if the prior rate plan approval resulted from a settlement between the department and such water-works corporation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 8. 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.

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

PART P

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

§ 66-x. Energy affordability index. 1. Beginning January first, two thousand twenty-seven, the commission shall require each gas corporation and electric corporation, or combination electric and gas corporation to submit an annual affordability index showing the energy burden of such corporation's residential customers. The commission shall promulgate rules and regulations adopting a methodology for gas corporations, electric corporations and combination electric and gas corporations to calculate an affordability index. The methodology shall incorporate consideration of a variety of differentiated income tiers, sources of energy burden, and such other considerations as the commission shall determine.

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

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

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

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

(i) Within the affordability index filed by a gas, electric or combination electric and gas corporation, the corporation shall identify sources of energy burden for customers, including, but not limited to, lack of access to energy efficiency upgrades or energy efficient appliances, under enrollment in energy affordability programs, increased delivery rates, customer usage, weather related patterns, wrongful billing practices, and energy supply prices.

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

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

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

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

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

residential electric service or greater than three percent for residential gas service, or greater than six percent for residential combination electric and gas service, install an independent affordability monitor inside any gas corporation, electric corporation or combination electric and gas corporation for a time period determined by the commission but for no less than one year.

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

(c) Such affordability monitor shall have power to examine records, including but not limited to, the accounts, books, contracts, property, assets, procurement history, taxes, accounting, operations, maintenance, past and present customer billing systems and related documents, customer complaints, as well as financial documents, reports, and papers of the corporation and shall have full access to management meetings and related records, in order to review utility operations and expenditures, and the corporation shall provide such materials and such access to the affordability monitor. The affordability monitor shall report to the commission annually the primary cost drivers that caused the energy burden to rise to more than three percent for residential electric service or greater than three percent for residential gas service, or greater than six percent for residential combination electric and gas service, and any opportunities for cost savings. Such report shall be publicly available and posted prominently on the commission's website. The commission upon receiving a report from the affordability monitor shall review the primary cost drivers and all opportunities for savings. The commission in its review shall make a determination if the opportunities for savings detailed by the energy affordability monitor are actionable. If the commission determines that any of the opportunities for savings are not actionable the commission shall provide a detailed explanation for that decision. If the commission determines an opportunity for savings is actionable, it shall issue an order within ninety days detailing the adjustments in operations, incentives and/or policy required by such corporation.

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

(e) If the energy affordability monitor discovers evidence of widespread errors, including but not limited to errors in billing, rates, charges, and compensation for employees or third-party contractors, miscategorization of expenses, fraud, or wrongdoing, the commission shall initiate an investigation within fourteen days of the affordability monitor submitting the report to the commission. The commission shall conclude the investigation within six months of initiating the investigation. The results of every investigation pursuant to this subdivision shall be publicly available and posted prominently on the commission's website.

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

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

PART Q

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

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

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

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

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

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

(c) In addition to the notice prescribed by paragraph (a) or (b) of this subdivision, fifteen days written notice shall be (i) posted in the public areas of such multiple dwelling, (ii) mailed to the "Occupant" of each unit in that multiple dwelling, (iii) mailed to the local health officer and the director of the social services district for the political subdivision in which the multiple dwelling is located, (iv) if the multiple dwelling is located in a city or a village, mailed to the mayor thereof, or if there be none, to the manager, or, if the multiple dwelling is located in a town, then mailed to the town supervisor, (v) mailed to the county executive of the county in which the multiple dwelling is located, or if there be none, then to the [~~chairman~~] chairperson of such county's legislative body, and (vi) mailed to the office of the New York state long term care ombudsman, if the multiple dwelling is a residential health care facility as defined in subdivision three of section twenty-eight hundred one of the public health law, an adult care facility as defined in subdivision twenty-one of section two of the social services law, or an assisted living residence as defined in subdivision one of section forty-six hundred fifty-one of the public health law as added by chapter two of the laws of two thousand four. Notice required by subparagraphs (iv) and (v) of this paragraph may be mailed to the persons specified therein or to their respective designees. The notice required by this paragraph shall state [~~the intended date of discontinuance of service,~~] the amount due for such service, and [~~the procedure by which any tenant or public agency may make such payment and thereby avoid discontinuance of service~~] that the utility will not discontinue service and shall seek a lien against the owner.

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

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

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

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

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

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

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

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

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

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

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

(c) In addition to the notice prescribed by paragraph (a) or (b) [~~above~~] of this subdivision, fifteen days' written notice shall be (i) posted in the public areas of such multiple dwelling, (ii) mailed to the "Occupant" of each unit in that multiple dwelling, (iii) mailed to the local health officer and the director of the social services district for the political subdivision in which the multiple dwelling is located, (iv) if the multiple dwelling is located in a city or a village, mailed to the mayor thereof, or if there be none, to the manager, or, if the multiple dwelling is located in a town, then mailed to the town supervisor, and (v) mailed to the county executive of the county in which the multiple dwelling is located, or if there be none, then to the [~~chairman~~] chairperson of such county's legislative body. Notice required by subparagraphs (iv) and (v) of this paragraph may be mailed to the persons specified therein or to their respective designees. The notice required by this paragraph shall state the [~~intended date of discontinuance of service, the~~] amount due for such service, and [~~the procedure by which any tenant or public agency may make such payment and thereby avoid discontinuance of service~~] that the utility will not discontinue service and shall seek a lien against the owner.

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

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

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

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

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

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

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

PART R

Section 1. Intentionally omitted.

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

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

As early as possible in the formulation of a proposal for an action **but not more than one year from the establishment of a lead agency**, the responsible agency shall make an initial determination as to whether an environmental impact statement need be prepared for the action. In making such determination for any proposed action the responsible agency shall consider whether such action may cause or increase a disproportionate pollution burden on a disadvantaged community that is directly or significantly indirectly affected by such action. When an action is to be carried out or approved by two or more agencies, such determination shall be made as early as possible after the designation of the lead agency.

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

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

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

§ 4. Intentionally omitted.

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

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

§ 6. Intentionally omitted.

§ 7. Intentionally omitted.

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

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

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

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

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

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

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

(v) in a city having a population of one million or more persons, fewer than one thousand total residential units in a building in which no more than twenty percent of the floor area consists of commercial or community facility uses to be connected at the commencement of habitation to existing community or public water and sewerage systems including sewage treatment works.

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

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

(ii) be located on previously disturbed land;

(iii) not be located in an area:

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

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

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

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

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

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

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

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

(2) enterprise green communities review and certification;

(3) Passive House Institute Passive House certification;

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

(5) in municipalities that have opted in, the New York Stretch Code as developed by the New York state energy research and development authority.

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

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

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

(ii) be located on previously disturbed land;

(iii) not be located in an area:

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

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

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

3. Mandatory review. Every action that is a qualifying action under subdivision one or two of this section shall be subjected to a determination by the local permitting authority of whether such action is exempt under subdivision one of this section, and if such action is not exempt under subdivision one of this section, whether such action is exempt under subdivision two of this section. If, after sixty days, the local agency responsible for approving or denying the application for such multiple dwelling has failed to return such a determination, the applicant may appeal to the division of housing and community renewal for a determination, and in such case the division shall render a determination within sixty days of receipt of the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. A covered housing agency in this state shall be subject, as applicable, to the provisions of article eight of the environmental conservation law and any rules and/or regulations promulgated thereto.

§ 11. 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 S

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

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

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

~~rebate of two hundred fifty thousand dollars per facility, provided however that infrastructure projects that will maximize access by multiple public users who might otherwise not have access may receive a maximum of three hundred thousand dollars per facility~~].

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

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

§ 2. This act shall take effect immediately.

PART T

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

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

§ 2. This act shall take effect immediately.

PART U

Section 1. This Part enacts into law components of legislation relating to the conveyance and use of real property owned and maintained by the state university of New York. 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 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 Part sets forth the general effective date of this Part.

SUBPART A

Section 1. Legislative findings. The legislature finds that the state university of New York at Farmingdale ("the university") seeks to use approximately 9.26 acres of vacant land on Farmingdale's campus to build multi-purpose facilities to support housing needs and supporting amenities, fulfilling a necessary and vital public purpose. The legislature further finds that granting the trustees of the state university of New York ("trustees") the authority and power to lease and otherwise contract to make available grounds and facilities of the Farmingdale campus will ensure such land is utilized for the benefit of Farmingdale, the surrounding community, and the general public.

§ 2. Notwithstanding any other law to the contrary, the state university trustees are hereby authorized and empowered, without any public bidding, to lease and otherwise contract to make available to Farmingdale state development corporation, a not-for-profit corporation (the "ground lessee"), a portion of the lands of the university generally described in this act for the purpose of developing, constructing, maintaining and operating multi-purpose facilities to support housing needs and supporting amenities. Such lease or contract shall be for a period not exceeding ninety-nine years without any fee simple conveyance and otherwise upon terms and conditions determined by such trustees, subject to the approval of the director of the division of the budget, the attorney general and the state comptroller. In the event that the real property that is the subject of such lease or contract shall cease to be used for the purpose described in this act, such lease or contract shall immediately terminate, and the real property and any improvements thereon shall revert to the state university of New York. Any lease or contract entered into pursuant to this act shall provide that the real property that is the subject of such lease or contract and any improvements thereon shall revert to the state university of New York on the expiration of such contract or lease. Any and all proceeds related to the leases authorized by this act shall be used for the benefit of the Farmingdale campus and the allocation of such proceeds shall be subject to approval by the trustees.

§ 3. Any contract or lease entered into pursuant to this act shall be deemed to be a state contract for purposes of article 15-A of the executive law, and any contractor, subcontractor, lessee or sublessee entering into such contract or lease for the construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement authorized pursuant to this act shall be deemed a state agency for the purposes of article 15-A of the executive law and subject to the provisions of such article.

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

§ 5. Notwithstanding any law, rule or regulation to the contrary, the state university of New York shall not contract out to the ground lessee or any subsidiary for the instruction or any pedagogical functions or services, or any administrative services, and similar professional services currently being performed by state employees. All such functions and services shall be performed by state employees pursuant to the civil service law. Nothing in this act shall result in the displacement of any currently employed state worker or the loss of position (including partial displacement such as reduction in the hours of non-overtime, wages or employment benefits), or result in the impairment of existing contracts for services or collective bargaining rights pursuant to existing agreements as provided under article 14 of the civil service law. All positions currently at the state university of New York in the unclassified service shall remain in the unclassified service. No services or work on the property described in this act currently performed by public employees at the time of the effective date of this act, or that is similar in scope and nature to the work being currently performed by public employees at the time of the effective date of this act, shall be contracted out or privatized by the state university of New York. The state university of New York acknowledges its obligations as an employer under the civil service law and agrees that it will not exercise its right to contract out for goods and services under any applicable collective bargaining agreement.

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

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

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

§ 7. For the purposes of this act:

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

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

§ 8. Nothing in this act shall be deemed to waive or impair any rights or benefits of employees of the state university of New York that otherwise would be available to them pursuant to the terms of agreements between the certified representatives of such employees and the state of New York pursuant to article 14 of the civil service law, and all work performed on such property that ordinarily would be performed by employees subject to article 14 of the civil service law shall continue to be performed by such employees.

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

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

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

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

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

All that certain plot, piece or parcel of land, situate, lying and being at Melville, Town of Huntington, County of Suffolk and State of New York, being more particularly bounded and described as follows: BEGINNING at the corner formed by the intersection of the southerly side of Melville Road with the westerly side of Route 110 (Broad Hollow Road). Running Thence the following 12 (twelve) courses and distances: 1. Southerly, along the westerly side of Route 110, along the arc of a curve, bearing to the right, having a radius of 5629.58 feet and a length of 241.37 feet; 2. Still along said side, South 18 degrees 09 minutes 05 seconds West, a distance of 121.11 feet; 3. Westerly, North 56 degrees 29 minutes 30 seconds West, a distance of 100.00 feet; 4. Southerly, South 15 degrees 47 minutes 32 seconds West, a distance of 125.97 feet; 5. Westerly, North 56 degrees 29 minutes 30 seconds West, a distance of 545.14 feet; 6. Still westerly, North 56 degrees 05 minutes 25 seconds West, a distance of 382.45 feet; 7. Still westerly, North 56 degrees 57 minutes 00 seconds West, a distance of 300 feet, to the southerly side of Melville Road; 8. Easterly, along said side, along the arc of a curve, bearing to the right, having a radius of 512.54 feet, and a length of 485.98 feet; 9. Still along said side, South 66 degrees 50 minutes 52 seconds East, a distance of 196.45 feet; 10. Still along said side, along the arc of a curve, bearing to the left, having a radius of 1313.24 feet and a length of 274.97 feet; 11. Still along said side, South 78 degrees 50 minutes 40 seconds East, a distance of 228.40 feet; 12. Still along said side, South 45 degrees 52 minutes 29 seconds East, a distance of 130.39 feet, to the westerly side of Route 110, at the Point or Place of BEGINNING. Containing within said bounds an area of 9.26 acres more or less. Subject to all existing easements and restrictions of record.

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

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

§ 16. This act shall take effect immediately.

SUBPART B

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

§ 2. Notwithstanding any other law to the contrary, the state university trustees are authorized and empowered, without any public bidding, to lease and otherwise contract to make available to Stony Brook Southampton Housing Development Corp., a not-for-profit (ground lessee), a portion of the lands of the university generally described in this act for the purpose of developing, constructing, maintaining and operating multi-purpose facilities to support housing needs and supporting amenities. Such lease or contract shall be for a period not exceeding ninety-nine years without any fee simple conveyance and otherwise upon terms and conditions determined by such trustees, subject to the approval of the director of the division of the budget, the attorney general and the state comptroller. In the event that the real property that is the subject of such lease or contract shall cease to be used for the purpose described in this act, such lease or contract shall immediately terminate and the real property and any improvements thereon shall revert to the state university of New York. Any lease or contract entered into pursuant to this act shall provide that the real property that is the subject of such lease or contract and any improvements thereon shall revert to the state university of New York on the expiration of such contract or lease.

§ 3. Any contract or lease entered into pursuant to this act shall be deemed to be a state contract for purposes of article 15-A of the executive law, and any contractor, subcontractor, lessee or sublessee entering into such contract or lease for the construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement authorized pursuant to this act shall be deemed a state agency for the purposes of article 15-A of the executive law and subject to the provisions of such article.

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

§ 5. Notwithstanding any law, rule or regulation to the contrary, the state university of New York shall not contract out to the ground lessee or any subsidiary for the instruction or any pedagogical functions or services, or any administrative services, and similar professional services currently being performed by state employees. All such functions and services shall be performed by state employees pursuant to the civil service law. Nothing in this act shall result in the displacement of any currently employed state worker or the loss of position (including partial displacement such as reduction in the hours of non-overtime, wages or employment benefits), or result in the impairment of existing contracts for services or collective bargaining rights pursuant to existing agreements as provided under article 14 of the civil service law. All positions currently at the state university of New York in the unclassified service shall remain in the unclassified service. No services or work on the property described in this act currently performed by public employees at the time of the effective date of this act, or that is similar in scope and nature to the work being currently performed by public employees at the time of the effective date of this act, shall be contracted out or privatized by the state university of New York. The state university of New York acknowledges its obligations as an employer under the civil service law and agrees that it will not exercise its right to contract out for goods and services under any applicable collective bargaining agreement.

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

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

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

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

§ 7. For the purposes of this act:

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

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

§ 8. Nothing in this act shall be deemed to waive or impair any rights or benefits of employees of the state university of New York that otherwise would be available to them pursuant to the terms of agreements between the certified representatives of such employees and the state of New York pursuant to article 14 of the civil service law, and all work performed on such property that ordinarily would be performed by employees subject to article 14 of the civil service law shall continue to be performed by such employees.

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

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

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

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

§ 13. The property authorized by this act to be leased to the ground lessee is generally described as that parcel of real property with improvements thereon consisting of a total of approximately 11.5 acres of land situated on the Southampton campus of the state university of New York at Stony Brook. The description in this section of the parcel to be made available pursuant to this act is not meant to be a legal description, but is intended only to identify the parcel:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) Along the dividing line of said lot 25 to the southeast with section 210, block 2, lots 11.3, 11.4 and 11.5 to the northwest, north 55 degrees 50 minutes 47 seconds east, a distance of 438.30 feet; thence
(19) Along the dividing line of aforementioned lot 1 to the southeast with said lot 11.5 to the northwest, north 55 degrees 51 minutes 07 seconds east, a distance of 315.93 feet; thence
(20) Along same, north 24 degrees 08 minutes 33 seconds west, a distance of 155.67 feet; thence
(21) Along the dividing line of said lot 1 to the south with aforementioned lot 9 to the north, north 86 degrees 01 minutes 07 seconds east, a distance of 593.70 feet to the point and place of beginning.
The above-described lease area contains 500,818 square feet or 11.4972 acres of land. Subject to all existing easements and restrictions of record.

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

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

§ 16. This act shall take effect immediately.

SUBPART C

Section 1. Legislative findings. The legislature finds that the state university of New York College of Environmental Science and Forestry ("ESF") is one of the nation's premier colleges focused on the study of the environment, developing renewable technologies, and building a sustainable future. Located in downtown Syracuse, right across from Syracuse University, ESF is on a mission to educate future environmental leaders, particularly at a time when New York state is working to meet its statewide climate goals and transition into a clean energy economy.

The legislature further finds that ESF seeks to use approximately 1.6 acres of underutilized land on its campus to build multi-purpose facilities to support housing needs and supporting amenities for the college's undergraduate and graduate students. In the past five years, ESF's enrollment has increased by 4.7%, ranking fourth in state university of New York's campuses seeing enrollment growth. Currently, ESF requires freshmen to live on campus and has one residence hall, which can accommodate 549 students. As a result, most transfer students, upper class students, and graduate students live off-campus at private facilities. ESF believes additional housing will help to attract a diverse student population and continue to meet the demands of its growing enrollment.

The legislature further finds that granting the trustees of the state university of New York the authority and power to lease and otherwise contract to make available grounds and facilities on ESF's campus will ensure land is utilized for the benefit of ESF and the surrounding community.

§ 2. Notwithstanding any other law to the contrary, the state university trustees are hereby authorized and empowered, without any public bidding, to lease and otherwise contract to make available to the Abby Lane Housing Corporation, a not-for-profit corporation (the "ground lessee"), a portion of the lands of the university, generally described in this act for the purpose of building undergraduate and graduate student housing. Such lease or contract shall be for a period not exceeding 100 years without any fee simple conveyance and otherwise upon terms and conditions determined by such trustees, subject to the approval of the director of the division of the budget, the attorney general and the state comptroller. In the event that the real property that is the subject of such lease or contract shall cease to be used for the purpose described in this act, such lease or contract shall immediately terminate, and the real property and any improvements thereon shall revert to the state university of New York. Any lease or contract entered into pursuant to this act shall provide that the real property that is the subject of such lease or contract and any improvements thereon shall revert to the state university of New York on the expiration of such contract or lease.

§ 3. Any contract or lease entered into pursuant to this act shall be deemed to be a state contract for purposes of article 15-A of the executive law, and any contractor, subcontractor, lessee or sublessee entering into such contract or lease for the construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement authorized pursuant to this act shall be deemed a state agency for the purposes of article 15-A of the executive law and subject to the provisions of such article.

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

§ 5. Notwithstanding any law, rule or regulation to the contrary, the state university of New York shall not contract out to the ground lessee or any subsidiary for the instruction or any pedagogical functions or services, or any administrative services, and similar professional services currently being performed by state employees. All such functions and services shall be performed by state employees pursuant to the civil service law. Nothing in this act shall result in the displacement of any currently employed state worker or the loss of position (including partial displacement such as reduction in the hours of non-overtime, wages or employment benefits), or result in the impairment of existing contracts for services or collective bargaining rights pursuant to existing agreements as provided under article 14 of the civil service law. All positions currently at the state university of New York in the unclassified service shall remain in the unclassified service. No services or work on the property described in this act currently performed by public employees at the time of the effective date of this act, or that is similar in scope and nature to the work being currently performed by public employees at the time of the effective date of this act, shall be contracted out or privatized by the state university of New York. The state university of New York acknowledges its obligations as an employer under the civil service law and agrees that it will not exercise its right to contract out for goods and services under any applicable collective bargaining agreement.

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

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

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

§ 7. For the purposes of this act:

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

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

§ 8. Nothing in this act shall be deemed to waive or impair any rights or benefits of employees of the state university of New York that otherwise would be available to them pursuant to the terms of agreements between the certified representatives of such employees and the state of New York pursuant to article 14 of the civil service law, and all work performed on such property that ordinarily would be performed by employees subject to article 14 of the civil service law shall continue to be performed by such employees.

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 16. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section, or subpart of this part shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of that subpart or this part, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or subpart 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 part and each subpart herein 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 C of this act shall be as specifically set forth in the last section of such Subparts.

PART V

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 EE of chapter 58 of the laws of 2025, 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, [~~2026~~] **2027**.

§ 2. This act shall take effect immediately.

PART W

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 FF of chapter 58 of the laws of 2025, 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, [~~2026~~] **2027**, 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 X

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

ARTICLE 45-B

DIGITAL CONTENT PROVENANCE ACT

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

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

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

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

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

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

5. "Synthetic content creations system hosting platform" means an online repository or other website that makes a synthetic content creations system available for use by a New York resident, regardless of whether the terms of such use include compensation. Synthetic content creations system hosting platform does not include cloud computing platforms or other services that make synthetic content creations systems available for use by a New York resident solely at the direction of others.

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

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

8. "Artificial intelligence" or "artificial intelligence technology" 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.

9. "AI model" means an information system or 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.

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

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

distributes content to users who did not create or collaborate in creating the content. A "large online platform" does not include:

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

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

12. "Mass messaging platform" means a direct messaging platform that allows users to distribute content to more than one hundred users simultaneously.

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

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

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

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

(a) that the content was created or modified using artificial intelligence;

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

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

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

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

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

3. Synthetic content creations system hosting platforms shall not make available a synthetic content creations system where the hosting platform knows that the synthetic content creations system provider for such system does not apply provenance data to content created or modified by the artificial intelligence system in a manner consistent with specifications set forth in this section, nor shall a synthetic content creations system hosting platform deliberately prevent a synthetic content creations system provider from applying provenance data to content created or modified by a synthetic content creations system in a manner consistent with the specifications set forth in this section.

4. The provisions of this section shall only apply to synthetic content creations systems that were created or modified after the effective date of this article.

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

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

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

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

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

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

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

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

2. A synthetic content creations system provider shall not collect or retain personal information from users of the provenance reader tool as a condition of using the provenance reader tool. A synthetic content creations system provider may collect and retain the personal information of a user who opts in to being contacted by such provider for the purposes of submitting feedback to such provider regarding the provenance reader tool.

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

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

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

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

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

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

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

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

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

(A) whether provenance data is available;

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

(C) whether any digital signatures are available.

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

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

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

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

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

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

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

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

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

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

(c) Whether the content was created or edited using artificial intelligence;

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

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

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

1. Provide a user with the option to include a disclosure in content captured by the capture device that conveys all of the following information:

(a) The name of the capture device manufacturer;

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

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

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

§ 1536. Enforcement by attorney general. Whenever there shall be a violation of this article, the attorney general shall give written notice to the violating person or entity identifying the specific provisions of this article that are or were being violated. The attorney general shall not bring an action under this section where, within fifteen days of receiving such written notice, the person or entity cures the violation and provides the attorney general with a written statement confirming the violation was cured, including supporting documentation on how the violation was cured. Where, after receipt of the notice and the expiration of fifteen days, the person or entity continues to violate this article or for subsequent violations, 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 by a special proceeding to issue an injunction, 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 article, 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 paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules. Whenever the court shall determine that a violation of this article has occurred, the court may impose a civil penalty of not more than five thousand dollars for each violation, with additional civil penalties of one thousand dollars for each day the violation remains uncured beyond the fifteen-day cure period.

§ 3. 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.

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

PART Y

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

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

ARTICLE 45-B

SAFE BY DESIGN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) offers or provides the following features:

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

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

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

15. "Media" shall mean text, an image or a video. Games and immersive digital environments are not media.

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

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

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

18. "Verifiable parental consent" shall mean parental consent obtained in a manner prescribed by regulations promulgated by the attorney general pursuant to subdivision four of section fifteen hundred one of this chapter.

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

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

(b) Information collected for the purpose of determining a user's age under this article shall not be used for any purpose other than age determination and compliance with this article, and shall be deleted immediately after an attempt to determine a user's age, except that an operator may retain the minimum information strictly necessary to maintain age-based settings, maintain records of verifiable parental consent or overrides, and to comply with any applicable provisions of New York state or federal law or regulation.

(c) The attorney general may promulgate regulations identifying methods for commercially reasonable age assurance, which may consider the size, financial resources, and technical capabilities of covered platforms, the costs and effectiveness of available age determination techniques for users of such platforms, the audience of such platforms, and prevalent practices of the industry of the operator. Such regulations shall also identify the appropriate levels of accuracy that would be considered reasonable for operators to achieve in determining whether a user is a covered minor.

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

(i) communicate directly and privately with such minor;

(ii) view or respond to media posted by such minor;

(iii) tag such minor in posted media; or

(iv) view the geographic location information of a covered minor if a covered platform provides a mechanism by which users may share their geographic location information with other users on the covered platform.

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

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

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

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

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

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

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

(c) An operator shall notify a parent of a covered minor whenever such minor requests that the operator obtain verifiable parental consent from such covered minor's parent to change the default setting provided in paragraph (a) of this subdivision. Such notice shall include a statement that informs the parent that the parent is being asked to provide verifiable parental consent to change a default setting required under New York law. The parent may thereafter provide or withhold such verifiable parental consent.

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

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

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

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

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

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

(d) Such operator shall further establish a mechanism by which a parent of a covered minor may easily view a history of all financial transactions relating to such covered minor's account at any time, which at a minimum, identifies the users involved in each such transaction, in addition to the covered minor, as well as the amounts of money or digital currency associated with each transaction.

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

§ 1543. Prohibition on features that subvert the purposes of this article. It shall be unlawful for an operator to deploy on its platform any mechanism or design feature that materially interferes with, circumvents, or substantially undermines any requirement, age assurance mechanism, default setting, or mechanism to obtain verifiable parental consent established pursuant to this article.

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

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

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

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

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

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

§ 1548. Remedies. 1. On or after the effective date of this article, whenever it appears to the attorney general, upon complaint or otherwise, that any person, within or outside the state, has violated the provisions of this article, the attorney general may bring an action or special proceeding in the name and on behalf of the people of the state of New York to enjoin any such violation, to obtain restitution of any moneys or property obtained directly or indirectly by any such violation, to obtain disgorgement of any profits or gains obtained directly or indirectly by any such violation, to obtain damages caused directly or indirectly by any such violation, to obtain civil penalties of up to five thousand dollars per violation, and to obtain any such other and further relief as the court may deem proper, including preliminary relief.

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

§ 3. 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.

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

Intentionally Omitted

PART AA

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

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

ARTICLE 48
DATA BROKER ACCOUNTABILITY ACT

§ 1800. Definitions. For purposes of this article, the following definitions shall have the following meanings:

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

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

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

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

4. "Business" means:

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

(i) as of January first of the relevant calendar year, had annual gross revenues in excess of ten million dollars in the preceding calendar year;

(ii) alone or in combination, annually buys, sells, or shares the personal information of one hundred thousand or more consumers or households; or

(iii) derives fifty percent or more of its annual revenues from selling or sharing consumers' personal information;

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

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

(1) "Control" or "controlled" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of an entity, whether through the ownership of voting securities, by contract, or otherwise;

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

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

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

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

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

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

(b) helping to ensure security and integrity to the extent the use of the consumer's personal information is strictly necessary and proportionate for these purposes;

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

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

(e) performing services on behalf of the business, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financing, providing analytic services, providing storage, or providing similar services on behalf of the business;

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

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

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

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

7. "Consent" means any freely given, specific, informed, and unambiguous indication of a consumer's wishes by which such consumer, or such consumer's legal guardian, a person who has power of attorney, or a person acting as a conservator for such consumer, including by a statement or by a clear affirmative action, signifies agreement to the processing of personal information relating to such consumer for a narrowly defined particular purpose. Acceptance of a general or broad terms of use, or similar document, that contains descriptions of personal information processing along with other, unrelated information, shall not constitute consent. Hovering over, muting, pausing, or closing a given

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

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

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

(a) prohibits the contractor from:

(i) selling or sharing such personal information;

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

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

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

(b) includes a certification made by the contractor that the contractor understands the restrictions provided for in accordance with paragraph (a) of this subdivision and will comply with them;

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

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

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

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

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

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

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

(i) a federal, state, tribal, territorial, or local governmental entity, including a body, authority, board, bureau, commission, body, authority, board, bureau, commission, district, district, agency, or political subdivision of a governmental entity;

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

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

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

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

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

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

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

(c) not attempt to reidentify such information, except that such business may attempt to reidentify such information solely for the purpose of determining whether its deidentification processes satisfy the requirements of this subdivision; and

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

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

15. "Developer of a GenAI system" means a person, partnership, corporation, firm, organization or other entity that designs, codes, produces, trains or substantially modifies a GenAI system.

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

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

(a) the government of a covered nation as defined in Section 4872 of Title 10 of the United States Code; or

(b) a partnership, association, corporation, organization, entity or other combination of persons organized under the laws of or having its principal place of business in a covered nation as defined in Section 4872 of Title 10 of the United States Code.

18. "Generative artificial intelligence system" or "GenAI system" means an artificial intelligence that can generate derived synthetic content, including text, images, video, and audio, that emulates the structure and characteristics of the system's training data.

19. "Homepage" means the introductory page of an internet website and any internet web page where personal information is collected. In the

case of an online service, such as a mobile application, the term "home-page" means such application's platform page or download page, a link within such application, such as from the application configuration, "About", "Information", or settings page, and any other location that allows consumers to review the notices required by this article, including, but not limited to, before downloading such application.

20. "Household" means a group, however identified, of consumers who cohabitate with one another at the same residential address and share use of common services.

21. "Infer" or "inference" means the derivation of information, data, assumptions, or conclusions from facts, evidence, or another source of information or data.

22. "Intentionally interacts" means when a consumer intends to interact with a person, or disclose personal information to a person, via one or more deliberate interactions, including visiting such person's internet website or purchasing a good or service from such person. Hovering over, muting, pausing, or closing a given piece of content shall not constitute a consumer's intent to interact with a person.

23. "Non-personalized advertising" means advertising and marketing that is based solely on such consumer's current interaction with the business.

24. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization, entity or group of persons acting in concert.

25. (a) "Personal information" means information, however maintained, that identifies, relates to, describes, is capable of being associated with, or could be linked, directly or indirectly, with a particular consumer or household, including, but not limited to, the following:

(i) identifiers such as a real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, email address, account name, social security number, driver's license number, passport number, or other similar identifiers;

(ii) any information that identifies, relates to, describes, or is capable of being associated with, a particular individual, including, but not limited to, such individual's name, signature, social security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information;

(iii) characteristics of protected classifications under New York or federal law;

(iv) commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies;

(v) biometric information;

(vi) internet or other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding a consumer's interaction with an internet website application, or advertisement;

(vii) geolocation data;

(viii) audio, electronic, visual, thermal, olfactory, or similar information;

(ix) professional or employment-related information;

(x) education information, defined as information that is not publicly available personally identifiable information as defined in the Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99);

(xi) inferences drawn from any of the information identified in this subdivision to create a profile about a consumer reflecting such consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes; and

(xii) sensitive personal information;

(b) The term "personal information" shall not include publicly available information or lawfully obtained, truthful information that is a matter of public concern. For purposes of this paragraph, "publicly available" means any of the following:

(i) information that is lawfully made available from federal, state, or local government records;

(ii) information that a business has a reasonable basis to believe is lawfully and intentionally made available to the general public by the consumer or from widely distributed media; or

(iii) information made available by a person to whom the consumer has intentionally disclosed such information if such consumer has consented to such information not being restricted to a specific audience.

(c) The term "publicly available" shall not mean biometric information collected by a business about a consumer.

(d) The term "personal information" shall not include:

(i) consumer information that is deidentified and aggregate consumer information; and

(ii) information that would not otherwise be made public but for a data breach.

(e) The term "personal information" may exist in various formats, including, but not limited to, all of the following:

(i) physical formats, including paper documents, printed images, vinyl records, or video tapes;

(ii) digital formats, including text, image, audio, or video files; or

(iii) abstract digital formats, including compressed or encrypted files, metadata, or artificial intelligence systems that are capable of outputting personal information.

26. "Precise geolocation" means any data that is derived from a device and that is used or intended to be used to locate a consumer within a geographic area that is equal to or less than the area of a circle with a radius of eighteen hundred fifty feet, except as prescribed by regulations.

27. "Probabilistic identifier" means the identification of a consumer or such consumer's device to a degree of certainty of more probable than not based on any categories of personal information included in, or similar to, the categories enumerated in the definition of personal information under subdivision twenty-five of this section.

28. "Processing" means any operation or set of operations that are performed on personal information or on sets of personal information, whether or not by automated means.

29. "Profiling" means any form of processing of personal information, as further defined by any regulations issued by the office, to evaluate personal aspects relating to a natural person, including but not limited to, analyzing or predicting aspects concerning such natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

30. "Pseudonymize" or "pseudonymization" means the processing of personal information in a manner that renders such personal information no longer attributable to a specific consumer without the use of additional information, provided that such additional information is kept separately and is subject to technical and organizational measures to ensure that such personal information is not attributed to an identified or identifiable consumer and shall not be reidentified through methods such as inference, hashing manipulation, or any other computational or analytical technique.

31. "Reproductive health care data" means any of the following:

(a) information about a consumer searching for, accessing, procuring, using, or otherwise interacting with goods or services associated with the human reproductive system, which includes goods such as contraception including but not limited to condoms or birth-control pills, prenatal and fertility vitamins and supplements, menstrual-tracking apps, and hormone-replacement therapy, and shall further include, but not be limited to, services such as sperm- and egg-freezing, In Vitro Fertilization, abortion care, vasectomies, sexual health counseling; treatment or counseling for sexually transmitted infections, erectile dysfunction, and reproductive tract infections; and precise geolocation information about such treatments; or

(b) information about a consumer's sexual history and family planning, which includes information such consumer inputs into a dating app about their history of sexually transmitted infections or desire to have children.

32. "Research" means scientific analysis, systematic study, and observation, including basic research or applied research that is designed to develop or contribute to public or scientific knowledge and that adheres or otherwise conforms to all other applicable ethics and privacy laws, including, but not limited to, studies conducted in the public interest in the area of public health. Research with personal information that may have been collected from a consumer in the course of the consumer's interactions with a business' service or device for other purposes shall be:

(a) in furtherance of the business purpose for which the personal information was collected;

(b) subsequently pseudonymized and deidentified, or deidentified and in the aggregate, such that the information cannot identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular consumer, by a business;

(c) made subject to technical safeguards that prohibit reidentification of the consumer to whom the information may pertain, other than as needed to support the research;

(d) subject to business processes that specifically prohibit reidentification of the information, other than as needed to support the research;

(e) made subject to business processes to prevent inadvertent release of deidentified information;

(f) protected from any reidentification attempts;

(g) used solely for research purposes that are compatible with the context in which the personal information was collected; and

(h) subjected by the business conducting the research to additional security controls that limit access to the research data to only those individuals as are necessary to carry out the research purpose.

33. "Security and integrity" means the ability of:

(a) networks or information systems to detect security incidents that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal information;

(b) businesses to detect security incidents, resist malicious, deceptive, fraudulent, or illegal actions and to help prosecute those responsible for those actions; or

(c) businesses to ensure the physical safety of natural persons.

34. (a) "Sell", "selling", "sale", or "sold" means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by a business to a third party for monetary or other valuable consideration.

(b) For purposes of this article, a business shall not be deemed to sell personal information when:

(i) a consumer uses or directs such business to intentionally:

(1) disclose personal information; or

(2) interact with one or more third parties;

(ii) such business uses or shares an identifier for a consumer who has opted out of the sale of such consumer's personal information or limited the use of such consumer's sensitive personal information solely for the purposes of alerting persons to or for whom such consumer has opted out of the sale of such consumer's personal information or limited the use of such consumer's sensitive personal information; provided such identifier does not disclose any personal information other than what is necessary for such alert; or

(iii) such business transfers to a third party the personal information of a consumer as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which such third party assumes control of all or part of such business, provided that as a condition to such transaction, the third party contractually agrees to assume all responsibilities of the transferring business with respect to such personal information, and comply with this article in all respects. A third party shall not use or share the personal information of a consumer in a manner that is inconsistent with the promises made at the time of collection. This subparagraph shall not authorize a business to make retroactive privacy policy changes or make other changes in their privacy policy.

35. "Sensitive personal information" means:

(a) personal information that reveals:

(i) a consumer's social security, driver's license, state identification card, or passport number;

(ii) a consumer's account log-in, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account;

(iii) a consumer's precise geolocation;

(iv) a consumer's racial or ethnic origin, citizenship or immigration status, religious or philosophical beliefs, or union membership;

(v) the contents of a consumer's mail, email, and text messages unless the business is the intended recipient of the communication;

(vi) a consumer's sexuality or gender identity;

(vii) reproductive health care data;

(viii) a consumer's genetic data; or

(ix) a consumer's neural data, meaning information that is generated by measuring the activity of such consumer's central or peripheral nervous system, and that is not inferred from nonneural information; or

(b) the processing of biometric information for the purpose of uniquely identifying a consumer, including but not limited to:

(i) personal information collected and analyzed concerning a consumer's health; or

(ii) personal information collected and analyzed concerning a consumer's sex life or sexual orientation.

36. "Service" or "services" means work, labor, and services, including services furnished in connection with the sale or repair of goods.

37. (a) "Service provider" means a person that processes personal information on behalf of a business and that receives from or on behalf of such business consumer's personal information for a business purpose pursuant to a written contract, provided that such contract prohibits such person from:

(i) selling or sharing such personal information;

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

(iii) retaining, using, or disclosing the information outside of the direct business relationship between the service provider and such business; or

(iv) combining such personal information that the service provider receives from, or on behalf of, such business with personal information that it receives from, or on behalf of, another person or persons, or collects from its own interaction with the consumer. Such contract shall permit the business to monitor such service provider's compliance with such contract through measures, including, but not limited to, ongoing manual reviews and automated scans and regular assessments, audits, or other technical and operational testing at least once every twelve months.

(b) If a service provider engages any other person to assist it in processing personal information for a business purpose on behalf of the business, or if any other person engaged by such service provider engages another person to assist in processing personal information for such business purpose, it shall notify such business of such engagement, and such engagement shall be pursuant to a written contract binding such other person to comply with all the requirements set forth in paragraph (a) of this subdivision.

(c) Any information acquired by a service provider for the purpose of providing verification, authentication or similar service shall not be processed or used for any purpose other than verifying the identity of the individual and shall be deleted immediately upon verification or failure to verify the individual.

38. (a) "Share", "shared", or "sharing" means sharing, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by a business to a third party for cross-context behavioral advertising, whether or not for monetary or other valuable consideration, including transactions between a business and a third party for cross-context behavioral advertising for the benefit of a business in which no money is exchanged.

(b) For purposes of this article, a business shall not be deemed to share personal information when:

(i) a consumer uses or directs such business to intentionally disclose personal information or intentionally interact with one or more third parties;

(ii) a consumer directs such business to intentionally interact with one or more third parties and such consumer has provided consent for the business to disclose personal information to such third party or parties;

(iii) such business uses or shares an identifier for a consumer who has opted out of the sharing of such consumer's personal information or limited the use of such consumer's sensitive personal information, solely for the purposes of alerting persons to or for whom such consumer has opted out of the sharing of such consumer's personal information or limited the use of such consumer's sensitive personal information, provided such identifier does not disclose any personal information other than what is necessary for such alert; or

(iv) such business transfers to a third party the personal information of a consumer as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which such third party assumes control of all or part of such business, provided that as a condition to such transaction, the third party contractually agrees to assume all responsibilities of the transferring business with respect to such personal information, and comply with this article in all respects. A third party shall not use or share the personal information of a consumer in a manner that is inconsistent with the promises made at the time of collection. This subparagraph shall not authorize a business to make retroactive privacy policy changes or make other changes in their privacy policy.

39. "Third party" means a person who is not any of the following:

(a) the business with whom a consumer intentionally interacts and that collects personal information from such consumer as part of such consumer's current interaction with such business under this article;

(b) a service provider to the business;

(c) a contractor to the business; or

(d) a processor to the business.

40. "Unique identifier" or "unique personal identifier" means a persistent identifier that can be used to recognize a consumer, a household, a family, or a device that is linked to a consumer, household, or family, over time and across different services, including, but not limited to: a device identifier; an internet protocol address; device fingerprinting; cookies, beacons, pixel tags, mobile ad identifiers, or similar technology; customer number, unique pseudonym, or user alias; telephone numbers, or other forms of persistent or probabilistic identifiers that can be used to identify a particular consumer or device that is linked to a consumer, household or family. For purposes of this subdivision, the term "family" means a custodial parent or guardian and any children under eighteen years of age over which the parent or guardian has custody.

41. "Verifiable consumer request" means a request that is made by a consumer, by a consumer on behalf of such consumer's minor child, or by a person who has power of attorney or is acting as a conservator for such consumer, and that the business can verify, using commercially reasonable methods, pursuant to any regulations adopted by the office to be such consumer about whom the business has collected personal information.

42. "Department" shall mean the department of financial services.

43. "Superintendent" shall mean the superintendent of financial services.

44. "Office" shall mean an office within the department, which shall report to the superintendent, and is tasked with the implementation of this article.

45. "Authorized agent" means:

(a) a person designated by a consumer to act on the consumer's behalf;

(b) a parent or legal guardian that acts on behalf of the parent's child or on behalf of a child for whom the guardian has legal responsibility; or

(c) a guardian or conservator that acts on behalf of a consumer that is subject to a guardianship, conservatorship, or other protective arrangement.

46. "Processor" shall mean a person who collects, processes, or transfers personal information on behalf of, and at the direction of, a data broker or another processor, or a Federal, state, tribal, or local government entity.

§ 1801. Data broker registration. 1. A data broker shall register with the office pursuant to the requirements of this section no later than sixty days after meeting the definition of data broker under this article, and thereafter on or before the first of July following each year in which a business meets the definition of data broker as provided in this article, or by such other date as the office may establish by regulation.

2. In registering with the office, a data broker shall do all of the following:

(a) pay the pro rata share fee assessed by the office pursuant to section eighteen hundred eleven of this article;

(b) provide the following information in a form and manner determined by the office for the prior calendar year:

(i) all names used by the data broker and its primary physical, email, and internet website addresses;

(ii) if the data broker permits a consumer to opt-out of such data broker's collection of brokered personal information, opt-out of its databases, or opt-out of certain sales of data:

(1) the method for requesting an opt-out;

(2) if the opt-out applies to only certain activities or sales, which activities or sales such opt-out applies to; and

(3) whether the data broker permits a consumer to authorize a third party to perform the opt-out on the consumer's behalf;

(iii) a statement specifying the data collection, databases, or sales activities from which the data broker does not allow a consumer to opt-out of;

(iv) a statement regarding whether the data broker implements a purchaser credentialing process;

(v) the number of requests from consumers to delete personal information;

(vi) the median and the mean number of days within which the data broker substantively responded to consumer requests to delete personal information;

(vii) whether the data broker collects the personal information of minors;

(viii) whether the data broker collects or infers consumers' names, dates of birth, zip codes, email addresses, or phone numbers;

(ix) whether the data broker collects or infers consumers' account logins or account numbers in combination with any required security codes, access codes, or passwords that would permit access to a consumer's account with a third party;

(x) whether the data broker collects or infers consumers' drivers' license numbers, New York identification card numbers, tax identification numbers, social security numbers, passport numbers, military identification numbers, or other unique identification numbers issued on a government document commonly used to verify the identity of a specific individual;

(xi) whether the data broker collects or infers consumers' mobile advertising identification numbers, connected television identification numbers, or vehicle identification numbers (VIN);

(xii) whether the data broker collects or infers consumers' citizenship data, including immigration status;

(xiii) whether the data broker collects or infers consumers' union membership status;

(xiv) whether the data broker collects or infers consumers' sexual orientation status;

(xv) whether the data broker collects or infers consumers' gender identity and gender expression data;

(xvi) whether the data broker collects or infers consumers' biometric data;

(xvii) whether the data broker collects or infers consumers' precise geolocation;

(xviii) whether the data broker collects or infers consumers' reproductive health care data;

(xix) whether the data broker has shared or sold consumers' data to a foreign actor in the past five years;

(xx) whether the data broker has shared or sold consumers' data to the federal government in the past five years;

(xxi) whether the data broker has shared or sold consumers' data to other state governments in the past five years;

(xxii) whether the data broker has shared or sold consumers' data to law enforcement in the past five years, unless such data was shared pursuant to a subpoena or court order;

(xxiii) whether the data broker has shared or sold consumers' data to a developer of a GenAI system or model in the past five years;

(xxiv) a link to a page on the data broker's internet website that details how a consumer may exercise their deletion rights. Such page shall not make any use of dark patterns;

(xxv) whether and to what extent the data broker or any of its subsidiaries is regulated by any of the following:

(1) the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.);

(2) the Gramm-Leach-Bliley Act (Public Law 106-102) and implementing regulations; or

(3) the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191);

(xxvi) any additional information or explanation the data broker chooses to provide concerning its data collection and use practices and activities; and

(xxvii) any other information that the office may require pursuant to regulations or to properly assess the registration fee pursuant to section eighteen hundred eleven of this article.

3. No data broker shall acquire personal information through fraudulent or deceptive means.

4. No data broker shall knowingly acquire, use, license, sell, or facilitate the use of personal information for the purpose of:

(a) committing a crime, including stalking or harassing a consumer;

(b) committing a fraud, including coercion, identity theft, financial fraud, or email fraud;

(c) engaging in unlawful discrimination, including employment discrimination or housing discrimination; or

(d) unauthorized surveillance or monitoring of a consumer's movements, behaviors, or associations.

§ 1802. Data broker registration and deletion portal. The office shall create a page on the department's internet website where the registration information provided by data brokers described under section eighteen hundred one of this article and the accessible deletion mechanism described under section eighteen hundred four of this article shall be accessible to the public.

§ 1803. Consumer deletion requests. 1. A data broker shall delete a consumer's personal information, based on such consumer's or authorized agent's request, within thirty days of receiving a verifiable consumer request from the consumer pursuant to section eighteen hundred four of this article or section eighteen hundred five of this article. Such data broker shall promptly take steps to determine whether such request is a verifiable consumer request, but such steps shall not extend such data broker's duty to delete personal information within thirty days of receipt of the consumer's request. The time period to delete personal information may be extended once by an additional fifteen days when strictly necessary, provided the consumer is provided notice of such extension within the first thirty-day period.

2. A data broker shall cease all processing activities of personal information promptly and without unreasonable delay not to exceed five days after receiving a verifiable consumer request from the consumer or authorized agent.

§ 1804. Accessible deletion request mechanism for consumers. 1. The office shall establish an accessible deletion request mechanism that does all of the following:

(a) implements and maintains reasonable security procedures and practices, including, but not limited to, administrative, physical, and technical safeguards appropriate to the nature of the information and the purposes for which the personal information will be used and to protect consumers' personal information from unauthorized use, disclosure, access, destruction, or modification;

(b) allows a consumer, through a single verifiable consumer request, to request that every data broker that maintains any personal information delete any personal information related to such consumer held by the data broker or associated service provider or contractor;

(c) allows a consumer to selectively exclude specific data brokers from a request made under this section; and

(d) allows a consumer to make a request to alter a previous request made under this section after at least thirty days have passed since the consumer last made a request under this section.

2. The accessible deletion mechanism established pursuant to this section shall meet all of the following requirements:

(a) the accessible deletion mechanism shall allow a consumer to request the deletion of all personal information related to such consumer through a single deletion request;

(b) the accessible deletion mechanism shall permit a consumer to securely submit information in one or more privacy-protecting ways determined by the office to aid in the deletion request;

(c) the accessible deletion mechanism shall allow data brokers registered with the office to determine whether an individual has submitted a verifiable consumer request to delete the personal information related to such consumer as described in this section and shall not allow the disclosure of any additional personal information when the data broker accesses such accessible deletion mechanism unless otherwise specified in this article;

(d) the accessible deletion mechanism shall allow a consumer to make a request described in this section using an internet service operated by the office;

(e) the accessible deletion mechanism shall not charge a consumer to make or implement a request described in this section;

(f) the accessible deletion mechanism shall allow a consumer to make a request described in this section in any of the twelve most commonly spoken languages in New York state, consistent with section two hundred two-a of the executive law, for whom personal information has been collected by data brokers;

(g) the accessible deletion mechanism shall comply with section one hundred three-d of the state technology law;

(h) the accessible deletion mechanism shall support the ability of a consumer's authorized agents to aid in the deletion request;

(i) the accessible deletion mechanism shall allow the consumer, or their authorized agent, to verify the status of such consumer's deletion request; and

(j) the accessible deletion mechanism shall provide a description of all of the following:

(i) the deletion permitted by this section including the actions required of data brokers described in this section;

(ii) the process for submitting a deletion request pursuant to this section; and

(iii) examples of the types of information that may be deleted;

3. Beginning on a date established by regulation by the office, the office shall make each request submitted pursuant to this section available to each applicable data broker without undue delay and each data broker shall access the accessible deletion mechanism established pursuant to subdivision one of this section at least once every thirty days and do all of the following:

(a) within thirty days after a request made pursuant to this section is deemed received pursuant to subdivision one of section eighteen hundred three of this article, a data broker shall process all such requests and delete all personal information related to the consumers who made such requests;

(b) in cases where a data broker denies a consumer request to delete under this article because such request cannot be verified, such data broker shall process such request as an opt-out of the sale or sharing of such consumer's personal information and, within thirty days of receiving such request, direct all service providers and processors associated with the data broker to process the request as an opt-out of the sale or sharing of the consumer's personal information, regardless of whether such data broker has an existing policy providing for consumers to opt out;

(c) a data broker shall direct all service providers or contractors associated with such data broker to delete all personal information in their possession related to the consumers making the requests described in paragraph (a) of this subdivision;

(d) a data broker shall direct all service providers or contractors associated with the data broker to process a request described by paragraph (b) of this subdivision; and

(e) for purposes of section eighteen hundred three of this article, a request made pursuant to this section shall be deemed received on the date such request is made available to the data broker through the accessible deletion mechanism established pursuant to subdivision one of this section.

4. (a) Notwithstanding any other provision of this section, a data broker shall not be required to delete a consumer's personal information to the extent that such personal information is:

(i) used by a consumer reporting agency to furnish a consumer report pursuant to the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.);

(ii) strictly necessary to investigate, establish, exercise, prepare for, or defend a legal claim;

(iii) strictly necessary to fulfill a specific legal requirement on behalf of a business to which the data broker is bound by a written contract to fulfill that legal requirement;

(iv) used to prevent, detect, protect against or respond to security incidents, identity theft, fraud, harassment, or to preserve the physical security and technical integrity of systems or investigate, report, or prosecute those responsible for any such action; or

(v) used to comply with a civil, criminal or regulatory inquiry, investigation, subpoena, or summons by federal, state, municipal, or other governmental authority, provided that a business that has received direction from a law enforcement agency not to delete the personal information of a consumer who has requested deletion of such consumer's personal information shall not use such consumer's personal information for any purpose other than retaining it to produce to law enforcement in response to a court-issued subpoena, order, or warrant unless such consumer's deletion request is subject to an exemption from deletion under this article.

(b) Personal information not required to be deleted under paragraph (a) of this subdivision shall be separated or segregated from data used for any other purpose, deleted immediately upon the expiration of the legal or contractual requirement, and only be used for purposes directly related to such exceptions and shall not be used or disclosed for any other purpose.

5. Beginning on a date established by regulation by the office, after a consumer has submitted a deletion request and a data broker has deleted such consumer's data pursuant to this section, such data broker shall delete all personal information of such consumer at least once every thirty days pursuant to this section unless such consumer requests otherwise or such deletion is not required pursuant to subdivision four of this section.

6. Beginning on a date established by regulation by the office, after a consumer has submitted a deletion request and a data broker has deleted such consumer's data pursuant to this section, such data broker shall not sell or share new personal information of such consumer unless such consumer requests otherwise or selling or sharing such personal information is permitted under subdivision four of this section, provided that, where selling, sharing or retention of personal informa-

tion is permitted, such consumer shall receive notice of continued retention of personal information.

7. Beginning January first, two thousand twenty-nine, or by such other date that may be established by regulation by the office, and every three years thereafter, a data broker shall undergo an audit by an independent third party to determine compliance with this article. The data broker shall submit a report resulting from the audit and any related materials to the office within five business days of receiving a written request from the office. A data broker shall maintain the report and materials described in this paragraph for at least six years.

§ 1805. Data broker website disclosure requirements. 1. On or before July first following each calendar year, or by such other date as the office may establish by regulation in which a business meets the definition of a data broker as provided in this article, the business shall clearly and conspicuously post their privacy policy on their website as well as do all of the following:

(a) Disclose the number of consumer deletion requests made to the data broker pursuant to section eighteen hundred four of this article;

(b) Disclose the median and the mean number of days within which the data broker substantively responded to consumer deletion requests during the previous calendar year; and

(c) Disclose the metrics compiled pursuant to paragraphs (a) and (b) of this subdivision within the data broker's privacy policy posted on their internet website and accessible from a link included in the data broker's privacy policy.

2. In its disclosure pursuant to subdivision one of this section, a data broker shall disclose the number of consumer deletion requests that the data broker denied in whole or in part because of any of the following:

(a) The request was not verifiable;

(b) The request was not made by a consumer;

(c) The request called for information exempt from deletion; or

(d) The request was denied on other grounds.

3. In its disclosure pursuant to subdivision one of this section, a data broker shall specify the number of consumer deletion requests in which deletion was not required in whole, or in part, under a relevant section of this article.

4. A data broker shall provide, in a form that is easily accessible to consumers, at least two or more designated methods for submitting deletion requests to such data broker directly. Such forms may include a toll-free telephone number, email or electronic submission via the data broker's internet website.

§ 1806. Data brokers; comprehensive information security program. 1. A data broker shall develop, implement, and maintain a documented comprehensive information security program that contains administrative, technical, and physical safeguards, including but not limited to the cessation of collection activities in the interest of the consumer, that are appropriate according to:

(a) the size, scope, and type of business of the data broker;

(b) the nature of resources available to the data broker;

(c) the volume and sensitivity of stored data; and

(d) the foreseeable risks of unauthorized access, use, or disclosure of personal information and sensitive personal information.

2. A comprehensive information security program required pursuant to subdivision one of this section shall include the following features:

(a) designation of one or more employees to maintain the program;

(b) identification and assessment of reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of any electronic, paper, or other records containing personal information;

(c) a process for evaluating and improving, where necessary, the effectiveness of the current safeguards for limiting such risks, including means of detecting and preventing security system failures;

(d) reasonable restrictions upon physical access to records containing personal information and storage of the records and data in locked facilities, storage areas, or containers;

(e) regular monitoring to ensure that the comprehensive information security program is operating in a manner reasonably calculated to prevent unauthorized access to or unauthorized use of personal information and upgrading information safeguards as necessary to limit risks; and

(f) documentation of responsive actions taken in connection with any incident involving a breach of security and mandatory post-incident review of events and actions taken, if any, to make changes in business practices relating to protection of personal information.

3. (a) A comprehensive information security program pursuant to subdivision one of this section shall, to the extent technically feasible, include the following technical elements:

(i) a secure user authentication protocol that has: (1) controlled management of user identifications and credentials; (2) secure methods of assigning and selecting passwords, or use of unique identifier technologies such as biometrics or token devices; (3) control of data passwords in a location, format and manner that does not compromise the security of the data protected; and (4) the ability to restrict access;

(ii) encryption and de-identification of all sensitive personal information transmitted across public networks or wirelessly prior to transmission;

(iii) reasonable monitoring of systems for unauthorized use of or access to personal information and sensitive personal information;

(iv) reasonably up-to-date firewall protection and operating system security patches that are reasonably designed to maintain the integrity of the personal information and sensitive personal information; and

(v) reasonably current system security software, including malware protection and up-to-date patches and virus definitions, configured to receive security updates on a regular basis.

(b) Nothing in this subdivision shall prohibit a comprehensive information security program from providing a higher degree of security than the protocols described in this subdivision.

§ 1807. Rulemaking. The office shall adopt rules and regulations to implement the provisions of this article.

§ 1808. Powers, duties and adjudicatory proceedings. 1. In connection with the implementation and enforcement of this article, the office shall have the following powers and duties:

(a) to hold hearings, subpoena witnesses, compel their attendance, administer oaths, to examine any person under oath and in connection therewith to require the production of any books or records relative to the inquiry, provided that subpoena issued under this section shall be regulated by the civil practice law and rules;

(b) to appoint such advisory groups and committees as deemed necessary to provide assistance to the office to carry out the purposes and objectives of this article;

(c) to enter into contracts, memoranda of understanding, and agreements as deemed appropriate to effectuate the policy and purpose of this chapter;

(d) to draft declaratory rulings, guidance and industry advisories; and

(e) to delegate the powers provided in this section to such other officers or employees as may be deemed appropriate by the superintendent.

2. (a) The superintendent, or any person designated by the superintendent for the purposes of this subdivision, may issue subpoenas and administer oaths in connection with any hearing or investigation under or pursuant to this article, and it shall be the duty of the superintendent and any persons designated by them for such purpose to issue subpoenas at the request of and upon behalf of the respondent.

(b) The superintendent and those designated by the superintendent shall not be bound by the laws of evidence in the conduct of hearing proceedings, but the determination shall be founded upon preponderance of evidence to sustain it.

(c) Notice and right of hearing as provided in the state administrative procedure act shall be served at least fifteen days prior to the date of the hearing, provided that, whenever because of danger to the public health, safety or welfare it appears prejudicial to the interests of the people of the state to delay action for fifteen days, the superintendent may serve the respondent with an order requiring certain action or the cessation of certain activities immediately or within a specified period of less than fifteen days.

(d) Service of notice of hearing or order shall be made by personal service or by registered or certified mail. Where service, whether by personal service or by registered or certified mail, is made upon an incompetent, partnership, or corporation, it shall be made upon the person or persons designated to receive personal service by article three of the civil practice law and rules.

(e) At a hearing, that to the greatest extent practicable shall be reasonably near the respondent, the respondent may appear personally, shall have the right of counsel, and may cross-examine witnesses against the respondent and produce evidence and witnesses on their behalf.

(f) Following a hearing, the superintendent may make appropriate determinations and issue a final order in accordance therewith.

(g) The superintendent may adopt, amend and repeal administrative rules and regulations governing the procedures to be followed with respect to hearings, such rules to be consistent with the policy and purpose of this chapter and the effective and fair enforcement of its provisions.

(h) The provisions of this section shall be applicable to all hearings held pursuant to this article.

§ 1809. Statute of limitations. No administrative action by the office brought pursuant to this article alleging a violation of any of the provisions of this article shall be commenced more than three years after the date on which the violation was discovered.

§ 1810. Enforcement. 1. The superintendent may, after notice and hearing, require any person found violating the provisions of this article or the rules or regulations promulgated hereunder to pay to the people of this state, penalties and expenses as follows:

(a) a fine or civil penalty of five hundred dollars for each day the data broker fails to register or fails to comply with the registration requirements as required by this article;

(b) an amount equal to the monies that were due during the period it failed to register;

(c) a fine or civil penalty of five hundred dollars for each deletion request for each day the data broker fails to delete information as required by section eighteen hundred three or section eighteen hundred four of this article;

(d) a fine or civil penalty of two hundred and fifty dollars for each day the data broker fails to comply with the website disclosure requirements as set forth in section eighteen hundred five of this article; and

(e) appropriate expenses incurred by the office in the investigation and administration of the action; or in the case of an action commenced by the attorney general, any expenses incurred by the office, that are deemed appropriate by the court.

2. The superintendent may request the attorney general commence an action in a court of competent jurisdiction to enforce the requirements of this article and to recover the penalties and expenses set forth in paragraphs (a) through (e) of subdivision one of this section, and in addition, 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 by a special proceeding to issue an injunction with respect to a violation of this article, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violation.

§ 1811. Assessments. Companies or persons required to be licensed, registered or to file with the office pursuant to this article shall be assessed by the superintendent for the operating expenses of the department, including all direct and indirect costs, attributable to administering and enforcing this article, in such proportions as the superintendent shall deem just and reasonable.

§ 1812. Exemptions. This article shall not apply to any of the following:

1. A covered entity governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), to the extent the covered entity maintains, uses, and discloses protected health information in compliance with the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and the federal Health Information Technology for Economic and Clinical Health Act, Title XIII of the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

2. A business associate of a covered entity governed by the privacy, security, and data breach notification rules issued by the United States Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and the federal Health Information Technology for Economic and Clinical Health Act, Title XIII of the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), to the extent that such business associate maintains, uses, and discloses protected health information in compliance with the privacy, security, and breach notification rules issued by the United States Department of Health and Human

Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and the federal Health Information Technology for Economic and Clinical Health Act, Title XIII of the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

3. Information that is collected, used, or disclosed in research, as defined in Section 164.501 of Title 45 of the Code of Federal Regulations, including, but not limited to, a clinical trial, and that is conducted in accordance with applicable ethics, confidentiality, privacy, and security rules of Part 164 of Title 45 of the Code of Federal Regulations, the Federal Policy for the Protection of Human Subjects, also known as the Common Rule, good clinical practice guidelines issued by the International Council for Harmonization, or human subject protection requirements of the United States Food and Drug Administration.

4. A health information network regulated under 10 NYCRR Part 300, including the department of health's designated contractor or a qualified entity under 10 NYCRR § 300.4 to the extent such health information network is in compliance therewith with respect to the personal information.

5. Personal information collected, processed, sold or disclosed to the extent that it is covered by the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.).

6. Personal information collected, processed, sold, or disclosed to the extent that it is covered by the Gramm-Leach-Bliley Act (Public Law 106-102) and implementing regulations.

7. Personal information collected, processed, used, disclosed, sold, shared, licensed, or transferred by or on behalf of a candidate, a political committee, a party committee, a constituted committee, or an independent expenditure committee, as such terms are used in article fourteen of the election law, including an authorized committee as defined in section 14-200-a of the election law, or by a consultant, political, media or fundraising advisor, vendor, contractor, or agent that has been compensated, reimbursed or retained by, or that acts on behalf of or at the direction of, any such candidate or committee, to the extent that such personal information is collected, processed, used, disclosed, sold, shared, licensed, or transferred solely in connection with activity regulated by the election law or to comply with a requirement of the election law.

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

(a) "Business associate" has the same meaning as defined in Section 160.103 of Title 45 of the Code of Federal Regulations.

(b) "Covered entity" has the same meaning as defined in Section 160.103 of Title 45 of the Code of Federal Regulations.

(c) "Identifiable private information" has the same meaning as defined in Section 46.102 of Title 45 of the Code of Federal Regulations.

(d) "Individually identifiable health information" has the same meaning as defined in Section 160.103 of Title 45 of the Code of Federal Regulations.

(e) "Protected health information" has the same meaning as defined in Section 160.103 of Title 45 of the Code of Federal Regulations.

§ 3. 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.

§ 4. This act shall take effect on the one hundred eightieth day after the office of the department of financial services tasked with the implementation of article 48 of the general business law pursuant to such article shall promulgate rules and regulations to effectuate the provisions of this act; provided, however, that such office shall notify the legislative bill drafting commission upon the occurrence of the promulgation of such rules and regulations 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 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 BB

Section 1. The insurance law is amended by adding a new section 2356 to read as follows:

§ 2356. Premium increase explanations. An insurer shall include on either the premium bill or the declarations page the amount of the premium increase from the prior policy period and a written explanation for the premium for a covered policy as defined in paragraph one and subparagraph (A) of paragraph two of subsection (a) of section three thousand four hundred twenty-five of this chapter. Such explanation shall include, but not be limited to, the primary rating factors and material changes which caused the insurer to request a rate increase from the department.

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

PART CC

Section 1. The insurance law is amended by adding a new section 2355 to read as follows:

§ 2355. Homeowners' insurance benchmark loss ratio. (a) Beginning one year after the effective date of this section, an insurer that issues or delivers in this state a homeowners' insurance policy and had average annual gross written homeowners' insurance premiums in this state of at least ten million dollars during the previous three calendar years shall refile with the superintendent, for the superintendent's prior approval, its homeowners' insurance rates if the insurer had an actual loss ratio for each of the previous three calendar years that is below the benchmark loss ratio, specified by the superintendent in a regulation, when taking into account the insurer's investment ratios. The insurer shall make the filing with the superintendent within sixty days after the insurer files its annual statement.

(b) Within one year of the effective date of this section, the superintendent shall conduct a study to determine a benchmark loss ratio for homeowners' insurance for the purpose of subsection (a) of this section.

(c) For the purpose of this section, "homeowners' insurance" means a contract of insurance insuring against the contingencies described in subparagraphs (A), (B), and (C) or subparagraphs (B) and (C) of paragraph two of subsection (a) of section three thousand four hundred twenty-five of this chapter and which is a "covered policy" of personal lines insurance as defined in such paragraph; provided, however, that the coverages provided under subparagraphs (B) and (C) of paragraph two of subsection (a) of section three thousand four hundred twenty-five of this chapter shall not apply where the natural person does not have an insurable interest in the real property, or a portion thereof, or the residential unit in which such person resides.

§ 2. This act shall take effect immediately.

PART DD

Section 1. Subsections 1 and 2 of section 2346 of the insurance law, subsection 1 as amended by chapter 454 of the laws of 1994 and subsection 2 as amended by chapter 637 of the laws of 1993, are amended to read as follows:

1. [~~The superintendent may provide for a~~] An insurer shall offer at least one discount that provides an actuarially appropriate reduction in the rates of fire insurance premiums or the fire insurance component of homeowners insurance premiums applicable to residential real property for fire prevention or mitigation improvements, such as when the real property is equipped with smoke detecting alarm devices, approved sprinkler systems, or fire extinguishers[~~, should a statistically valid study of insurer experience indicate an actuarially significant decrease in losses in the aforementioned circumstances. The reductions provided for shall be proportionally related to the actuarially calculable decrease in losses in the aforementioned circumstances~~].

2. [~~The superintendent may provide for a~~] (a) An insurer shall offer at least one discount that provides an actuarially appropriate reduction in the rates of homeowners insurance premiums applicable to residential real property for each of the following categories of improvements:

(1) theft prevention or mitigation improvements, such as when the real property is equipped with dead-bolt locks[~~, should a statistically valid study of insurer experience indicate an actuarially significant decrease in losses attributable to the use of such a device. The superintendent shall by regulation establish standards for dead-bolt locks for which a reduction may be approved. The reductions provided for shall be proportionally related to the actuarially calculable decrease in losses attributable to the use of such a device~~] or a security system; and

(2) water damage prevention or mitigation improvements, such as a smart water monitor and shutoff device.

(b) An insurer shall offer a discount that provides an actuarially appropriate reduction in the rates of homeowners insurance premiums applicable to residential real property for the installation of a newly constructed roof or a roof replacement and for each of the following wind damage mitigation improvements to the property:

(1) improvements made to roof coverings, such as tiles or shingles, for wind-resistance;

(2) roof deck attachments;

(3) secondary water resistance, including sealing and strengthening a roof deck, roof and gable end vents or covers, and improvements made for water intrusion resistance of attic vents; and

(4) roof to wall connections, including toe nails, clips, strapping, or ties.

(c) To be considered for any discount provided for in paragraph (b) of this subsection, an insurable property shall be certified as constructed in accordance with any building code applicable in this state or New York city, as amended from time-to-time, or such other standards as approved by the superintendent.

§ 2. Section 2346-a of the insurance law, as added by chapter 78 of the laws of 1997, is amended to read as follows:

§ 2346-a. Reduction in rates of certain commercial risk insurance premiums for real property. [~~The superintendent shall provide for~~] (a) An insurer shall offer at least one discount that provides an actuarially appropriate reduction in the rates of fire insurance premiums or the fire insurance component of certain commercial risk insurance, as defined in subparagraph (A) of paragraph forty-seven of subsection (a) of section one hundred seven of this chapter, to a purchaser of such insurance and shall also provide such discount to a public entity as defined in paragraph fifty-one of subsection (a) of section one hundred seven of this chapter, for the loss of or damage to real property equipped with fire prevention or mitigation improvements, such as when the real property is equipped with smoke detecting alarm devices, approved sprinkler systems, or fire extinguishers.

(b) An insurer shall offer at least one discount that provides an actuarially appropriate reduction in the rates of premiums for certain commercial risk insurance, as defined in subparagraph (A) of paragraph forty-seven of subsection (a) of section one hundred seven of this chapter, to a purchaser of such insurance and shall also provide such reduction to a public entity as defined in paragraph fifty-one of subsection (a) of section one hundred seven of this chapter for loss of or damage to real property for each of the following categories of improvements:

(1) theft prevention or mitigation improvements, such as when the real property is equipped with dead-bolt locks or a security system; and

(2) water damage prevention or mitigation improvements, such as a smart water monitor and shutoff device.

(c) An insurer shall offer a discount that provides an actuarially appropriate reduction in the rates of premiums for certain commercial risk insurance, as defined in subparagraph (A) of paragraph forty-seven of subsection (a) of section one hundred seven of this chapter, to a purchaser of such insurance and shall also provide such reduction to a public entity as defined in paragraph fifty-one of subsection (a) of section one hundred seven of this chapter for the loss of or damage to real property for the installation of a newly constructed roof or a roof replacement and for each of the following wind damage mitigation improvements to the property:

(1) improvements made to roof coverings, such as tiles or shingles, for wind-resistance;

(2) roof deck attachments;

(3) secondary water resistance, including sealing and strengthening a roof deck, roof and gable end vents or covers, and improvements made for water intrusion resistance of attic vents; and

(4) roof to wall connections, including toe nails, clips, strapping, or ties.

(d) To be considered for any discount provided for in subsection (c) of this section, an insurable property shall be certified as constructed in accordance with any building code applicable in this state or New

York city, as amended from time-to-time, or such other standards as approved by the superintendent.

(e) An insurer shall offer a discount that provides an actuarially appropriate reduction in the rates of premiums for certain commercial risk insurance, as defined in subparagraph (A) of paragraph forty-seven of subsection (a) of section one hundred seven of this chapter, to a purchaser of such insurance and shall also provide such reduction to a public entity as defined in paragraph fifty-one of subsection (a) of section one hundred seven of this chapter for the loss of or damage to real property fitted or retrofitted with hurricane resistant laminated glass windows or doors. The superintendent shall by regulation establish standards for hurricane resistant laminated glass windows and doors, including the safe and secure installation thereof.

§ 2-a. The insurance law is amended by adding a new section 2346-b to read as follows:

§ 2346-b. Homeowners insurance or property/casualty insurance; mitigation action. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Natural disaster" means the occurrence or imminent threat of widespread catastrophic or severe damage, injury, or loss of life or property resulting from any natural cause including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, ice storm, air contamination, blight, drought, infestation, explosion, water contamination, bridge failure, or bridge collapse.

(b) "Property-specific mitigation action" means a science-based mitigation action that includes a verification and certification process.

2. The superintendent shall provide for an actuarially appropriate reduction in the rates of homeowners insurance premiums and property/casualty insurance premiums applicable to residential real property for policyholders who can demonstrate that property-specific mitigation actions have been undertaken on the property to reduce the risk of loss from a natural disaster. The superintendent shall by regulation establish a process for policyholders to demonstrate such mitigation actions have occurred.

3. A policyholder or applicant for a policy of insurance whose applicable mitigation discount related to property-specific mitigation actions is inaccurate and who provides evidence of such property-specific mitigation action may appeal the mitigation discount directly to the insurer. The insurer shall notify the policyholder or applicant in writing of the right to appeal the mitigation discount when such discount is provided to the policyholder or applicant as required by this section. If the policyholder or applicant appeals the mitigation discount, the insurer shall acknowledge receipt of the appeal in writing within ten calendar days after receipt of the appeal. The insurer shall respond to the appeal in writing with a reconsideration and decision within thirty calendar days after receiving the appeal. If an appeal is denied, the insurer shall, upon request by the superintendent, forward a copy of the appeal and the insurer's response to the superintendent.

§ 3. The insurance law is amended by adding a new section 2354 to read as follows:

§ 2354. Disclosure and reporting of discounts. (a) An insurer that issues or delivers in this state a policy that insures loss of or damage to real property shall specify the nature and the total dollar amount reduction of each discount applied to the policy on the declarations page and specify the nature and percentage of all available discounts that the insurer offers on the policy in a conspicuous notice entitled "DISCOUNT INFORMATION" included with the policy.

(a-1) An insurer that provides a mitigation discount shall (1) publish, in plain language, all available discounts and specify the nature and total dollar amount reduction of each available discount on its public website; and (2) provide an annual written notice, in plain language, to each policyholder or applicant upon application for insurance of the applicable and available mitigation discounts.

(b) An insurer shall report the following information to the superintendent, in a form prescribed by the superintendent, by April first of each year: (1) a list of all discounts offered to insureds during the preceding calendar year, including the nature of the discounts and the discount amounts; and (2) the number of insureds who received each discount during the preceding calendar year and the zip codes in which the insured properties are located.

§ 4. This act shall take effect immediately; provided, however, sections one and two of this act shall take effect one year after it shall have become a law; and provided further, however, that section three of this act shall take effect on the ninetieth 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 EE

Intentionally Omitted

PART FF

Intentionally Omitted

PART GG

Section 1. The insurance law is amended by adding a new section 346 to read as follows:

§ 346. Annual report on insurance for multi-family buildings. An authorized insurer that issues or delivers in this state a policy that insures loss of or damage to real property used predominantly for residential purposes and that consists of two or more dwelling units, other than hotels and motels, shall file a report with the superintendent by March first of each year, in a form prescribed by the superintendent, that includes information on such policies for the preceding calendar year, including premiums collected, claims paid, and such other information as the superintendent shall deem necessary, in consultation with the commissioner of housing and community renewal. The superintendent shall publish on the department's website the reports required by this section.

§ 2. This act shall take effect immediately.

PART HH

Section 1. This Part enacts into law components of legislation relating to pre-authorization, access to specialty care, and formulary lists.

Each component is wholly contained within a Subpart identified as Subparts A through D. 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 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 two of this Part sets forth the general effective date of this Part.

SUBPART A

Section 1. Section 210 of the insurance law, as amended by chapter 579 of the laws of 1998, subsection (d) as amended by chapter 207 of the laws of 2019, is amended to read as follows:

§ 210. Annual consumer guide of health insurers, and entities certified pursuant to article forty-four of the public health law.

(a) The superintendent shall annually publish on or before September first, nineteen hundred ninety-nine, and annually thereafter, a consumer guide to insurers providing managed care products, individual accident and health insurance or group or blanket accident and health insurance and entities licensed pursuant to article forty-four of the public health law providing comprehensive health service plans which includes, in detail, a ranking from best to worst based upon each company's claim processing or medical payments record during the preceding calendar year using criteria available to the department, adjusted for volume of coverage provided. Such ranking shall also take into consideration the corresponding total number or percentage of claims denied which were reversed or compromised after intervention by the department and the department of health, consumer complaints to the department and the department of health, violations of section three thousand two hundred twenty-four-a of this chapter and other pertinent data which would permit the department to objectively determine a company's performance. The department in publishing such consumer guide shall publish one state-wide guide or no more than five regional guides so as to facilitate comparisons among individual insurers and entities within a service market area. Such rankings shall be printed in a format which ranks all health insurers and all entities certified pursuant to article forty-four of the public health law in one combined list.

(b) [~~Beginning September first, nineteen hundred ninety-nine and annually thereafter, the~~] **The** superintendent shall include in such guide **annually**, and insurers and entities certified pursuant to article forty-four of the public health law shall provide to the superintendent the information required for such guide in a timely fashion, the following information:

(1) The number of grievances filed pursuant to section forty-four hundred eight-a of the public health law**, section three thousand two hundred seventeen-d of this chapter, section four thousand three hundred six-c of this chapter,** or article forty-eight of this chapter and the number of such grievances in which an adverse determination of the insurer or entity was reversed in whole or in part versus the number of such determinations which were upheld; [~~and~~]

(2) **Beginning September first, two thousand twenty-seven, the number of approvals and the number of adverse determinations in whole or in part issued by utilization review agents pursuant to section forty-nine**

hundred three of the public health law or section four thousand nine hundred three of this chapter; and

(3) The number of appeals to utilization review determinations [~~**which**~~] **that** were filed pursuant to [~~**article forty-nine of the public health law or article forty-nine**~~] **section forty-nine hundred four of the public health law and section four thousand nine hundred four** of this chapter and the number of such determinations [~~**which**~~] **that** were reversed **in whole or in part** versus the number of such determinations [~~**which**~~] **that** were upheld.

(c) Beginning September first, nineteen hundred ninety-nine and annually thereafter, in addition to the information required in subsections (a) and (b) of this section, the superintendent, in conjunction with the commissioner of health, in consultation with the National Committee on Quality Assurance or a similar national organization, shall include in such guide the following additional information, for the most recent year in which such information is available and where applicable, for health insurers, health insurers providing managed care products and entities certified under article forty-four of the public health law providing comprehensive health service plans pursuant to such article:

(1) the percentage of physicians who are either board certified or board eligible;

(2) the percentage of primary care physicians who remained participating providers, provided however, that such percentage shall exclude voluntary terminations due to physician retirement, relocation or other similar reasons;

(3) the percentage of enrollees aged twenty-three to thirty-nine and forty to sixty-four who had one or more visits to a health plan practitioner during the three years of their continual enrollment.

(4) the methods used to compensate primary care physicians and other providers, provided however, that nothing in this section shall be construed to require disclosure of the specific details of any financial arrangement between the insurer or entity and an individual provider or practice;

(5) the national accreditation status of insurers and entities, where applicable;

(6) indices of the quality of care provided, such as the rates of mammography, prostate, and cervical cancer screening, prenatal care, well-child care, immunization and such other information collected by the commissioner of health through the health plan employer data and information set (HEDIS); or through the quality assurance reporting requirements for entities not otherwise required to collect and report health plan employer data and information set (HEDIS) data;

(7) the results of a consumer satisfaction survey among enrollees of the various health insurers and entities, which shall be conducted by the superintendent and commissioner of health, in consultation with the National Committee on Quality Assurance or a similar national organization;

(8) a toll-free telephone number for each health insurer or plan;

(9) toll-free telephone numbers at the department and the department of health to which consumers can make complaints about insurers or entities; and

(10) except as required in paragraph seven of this subsection, health insurers and entities certified pursuant to article forty-four of the public health law shall report the information required under this subdivision to the commissioner of health, and the commissioner shall

provide such information to the superintendent for inclusion in the annual consumer guide.

(d) Beginning September first, two thousand twenty-seven and annually thereafter, in addition to the information required in subsections (a), (b), and (c) of this section, the superintendent shall include in such guide, and insurers and entities certified pursuant to article forty-four of the public health law shall provide to the superintendent, in a form and manner specified by the superintendent, the information required for such guide in a timely fashion, the following information regarding pre-authorization requests under article forty-nine of the public health law or article forty-nine of this chapter:

(1) the number of pre-authorization requests received under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;

(2) the number of pre-authorization requests for which an authorization was issued under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;

(3) the number of pre-authorization requests for which an adverse determination was issued in whole or part under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;

(4) the number of pre-authorization requests for which an adverse determination was appealed under section forty-nine hundred four of the public health law and section four thousand nine hundred four of this chapter;

(5) the number of pre-authorization requests for which an adverse determination was reversed on appeal in whole or part under section forty-nine hundred four of the public health law and section four thousand nine hundred four of this chapter;

(6) the number of pre-authorization requests for which an adverse determination was upheld under section forty-nine hundred four of the public health law and section four thousand nine hundred four of this chapter;

(7) the twenty-five current procedural terminology codes with the highest number of pre-authorization requests and the percentage of authorizations for each of these current procedural terminology codes under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;

(8) the twenty-five current procedural terminology codes with the highest number of pre-authorization requests for which an authorization was issued under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;

(9) the twenty-five current procedural terminology codes with the highest number of pre-authorization requests under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter for which an adverse determination was issued in whole or part but that was reversed by an appeal, in whole or part, under section forty-nine hundred four of the public health law and section four thousand nine hundred four of this chapter; and

(10) the twenty-five current procedural terminology codes with the highest number of pre-authorization requests for which an adverse determination was issued in whole or part under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter.

(e) Health insurers and entities certified pursuant to article forty-four of the public health law shall provide annually to the superintendent and the commissioner of health, and the commissioner of health shall provide to the superintendent **by March first of each year**, all of the information necessary for the superintendent to produce the annual consumer guide. In compiling the guide, the superintendent shall make every effort to ensure that the information is presented in a clear, understandable fashion [~~which~~] **that** facilitates comparisons among individual insurers and entities, and in a format [~~which~~] **that** lends itself to the widest possible distribution to consumers. The superintendent shall either include the information from the annual consumer guide in the consumer shopping guide required by subsection (a) of section four thousand three hundred twenty-three of this chapter or combine the two guides as long as consumers in the individual market are provided with the information required by subsection (a) of section four thousand three hundred twenty-three of this chapter.

[~~(e)~~] **(f)** The superintendent shall contract with a national organization for the purposes of drafting and designing the guide, including the preparation of relevant explanatory material. Such organization shall have actual experience in preparing a similar guide for at least one other state. The superintendent, in consultation with the commissioner of health, may also contract with one or more national organizations to assist such commissioner in the collection of data and the analysis and auditing of the clinical measurers. Such organizations shall consult periodically with associations representing health insurers and health maintenance organizations as well as with consumer representatives in New York in preparing the consumer guide.

§ 2. This act shall take effect immediately.

SUBPART B

Section 1. Subsection (f) of section 4804 of the insurance law, as added by chapter 705 of the laws of 1996, is amended to read as follows:

(f) If a new insured whose health care provider is not a member of the insurer's in-network benefits portion of the provider network enrolls in the managed care product, the insurer shall permit the insured to continue an ongoing course of treatment with the insured's current health care provider during a transitional period of up to [~~sixty~~] **ninety** days from the effective date of enrollment[~~, if (1) the insured has a life-threatening disease or condition or a degenerative and disabling disease or condition or (2)~~]**. If** the insured [~~has entered the second trimester of pregnancy~~] **is pregnant** at the time of enrollment, [~~in which case~~] the transitional period shall include the provision of [~~post-partum~~] **care for the duration of the pregnancy and postpartum** care directly related to the delivery. If an insured elects to continue to receive care from such health care provider pursuant to this paragraph, such care shall be authorized by the insurer for the transitional period only if the health care provider agrees**:** (A) to accept reimbursement from the insurer at rates established by the insurer as payment in full, which rates shall be no more than the level of reimbursement applicable to similar providers within the in-network benefits portion of the insurer's network for such services; (B) to adhere to the insurer's quality assurance requirements and agrees to provide to the insurer necessary medical information related to such care; and (C) to otherwise adhere to the insurer's policies and procedures including, but not limited to**,** procedures regarding referrals and obtaining pre-authorization and a treatment plan approved by the insurer. In no event shall this subsection be construed to require an insurer to provide coverage for benefits not otherwise covered or to diminish or impair pre-existing condition limitations contained within the insured's contract.

§ 2. Paragraph (f) of subdivision 6 of section 4403 of the public health law, as added by chapter 705 of the laws of 1996, is amended to read as follows:

(f) If a new enrollee whose health care provider is not a member of the health maintenance organization's provider network enrolls in the health maintenance organization, the organization shall permit the enrollee to continue an ongoing course of treatment with the enrollee's current health care provider during a transitional period of up to [~~sixty~~] **ninety** days from the effective date of enrollment[~~, if (i) the enrollee has a life-threatening disease or condition or a degenerative and disabling disease or condition or (ii)~~]**. If** the enrollee [~~has entered the second trimester of pregnancy~~] **is pregnant** at the effective date of enrollment, [~~in which case~~] the transitional period shall include the provision of [~~post-partum~~] **care for the duration of the pregnancy and postpartum** care directly related to the delivery. If an enrollee elects to continue to receive care from such health care provider pursuant to this paragraph, such care shall be authorized by the health maintenance organization for the transitional period only if the health care provider agrees**:** (A) to accept reimbursement from the health maintenance organization at rates established by the health maintenance organization as payment in full, which rates shall be no more than the level of reimbursement applicable to similar providers within the health maintenance organization's network for such services; (B) to adhere to the organization's quality assurance requirements and agrees to provide to the organization necessary medical information related to such care; and (C) to otherwise adhere to the organization's policies and procedures including, but not limited to**,** procedures regarding referrals and obtaining pre-authorization and a treatment plan approved by the organization. In no event shall this paragraph be construed to require a health maintenance organization to provide coverage for benefits not otherwise covered or to diminish or impair pre-existing condition limitations contained within the subscriber's contract.

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to policies issued, renewed, modified, or amended on or after such date.

SUBPART C

Section 1. Subsection (a) of section 3242 of the insurance law, as added by section 1 of subpart C of part J of chapter 57 of the laws of 2019, is amended to read as follows:

(a) Every insurer that delivers or issues for delivery in this state a policy that provides coverage for prescription drugs shall, with respect to the prescription drug coverage, publish an up-to-date, accurate, and complete list of all covered prescription drugs on its formulary drug list, including any tiering structure that it has adopted and any restrictions on the manner in which a prescription drug may be obtained, in a manner that is easily accessible to insureds [~~and~~]**,** prospective insureds**, health care providers, and other interested parties**. The formulary drug list shall clearly identify the preventive prescription drugs that are available without annual deductibles or coinsurance, including co-payments. **A formulary drug list shall only be considered easily accessible if:**

(1) it can be viewed on the insurer's public website without requiring an individual to create or access an account or enter a password or to be covered under an insurance policy issued by the insurer; and

(2) an individual can easily discern which formulary drug list applies to which plan, if an insurer offers more than one plan.

§ 2. Subsection (a) of section 4329 of the insurance law, as added by section 2 of subpart C of part J of chapter 57 of the laws of 2019, is amended to read as follows:

(a) Every corporation subject to the provisions of this article that issues a contract that provides coverage for prescription drugs shall, with respect to the prescription drug coverage, publish an up-to-date, accurate, and complete list of all covered prescription drugs on its formulary drug list, including any tiering structure that it has adopted and any restrictions on the manner in which a prescription drug may be obtained, in a manner that is easily accessible to insureds [~~and~~], prospective insureds, health care providers, and other interested parties. The formulary drug list shall clearly identify the preventive prescription drugs that are available without annual deductibles or coinsurance, including co-payments. A formulary drug list shall only be considered easily accessible if:

(1) it can be viewed on the corporation's public website without requiring an individual to create or access an account or enter a password or to be covered under an insurance policy issued by the corporation; and

(2) an individual can easily discern which formulary drug list applies to which plan, if a corporation offers more than one plan.

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to policies issued, renewed, modified or amended on or after such date.

SUBPART D

Section 1. Subsection (b-3) of section 4900 of the insurance law is relettered subsection (b-4) and a new subsection (b-3) is added to read as follows:

(b-3) "Chronic health condition" means a condition that is expected to last for at least one year and requires ongoing treatment to effectively manage the condition or prevent an adverse health event.

§ 2. Subsection (f) of section 4905 of the insurance law, as added by chapter 705 of the laws of 1996, is amended read as follows:

(f) Utilization review shall not be conducted more frequently than is reasonably required to assess whether the health care services under review are medically necessary provided, however, that utilization review shall not be conducted more than once per year for a course of treatment for a chronic health condition starting from the date of a pre-authorization approval for the course of treatment.

§ 3. Subdivision 2-c of section 4900 of the public health law is renumbered subdivision 2-d and a new subdivision 2-c is added to read as follows:

(2-c) "Chronic health condition" means a condition that is expected to last for at least one year and requires ongoing treatment to effectively manage the condition or prevent an adverse health event.

§ 4. Subdivision 6 of section 4905 of the public health law, as added by chapter 705 of the laws of 1996, is amended to read as follows:

6. Utilization review shall not be conducted more frequently than is reasonably required to assess whether the health care services under

review are medically necessary **provided, however, that utilization review shall not be conducted more than once per year for a course of treatment for a chronic health condition starting from the date of a pre-authorization approval for the course of treatment**.

§ 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to policies issued, renewed, modified, or amended on or after such 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 Subparts A through D of this act shall be as specifically set forth in the last section of such Subparts.

PART II

Section 1. Section 2336 of the insurance law is amended by adding a new subsection (i) to read as follows:

(i) (1) Any schedule or rating plan for motor vehicle insurance submitted to the superintendent shall provide for an actuarially appropriate reduction in premium charges for bodily injury liability, property damage liability, personal injury protection, medical payments, and collision coverage with respect to a motor vehicle equipped with a dashboard camera. A "dashboard camera" means a dashboard-mounted video recording device capable of continuous loop recording with a minimum resolution of 1080p, designed to capture footage of the road ahead of the motor vehicle.

(2) To qualify for the discount, an insurer shall require that the policyholder submit proof of installation and operation of the dashboard camera. A policyholder's failure to maintain an operational dashboard camera shall result in the forfeiture of the discount at the next policy renewal, unless the insurer reinstates the discount upon proof of compliance.

(3) Notwithstanding any other provision of law to the contrary, all trip data, personal information, images, videos, and other recorded images collected by an insurer or any affiliate pursuant to this subsection shall be for the exclusive use of such insurer for the benefit of the policyholder, and shall not be sold, distributed, transferred or otherwise made accessible to any person or entity except where strictly necessary for one or more of the following:

(i) to the person who is the subject of such data, information or record, or to enable or facilitate the policyholder's insurance claim or otherwise use the data in accordance with the policyholder's agreement with the insurer, including demonstrating maintenance of an operational dashboard camera;

(ii) to provide or maintain a specific product or service requested by the policyholder;

(iii) to respond to, process, facilitate, adjust, or defend an insurance claim;

(iv) to investigate, establish, exercise, prepare for, or defend legal claims; or

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

§ 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 JJ

Section 1. The general business law is amended by adding a new article 42-A to read as follows:

ARTICLE 42-A
PRIVATE EDUCATION LOAN PROTECTIONS

§ 1200. Definitions. As used in this article:

1. "Private education loan" means an extension of credit that:

(a) is not made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

(b) is extended to a consumer expressly, in whole or in part, for higher education expenses, regardless of whether the loan is provided by the educational institution that the student attends;

(c) does not include open-end credit or any loan that is secured by real property or a dwelling; and

(d) does not include an extension of credit in which the covered educational institution is the creditor if:

(i) the term of the extension of credit is ninety days or less; or

(ii) an interest rate or finance charge will not be applied to the credit balance and the term of the extension of credit is one year or less, even if the credit is payable in more than four installments.

2. "Private education lender", except as exempted under this article, means:

(a) any person or entity engaged in the business of securing, making, or extending private education loans; or

(b) any holder of a private education loan.

3. "Borrower" or "private education loan borrower" means a person who has received or agreed to pay a private education loan for such person's own educational expenses.

4. "Cosigner" (a) means:

(i) any individual who is liable for the obligation of another without compensation, regardless of how designated in the contract or instrument with respect to that obligation, including an obligation under a private education loan extended to consolidate a borrower's pre-existing private education loans; and

(ii) includes any person the signature of which is requested as condition to grant credit or to forbear on collection;

(b) does not include a spouse of an individual described in subparagraph (i) of paragraph (a) of this subdivision, the signature of whom is needed to perfect the security interest in a loan.

5. "Original creditor" means the private education lender identified in a promissory note, loan agreement, or loan contract entered into with a private education loan borrower or cosigner.

6. "Creditor" means:

(a) the original creditor, where ownership of a private education loan debt has not been sold, assigned, or transferred;

(b) the person or entity that owned the private education loan debt at the time the debt became delinquent or defaulted, even if that person or entity did not originate the private education loan, and where such a debt has not subsequently been sold, transferred or assigned; or

(c) a person or entity that purchased a delinquent or defaulted private education loan debt for collection purposes, whether it collects the debt itself, hires a third party for collection, or hires an attorney for collection litigation.

7. "Debt collector" means any person who regularly collects or attempts to collect, directly or indirectly, consumer debts originally owed or due or asserted to be owed or due another. The term does not include any officer or employee of a creditor who, in the name of the creditor, collects debts for such creditor, but it does include any creditor who, in the process of collecting its own debts, uses any name other than its own which would indicate that a third person is collecting or attempting to collect such debts.

8. "Higher education expense" means any expense arising from higher education, as defined in section two of the education law, regardless of whether the higher education institution is accredited within New York state.

§ 1201. Applicability. 1. Any person or entity that enters into a contract or subcontract with a private education lender or servicer to perform the servicing of a private education loan must fulfill the obligations of the private education lender under this article.

2. Any private education lender as described in subdivision two of section twelve hundred of this article be jointly and severally liable for the actions of the entity or person in fulfilling the obligations of the private educational lender or servicer under this article.

§ 1202. Exempt organizations. The following shall be exempt from the provisions of this article only to the extent that state regulation is preempted by federal law:

1. Any banking organization, foreign banking corporation, national bank, federal savings association, federal credit union, or any bank, trust company, savings bank, savings and loan association, or credit union organized under the laws of any other state; and

2. Any subsidiary of such entities set forth in subdivision one of this section.

§ 1203. Provisions applicable to cosigners. 1. (a) Prior to the origination of a private education loan, the private education lender shall provide to all cosigner applicants information about the rights and responsibilities of the cosigner of the loan, including:

(i) information about how the private education lender will furnish information about the cosigner's private education loan obligation to credit reporting agencies;

(ii) information about how the cosigner will be notified if the private education loan becomes delinquent, including how the cosigner can cure the delinquency in order to avoid negative credit furnishing and loss of cosigner release eligibility; and

(iii) information about eligibility for release of the cosigner's obligation on the private education loan, including number of on-time payments and any other criteria required to approve the release of cosigner from the loan obligation.

(b) Lenders shall send borrowers and cosigners annual written notices containing information about cosigner release, including criteria the lender requires to approve the release of cosigner from the loan obligation and the process for applying for cosigner release.

(c) Once the borrower has met the applicable consecutive on-time payment requirement to be eligible for cosigner release, the lender shall send the borrower and cosigner a written notification by U.S. mail and by electronic mail, where a borrower has elected to receive electronic communications from the lender, informing the borrower and cosigner that such person has met the applicable consecutive, on-time payments requirement to be eligible for cosigner release. The notification shall also include information about any additional criteria to qualify for cosigner release, and the procedure to apply for cosigner release.

(d) Lenders shall provide written notice within fifteen days to any borrower who applies for cosigner release, but whose application is incomplete. The written notice must include a description of the information needed to consider the application complete and the date by which the applicant should furnish the missing information.

(e) After a borrower submits a complete application for cosigner release, within thirty days, the lender shall send the borrower and cosigner a written notice that informs the borrower and cosigner whether the cosigner release application has been approved or denied. If the lender denies a request for cosigner release, the lender shall inform the borrower of such person's right to request all documents and information used in the determination, including the credit score threshold used by the lender, the borrower's consumer report, the borrower's credit score, and any other documents specific to the borrower. The lender must also provide any adverse action notices required under applicable federal law if the denial is based in whole or in part on any information contained in a consumer report.

2. (a) In response to any written or oral request for cosigner release, lenders shall send the information described in paragraph (b) of subdivision one of this section.

(b) Lenders shall not impose any restrictions that may permanently bar a borrower from qualifying for cosigner release, including restricting the number of times a borrower may apply for cosigner release.

(c) Lenders shall not impose any negative consequences on any borrower or cosigner during the sixty days following the issuance of the notice required under paragraph (d) of subdivision one of this section, or until the lender makes a final determination about a borrower's cosigner release application. For the purpose of this paragraph, "negative consequences" includes, but is not limited to, the imposition of additional eligibility criteria, negative credit reporting, lost eligibility for cosigner release, late fees, interest capitalization, or other financial injury.

(d) Lenders shall not require greater than twelve consecutive, on-time payments as criteria to apply for cosigner release. Any borrower who has paid the equivalent of twelve months of principal and interest payments within any twelve-month period will be considered to have satisfied the consecutive, on-time payment requirement, even if the borrower has not made payments monthly during the twelve-month period.

(e) If a borrower or cosigner requests a change that restarts the count of consecutive, on-time payments required for cosigner release, the lender shall notify the borrower and cosigner in writing within ten days of the impact of such an arrangement and provide the borrower or cosigner the right to withdraw or reverse the request to avoid such impact.

(f) The borrower has the right to request an appeal of a lender's determination to deny the cosigner release application within ninety days of receiving the lender's determination, and the lender shall permit such borrower to submit additional documentation evidencing that the borrower has the ability, willingness, and stability to handle such person's payment obligations. The borrower may request review of the cosigner release determination by another employee. The lender shall inform the borrower of this right in a clear and conspicuous manner on the notice denying the cosigner release application.

(g) A lender must establish and maintain a comprehensive record management system reasonably designed to ensure the accuracy, integrity, and completeness of data and other information about cosigner release applications. This system shall include the number of cosigner release applications received, the approval and denial rate, and the primary reasons for any denial.

(h) If a cosigner has a total and permanent disability, as determined by any federal agency, state agency, or physician or doctor of osteopathy legally authorized to practice in the state in which the cosigner resides, the lender shall release the cosigner from the cosigner's obligation to repay the loan upon receiving a notification of the cosigner's total and permanent disability. The lender shall not require a new cosigner to be added to the loan after the original cosigner has been released from the loan.

3. (a) A lender shall provide a cosigner of a private education loan with access to all documents or records related to the cosigned private education loan that are available to the borrower;

(b) If a lender provides electronic access to documents and records for a borrower, it shall provide equivalent electronic access to the cosigner; and

(c) Upon receiving notice from the borrower or cosigner, the lender shall redact the contact information of the other party.

§ 1204. Prohibition on acceleration of payments on private education loans. 1. Except as provided in subdivision two of this section, a private education loan executed after the effective date of this article may not include a provision that permits the private educational lender to accelerate, in whole or in part, payments on the private education loan.

2. A private education loan may include a provision that permits acceleration of the loan in cases of payment default.

3. A lender shall not place any loan or account into default or accelerate a loan for any reason, other than for failure to pay.

4. (a) In the event of the death of a cosigner, a lender shall not attempt to collect against the cosigner's estate, other than for failure to pay.

(b) Upon receiving notification of the death or bankruptcy of a cosigner, when the loan is not more than sixty days delinquent at the time of the notification, a lender shall not change any terms or benefits under the promissory note, repayment schedule, repayment terms, or monthly payment amount or any other provision associated with the loan.

(c) A lender shall not place any loan or account into default or accelerate a loan for any reason, other than for failure to pay.

§ 1205. Required communications from creditors and debt collectors. In addition to any other information required under applicable federal or state law, a creditor or debt collector shall provide, in writing, in the first debt collection communication with the private education loan borrower or cosigner, or within five days thereafter, and at any other time the borrower or cosigner requests such documentation:

1. The name of the current owner of the private education loan debt;

2. The original creditor's name at the time of origination and, if different, at the time of sale of the loan, if applicable;

3. The original creditor's account number used to identify the private education loan debt at the time of sale, if applicable;

4. The total outstanding amount owed at the time of default or the amount due to bring the loan current if the loan is delinquent, but not yet in default;

5. A schedule of all transactions credited or debited to the private education loan account;

6. A copy of all pages of the contract, application or other documents stating all terms and conditions applicable to the private education loan and evidencing the private education loan borrower's or cosigner's liability for the private education loan; and

7. A clear and conspicuous statement disclosing that the borrower or cosigner has a right to request all information possessed by the creditor related to the private education loan debt, including, but not limited to the information included in section twelve hundred six of this article.

§ 1206. Required information to be provided by creditors and debt collectors. 1. A creditor or debt collector may not collect or attempt to collect a private education loan debt unless the creditor or debt collector possesses the following:

(a) The name of the owner of the private education loan;

(b) The original creditor's name at the time of sale of the loan or default, if applicable;

(c) The original creditor's account number used to identify the private education loan at the time of sale or default, if the original creditor used an account number to identify the private education loan at the time of sale or default;

(d) The amount due at the time of sale, or at default, or, if the loan is delinquent, to bring the loan current;

(e) A schedule of all transactions credited or debited to the private education loan account;

(f) An itemization of interest and fees, if any, claimed to be owed and whether those were imposed by the original creditor or any subsequent owners of the private education loan;

(g) The date that the private education loan was incurred;

(h) A billing statement or other account record indicating the date of the first partial payment and/or the first day that a payment was missed, whichever is earlier;

(i) A billing statement or other account record indicating the date of the last payment made by the borrower or cosigner, if applicable;

(j) Any payments, settlement, or financial remuneration of any kind paid to the creditor by a guarantor, cosigner, or surety, and the amount of payment received;

(k) A copy of the self-certification form and any other "needs analysis" conducted by the original creditor prior to origination of the loan;

(l) A log of all collection attempts made in the previous twelve months including date and time of all calls and written communications;

(m) Copies of all written settlement offers sent in the last twelve months, or, in the alternative, a statement that the creditor has not attempted to settle or otherwise renegotiate the debt prior to suit;

(n) Copies of all collection letters sent to the borrower and cosigner since inception of the loan;

(o) Documentation establishing that the creditor is the owner of the specific individual private education loan at issue. If the private education loan was assigned more than once, the creditor must possess each assignment or other writing evidencing the transfer of ownership of the specific individual private education loan to establish an unbroken chain of ownership, beginning with the original creditor to the first subsequent creditor and each additional creditor. Each assignment or other writing evidencing transfer of ownership or the right to collect must contain the original creditor's account number (redacted for security purposes to show only the last four digits) of the private education loan purchased or otherwise assigned, the date of purchase and assignment, and must clearly show the borrower's, and if applicable, cosigner's correct name associated with the original account number. The assignment or other writing attached shall be that by which the creditor or other assignee acquired the private education loan, not a document prepared for litigation or collection purposes;

(p) A copy of all pages of the contract, application or other documents evidencing the private education loan borrower's, and if applicable, cosigner's liability for the private education loan, stating all terms and conditions applicable to the private education loan; and

(q) A signed affidavit or affidavits from each of the previous owners of the private education loan regarding when the previous owner accelerated the loan from delinquency status to default status, or if applicable, a statement that no such acceleration occurred.

2. Upon written or oral request from a borrower or cosigner for any information that a creditor or debt collector is required to possess pursuant to subdivision one of this section, a creditor or debt collector shall send the requested information to the borrower or cosigner within fifteen days of receipt of the request.

§ 1207. Enforcement. 1. All private education lenders, creditors and debt collectors shall comply with the provisions of this article.

2. No private education lenders, creditors or debt collectors shall engage in unfair, deceptive, or abusive acts or practices.

3. Any borrower or cosigner who suffers damage as a result of the failure of a private education lender, creditor, or debt collector covered by the provisions of this article may bring an action on their own behalf and on behalf of a similarly situated class of consumers against that person to recover or obtain any of the following:

(a) actual damages, but in no case shall the total award of damages be less than five hundred dollars per person, per violation of this section;

(b) punitive damages;

(c) correction of any inaccurate, negative reporting by the lender, creditor, or debt collector to any credit reporting agency;

(d) injunctive relief; or

(e) any other relief that the court deems proper.

4. In the case of any successful action to enforce the foregoing liability, a private education lender, creditor, or debt collector shall be liable for the costs of the action, together with reasonable attorneys' fees as determined by the court.

5. The attorney general may bring an action in the name of the people of the state to restrain or prevent any violation of this article or any continuance of any such violation and to obtain restitution of any moneys or property obtained directly or indirectly by any such violation, as well as reasonable attorneys' fees.

6. Nothing in this article shall limit any statutory or common law right of any person to bring any action in any court for any act, or the right of the state to punish any person for any violation of any law.

§ 1208. Rules and regulations. 1. In addition to such powers as may otherwise be prescribed by this chapter, the superintendent of financial services is hereby authorized and empowered to promulgate such rules and regulations as may in the judgment of the superintendent of financial services 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 private education lenders, creditors, and debt collectors 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 unfair, deceptive or abusive acts or practices in connection with the activities of private education lenders, creditors, and debt collectors;

(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.

2. The superintendent of financial services is hereby authorized and empowered to make such specific rulings, demands and findings as the superintendent may deem necessary for the proper conduct of the private education loan industry.

§ 1209. Penalties. In addition to such penalties as may otherwise be applicable by law, including but not limited to the penalties available under section forty-four of the banking law, the superintendent of financial services may, after notice and a hearing, or upon a finding of a violation of this article in a civil action brought by the attorney general, require any person found violating the provisions of this article or the rules or regulations promulgated hereunder to pay to the people of this state a penalty for each violation of this article or any regulation or policy promulgated hereunder a sum not to exceed the greater of (i) ten thousand dollars for each offense; (ii) a multiple of two times the aggregate damages attributable to the violation; or (iii) a multiple of two times the aggregate economic gain attributable to the violation.

§ 2. Subdivision (q-1) of section 105 of the civil practice law and rules, as added by chapter 593 of the laws of 2021, is amended to read as follows:

(q-1) Original creditor. The term "original creditor" means the entity that owned a consumer credit account at the date of default giving rise to a cause of action**; except that if the consumer credit account is a private education loan, as defined in subdivision one of section twelve hundred of the general business law, "original creditor" means the private education lender identified in a promissory note, loan agreement, or loan contract entered into with a private education loan borrower or cosigner**.

§ 3. 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.

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

PART KK

Section 1. Section 2329 of the insurance law, as amended by chapter 182 of the laws of 2023, is amended to read as follows:

§ 2329. Motor vehicle insurance rates; excess profits. In accordance with regulations prescribed by the superintendent, each insurer issuing policies that are subject to article fifty-one of this chapter, including policies of motor vehicle personal injury liability insurance or policies of motor vehicle property damage liability insurance or insurance for loss or damage to a motor vehicle, shall establish a fair, practicable, and nondiscriminatory plan for refunding or otherwise crediting to those purchasing such policies their share of the insurer's excess profit, if any, on such policies. An excess profit shall be a profit beyond a percentage rate of return on net worth attributable to such policies, computed in accordance with the regulation required by section two thousand three hundred twenty-three of this article, and determined by the superintendent to be so far above a reasonable average profit as to amount to an excess profit, taking into consideration the fact that losses or profits below a reasonable average profit will not be recouped from such policyholders. Each plan shall apply to policy periods for the periods January first, nineteen hundred seventy-four through August second, two thousand one, and the effective date of the property/casualty insurance availability act through June thirtieth, two thousand [~~twenty-six~~] **twenty-nine**. In prescribing such regulations the superintendent may limit the duration of such plans, waive any requirement for refund or credit that the superintendent determines to be de minimis or impracticable, adopt forms of returns that shall be made to the superintendent in order to establish the amount of any refund or credit due, establish periods and times for the determination and distribution of refunds and credits, and shall provide that insurers receive appropriate credit against any refunds or credits required by any such plan for policyholder dividends and for return premiums that may be due under rate credit or retrospective rating plans based on experience.

§ 2. This act shall take effect immediately.

PART LL

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 S of chapter 58 of the laws of 2025, 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, 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 MM

Intentionally Omitted

PART NN

Section 1. Short title. This act shall be known and may be cited as the "Long Island MacArthur Airport terminal and rail integration project act".

§ 2. For the purposes of this act, the following terms shall have the following meanings:

1. "Airport" shall mean the Long Island MacArthur Airport owned by and located in the town.

2. "Developer lessee" shall mean, in conformity with the requirements of this act, a private entity, which may be a joint venture or other legal entity, acting as a lessee, concessionaire, and/or licensee with respect to the real property and any improvements thereon on which it may undertake the project.

3. "Lease and development agreement" shall mean an agreement, including a lease, concession, license, and/or sub-lease of real property and any improvements thereon, made between the town and a developer lessee pursuant to subdivision 5 of section 352 of the general municipal law, for completion of the Long Island MacArthur Airport terminal and rail integration project.

4. "Long Island MacArthur Airport terminal and rail integration project" or "project" shall mean, in conformity with the requirements of this act, any and all phases of planning, development, financing, design, demolition, construction, expansion, improvements, operation, maintenance, and/or repair, which are undertaken, in whole or in part, under a lease, concession, and/or license for the improvement of the airport through development of a north passenger terminal, and any necessary or desirable facilities or improvements for such terminal and associated aviation or non-aviation purposes, including an intermodal interconnection to the Long Island Rail Road Ronkonkoma station.

5. "Private design-build contract" shall mean, in conformity with the requirements of this act, a contract for the design and construction of

the project between a developer lessee and a single contractor entity, which may be a team comprised of separate entities.

6. "Project labor agreement" shall mean a pre-hire collective bargaining agreement between a contractor 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 project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform project work.

7. "Town" shall mean the town of Islip in the county of Suffolk.

§ 3. Notwithstanding sections 103 and 350 of the general municipal law, section 222 of the town law, or the provisions of any other law to the contrary, in conformity with the requirements of this act, the town may under the terms of a lease and development agreement permit a developer lessee, within the scope of its lease, concession, and/or license rights, to undertake the project, whether utilizing the design-bid-build, design-build, or other delivery method otherwise permitted by law, without such lease and development agreement, or any resulting private design-build contract or other contracts for design or construction of the project entered into, directly or indirectly, by a developer lessee, being deemed to be a contract for public work, including for purposes of section 103 of the general municipal law or otherwise requiring procurement and award separate and apart from the procurement and award of any lease and development agreement.

§ 4. A lease and development agreement entered into pursuant to this act shall:

1. be awarded by the town to a responsive and responsible entity that is otherwise selected as developer lessee in accordance with law; and

2. require performance of a project labor agreement consistent with the provisions of section 222 of the labor law in connection with any resulting private design-build contract.

§ 4-a. For purposes of this act, an award to a responsive and responsible entity shall include awards to:

1. an entity that is the lowest responsible bidder; or

2. an entity who has been determined to have submitted the proposal that provides the best value to the town, which for purposes of this act shall mean the basis for awarding contracts for services to a proposer that optimizes quality, cost and efficiency, price and performance criteria, which may include, but is not limited to:

(1) The quality of the entity's performance on previous projects;

(2) The timeliness of the entity's performance on previous projects;

(3) The level of customer satisfaction with the entity's performance on previous projects;

(4) The entity's record of performing previous projects on budget and ability to minimize cost overruns;

(5) The entity's ability to limit change orders;

(6) The entity's ability to prepare appropriate project plans;

(7) The entity's technical capacities;

(8) The individual qualifications of the entity's key personnel;

(9) The entity's ability to assess and manage risk and minimize risk impact;

(10) The entity's financial capability;

(11) The entity's ability to comply with applicable requirements, including the provisions of articles 145, 147 and 148 of the education law;

(12) The entity's past record of compliance with federal, state and local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with the labor law and other applicable labor and prevailing wage laws, article 15-A of the executive law, and any other applicable laws concerning minority- and women-owned business enterprise participation; and

(13) The entity's record of complying with existing labor standards, maintaining harmonious labor relations, and protecting the health and safety of workers and payment of wages above any locally-defined living wage.

§ 5. Nothing in this act shall be construed to prohibit the town from negotiating the terms and conditions of a lease and development agreement.

§ 6. Neither any lease and development agreement, nor any private design-build contract or other contracts for design or construction of the project entered into, directly or indirectly, by a developer lessee, in each case pursuant to this act shall be construed to be a violation of section 6512 of the education law.

§ 6-a. Any contract entered into pursuant to this act shall include a clause requiring that any professional services regulated by articles 145, 147 and 148 of the education law shall be performed and stamped and sealed, where appropriate, by a professional licensed in accordance with the appropriate articles of the education law.

§ 7. Nothing in this act shall be construed to exempt a project undertaken by the town pursuant to this act from the requirements of article 8 of the environmental conservation law, and, where applicable, the requirements of the National Environmental Policy Act.

§ 7-a. Each contract entered into by an authorized entity pursuant to this act shall comply with the objectives and goals with regard to minority- and women-owned business enterprises, and, for projects or public works receiving federal aid, applicable federal requirements for disadvantaged business enterprises or minority- and women-owned business enterprises.

§ 8. Nothing contained in this act shall limit the right or obligation of the town to comply with the provisions of any existing contract, including any existing contract with or for the benefit of the holders of the obligations of the town, or to award contracts as otherwise provided by law.

§ 8-a. (a) 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 employees of authorized entities solely in connection with public works undertaken by an authorized entity pursuant to this act, shall be preserved and protected.

(b) Nothing in this act 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 contractor, or (3) transfer of future duties and functions ordinarily performed by employees of the authorized entities to the contracting entity.

(c) Employees of authorized entities using design-build contracts serving in positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained in this act shall be construed to affect (1) the existing rights of employees of such entities pursuant to an existing collective bargaining agreement, (2) the existing representational relationships among employee organizations representing employees of such entities, or (3) the bargaining relationships between such entities and such employee organizations.

§ 9. This act shall take effect immediately; provided, however that if the town has not entered into a lease and development agreement as provided under this act on or before 10 years after such date, this act shall expire and be deemed repealed 10 years after such effective date; and provided, further, that, the town of Islip, in the county of Suffolk, shall notify the legislative bill drafting commission upon the occurrence of such town entering into a lease and development agreement as provided under 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.

PART OO

Section 1. Subdivision 2 of section 1283 of the public authorities law, as amended by chapter 744 of the laws of 1970, is amended to read as follows:

2. **For the purposes of this section, "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" shall have the same meaning as in section 37-0203 of the environmental conservation law.**

3. The corporation may award grants and loans to non-public entities for water quality projects that relate to the removal of perfluoroalkyl and polyfluoroalkyl substances (PFAS) for a public water system which provides water to the public for human consumption through pipes or other constructed conveyances. For purposes of this subdivision, "public water system" means a public water system as defined in 10 NYCRR 5-1.1(cb) and includes a community water system, noncommunity water system, transient noncommunity water system, nontransient noncommunity water system as defined in such regulations and any subsequent updates of such regulations by the department of health.

4. It is hereby found and declared that such purposes are in all respects for the benefit of the people of the state of New York and the corporation shall be regarded as performing an essential governmental function in carrying out its purposes and in exercising the powers granted by this title.

§ 2. This act shall take effect immediately.

PART PP

Section 1. Short title. This act shall be known and may be cited as the "food retail establishment subsidization for healthy communities act".

§ 2. Legislative intent. The legislature finds that the lack of access to fresh foods is a problem of growing concern in many communities across the state. Substantial increases in urban land values and rents, limited access to financing and other economic pressures have left many lower-income residents in urban and rural areas underserved by supermarkets and other food retail establishments. The resulting lack of access to a variety of fresh food retailers makes it more difficult and expensive for these residents to maintain a nutritionally balanced diet and leads to increased public health costs, dilutes the value of public assistance for food purchases, leads to greater travel times and energy expenditures to obtain fresh food, and deprives the state's farmers of markets for their products. Providing access to financial assistance for urban and rural supermarkets in underserved areas will remedy these adverse conditions, create employment opportunities and help to revitalize and stabilize currently underserved neighborhoods.

§ 3. Subdivision 1 of section 16-m of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new paragraph (p) to read as follows:

(p) Loans, loan guarantees, interest subsidies and grants to businesses, municipalities, not-for-profit corporations or local development corporations for the purpose of attracting, maintaining or permitting the expansion of food retail establishments in underserved areas. The corporation shall consider the economic viability of the project and the potential impact on the community when evaluating applications for such loans, loan guarantees, interest subsidies and grants. The corporation shall establish performance indicators to assess the progress of the projects receiving monies pursuant to the authorization provided in this paragraph, and track and publish this information on its website. For purposes of this paragraph, "underserved areas" shall include low or moderate-income census tracts, areas of below average supermarket density or having a supermarket customer base with more than fifty percent living in low-income census tracts, or other areas demonstrated to have significant access limitations due to travel distance, as determined by the corporation, and "food retail establishments" shall include supermarkets and other grocery retailers that operate on a self-service basis and sell a minimum percentage, as determined by the corporation, of produce, meat, poultry, seafood, baked goods and/or dairy products and which:

(i) participate in the New York grown and certified program;

(ii) accept payment from electronic benefit transfer through the supplemental nutrition assistance program and through the special supplemental nutrition program for women, infants, and children;

(iii) do not charge a membership fee; and

(iv) hire residents living within a twenty mile radius of such retail food establishment.

§ 4. This act shall take effect on the first of April next succeeding the date on which it shall have become a law; provided, however that the urban development corporation shall be immediately authorized to take any and all actions necessary to fully implement the provision of section three of this act on or before such effective date; and provided further, that the amendments to section 16-m of the urban development corporation act made by section three of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

PART QQ

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 2026

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 2026".

§ 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 RR

Section 1. The public authorities law is amended by adding a new section 1887 to read as follows:

§ 1887. 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 SS

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 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 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 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 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 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 TT

Section 1. The public authorities law is amended by adding a new section 1886 to read as follows:

§ 1886. Ride clean rebate program. 1. For purposes of this section "eligible purchase" shall mean the purchase of a bicycle with electric assist, as defined in section one hundred two-c of the vehicle and traffic law, or the purchase of an electric scooter, as defined in section one hundred fourteen-e of the vehicle and traffic law, that: (a) has not been modified from the original manufacturer's specifications; (b) uses a battery that has been certified by an accredited testing laboratory for compliance with a battery standard; and (c) such certification or the logo, wordmark, or name of such accredited testing laboratory shall be displayed on packaging or documentation at the time of sale for the product or directly on the product itself.

2. The authority shall develop a program, entitled the ride clean rebate program, to encourage the deployment of bicycles with an electric assist and electric scooters.

3. The program created pursuant to this section shall include a fifty percent rebate, for eligible purchases, provided that a rebate for an eligible purchase shall not exceed one thousand one hundred dollars ($1,100).

4. No later than one year from the effective date of this section, the authority shall implement and administer this section including rules relating to the forms required to claim a rebate, the required documentation for establishing eligibility for a rebate, procedures and guidelines for claiming a rebate, and the collection of economic impact data from applicants and any other requirements the authority deems necessary. 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.

5. No later than April first, two thousand twenty-eight and annually thereafter, 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 its program to encourage the

deployment of bicycles with an electric assist and electric scooters. 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.

PART UU

Section 1. The superintendent of financial services is hereby authorized and directed to prepare or have prepared a study of the banking development district program and to provide recommendations to improve this program for the purpose of making financial services accessible to unbanked and underbanked communities and households. Such study shall include, but not be limited to:

1. analysis of the location and demographics of underbanked communities and households in New York state and the causes of underbanked communities and households in New York state;

2. review of the banking development district program listing all the participating financial institutions and their local economic impact, including number of loans and customers; and

3. recommendations on how it could be improved and increase the number of participating financial institutions.

§ 2. Such study and recommendations shall be completed and provided to the governor and the legislature within twelve months of the effective date of this act.

§ 3. As used in this act the term "underbanked" shall mean having insufficient access to financial institutions for the purpose of banking and investment services.

§ 4. This act shall take effect immediately.

PART VV

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 WW

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 the state fiscal year next succeeding the effective date of this subdivision, 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 department, the department of health or the federal environmental protection agency.

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. 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**: (a)** 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 (b) municipal actions related to the implementation of the environmental restoration remediation project. 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 XX

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 8 to read as follows:

TITLE 8

MANAGEMENT OF PFAS IN BIOSOLIDS

Section 27-0801. Definitions.
27-0803. Testing and reporting.
27-0805. Moratorium on the sale and use of biosolids.

§ 27-0801. Definitions.

As used in this title:

1. "Biosolids" means the accumulated semi-solids, solids or liquids resulting from treatment of wastewaters from publicly or privately owned or operated sewage treatment plants.

2. "Enterprise budget" means an estimation of the revenue, costs, and profits for a farm.

3. "Monitoring" means sampling of biosolids from wastewater treatment facilities, soil samples and/or water samples from agricultural land to determine the concentration of PFAS present.

4. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

5. "Permit holder" means a farmer or other landowner authorized to spread biosolids under a permit granted pursuant to NYCRR Part 361-2.4.

6. "Wastewater treatment facility" means any facility that treats wastewater, including but not limited to municipal sewage treatment plants, industrial wastewater treatment plants, and septage treatment facilities.

7. "Class A biosolids" means biosolids that have been highly treated to reduce pathogens to undetectable levels, allowing unrestricted use.

8. "Class B biosolids" means biosolids that have been moderately treated to reduce pathogens to lower but detectable levels, and which may require site restrictions, buffer zones, and waiting periods for harvesting of crops or public access.

§ 27-0803. Testing and reporting.

1. No later than one year from the effective date of this title, the department, in consultation with the department of health, shall promulgate rules and regulations which add perfluoroalkyl and polyfluoroalkyl substances as a parameter of concern for analysis within NYCRR Part 361.2.4.

(a) Such regulations shall, at a minimum, do the following:

(i) establish a protocol to incentivize farmers to:

(1) apply to the department for the department to perform PFAS soil testing on land where Class A biosolids or Class B biosolids have been applied; or

(2) contract with a laboratory or provider verified by the department to conduct PFAS soil testing on land where Class A biosolids or Class B biosolids have been applied and submit the results to the department;

(ii) provide that a landowner who has satisfied the testing and reporting requirements established pursuant to this section may apply for reimbursement of the costs of perfluoroalkyl and polyfluoroalkyl substances soil testing through the soil health and PFAS agriculture response program established pursuant to article eleven-C of the agriculture and markets law;

(iii) require that perfluoroalkyl and polyfluoroalkyl substances soil testing conducted pursuant to this section be performed on a quarterly basis for a period of not less than one year;

(iv) establish standards for demonstrating prior application of Class A biosolids or Class B biosolids on agricultural land, which may include, but shall not be limited to, historic or current permits, proof of prior use of Class A biosolids, or other documentation or means as determined by the department;

(v) establish protocols and require the department of health to test drinking water wells at least quarterly for one year where such wells are within one half mile of lands where biosolids have been applied; and

(vi) establish protocols for testing and require the department of health to test surface water at least quarterly for one year where such surface water is within one mile of lands where biosolids have been applied; and

(b) Regulations promulgated pursuant to this title regarding testing protocols and the timing of sampling for testing of well water and surface water shall take into account the effects of rainfall events and precipitation patterns, as well as weather and temperature changes in determining the timing of sampling.

2. Regulations promulgated pursuant to this title shall require all wastewater treatment facilities to test biosolids for PFAS chemicals quarterly for five years and report the results to the department.

3. Testing and evaluation of sites shall be conducted using a PFAS testing method or methods authorized by the department. The department shall immediately authorize EPA Method 1633A as an approved testing method. The department shall authorize additional methods that detect more PFAS as such methods become available and shall require that the method that detects the largest number of PFAS (at equal or lower detection limits than EPA Method 1633A) shall be used.

4. The department shall establish and maintain a publicly accessible database of disaggregated soil, biosolid (differentiating the sources of the data in such database), and water testing results within eighteen months of the effective date of this title. Such database shall use best practices standards for data collection and dissemination, including standardization and cleaning of data, and shall make such data available to the public in commonly used data formats. Data collected from soil

or water samples taken from private lands and wells shall be aggregated by department of environmental conservation region, in a form which excludes specific addresses, locations, or other personally identifying information. The database shall also include records for all previously conducted testing of biosolids for PFAS funded with public monies within New York state.

§ 27-0805. Moratorium on the sale and use of biosolids.

1. For the period commencing one year from the effective date of this title and ending five years after such date, a moratorium shall be established on the land application, and issuance, renewal, or approval of any permits related thereto, of:

(a) biosolids generated from a publicly or privately owned or operated wastewater treatment facility;

(b) compost material that included in its production biosolids generated from a publicly or privately owned or operated wastewater treatment facility; and

(c) any other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement or mulch, or for other similar agricultural purposes including parks, golf courses, or other non-crop land applications, that is derived from or contains biosolids generated from a publicly or privately owned or operated wastewater treatment facility.

2. For the period commencing on the effective date of this title and ending five years after such date, a moratorium shall be established on selling, offering for sale, distributing, or otherwise providing biosolids, including products containing biosolids, in the state for use as fertilizer, soil amendment, topsoil replacement, mulch, or for other similar purposes.

3. The moratoria in subdivisions one and two of this section shall not apply to:

(a) the disposal or placement at a solid waste landfill of any of the materials that are prohibited from application, spreading, sale or distribution by this section; or

(b) the land application of or the sale or distribution of compost materials or other agricultural products or materials derived from or containing residuals generated as a result of the processing or cultivation of food, food waste, crops or vegetative material, manure, litter, food processing waste, process wastewater from any animal feeding operation, digestate from such materials, or any other product or material that is not derived from or does not contain biosolids.

§ 2. The environmental conservation law is amended by adding a new section 71-2704 to read as follows:

§ 71-2704. Violations of title 8 of article 27 of this chapter.

A person who violates any of the provisions of, or who fails to perform any duty imposed by title 8 of article 27 of this chapter, or the rules, regulations, orders or determinations of the commissioner promulgated thereto, shall be liable for a penalty of not to exceed twenty-five hundred dollars for each such violation and an additional penalty of not more than five hundred 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.

§ 3. The agriculture and markets law is amended by adding a new article 11-C to read as follows:

ARTICLE 11-C

SOIL HEALTH AND PFAS AGRICULTURE RESPONSE PROGRAM

§ 151-p. PFAS agricultural response program.

§ 151-p. PFAS agricultural response program. 1. For the purposes of this article:

(a) "Biosolids" means the accumulated semi-solids or solids resulting from treatment of wastewaters from publicly or privately owned or operated sewage treatment plants.

(b) "Enterprise budget" means an estimation of the revenue, costs and profits for a farm.

(c) "Monitoring" means sampling of biosolids from soil samples and/or water samples from agricultural land to determine the concentration of PFAS present.

(d) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

2. Within one year of the effective date of this article, the department, in consultation with the department of environmental conservation, shall establish a PFAS agricultural response program to assist farms found to have levels of PFAS contamination which exceed regulatory standards established pursuant to title eight of article twenty-seven of the environmental conservation law. The commissioner shall be authorized to administer state assistance payments to soil and water conservation districts for purposes of this program.

3. The program shall, at a minimum:

(a) pursuant to an appropriation therefor, provide grants to farmers and other landowners with land found to exceed the thresholds for PFAS established pursuant to title eight of article twenty-seven of the environmental conservation law for the purpose of short-term income supplementation or replacement, including but not limited to, reimbursing farmers for the value of crops lost as a result of PFAS contamination;

(b) assist farmers and other landowners with planning and the development of enterprise budgets to address land or water found to be contaminated by PFAS. Such enterprise budgets may include, but need not be limited to, costs associated with the implementation of:

(i) alternative cropping systems;

(ii) remediation strategies;

(iii) technological adaptations;

(iv) transitioning to alternative revenue streams, including but not limited to transitioning to alternative land use systems; and

(v) locating alternative viable farmland;

(c) pursuant to an appropriation therefor, provide grants for the purchase of transitional equipment and infrastructure for farmers and other landowners to: (i) support a transition to an alternative cropping system; and (ii) implement remediation strategies, technological adaptations, or other modifications to the farmer or other landowner's operations in response to PFAS contamination;

(d) develop best practices to mitigate further PFAS contamination, including but not limited to, alternative cropping systems;

(e) provide for testing of biosolids and biosolids-derived compost products, agricultural products, livestock, soil and water of adjacent properties where it is suspected there may be contamination related to the spreading of biosolids, and feedstock produced on lands where biosolids were spread. During the five-year moratorium on land application of biosolids pursuant to section 27-0803 of the environmental conservation law, the department shall provide notice of such monitoring and testing to the public, including to adjacent impacted communities, through public outreach to community members and by posting information on the department's website; and

(f) provide for reimbursement for PFAS testing to farmers who make an application for such state assistance payment in partnership with the relevant local soil and water conservation district, as prescribed in section 27-0803 of the environmental conservation law.

§ 4. The state finance law is amended by adding a new section 95-l to read as follows:

§ 95-l. Agricultural PFAS response fund. 1. There is hereby established in the joint custody of the comptroller and the commissioner of taxation and finance a special fund to be known as the "agricultural PFAS response fund".

2. Such fund shall consist of monies appropriated, credited, or transferred thereto from any other fund or source pursuant to law.

3. All monies deposited in the agricultural PFAS response fund shall be available for the purposes of the PFAS agricultural response program pursuant to article eleven-C of the agriculture and markets law.

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of the department of agriculture and markets.

§ 5. 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.

§ 6. This act shall take effect immediately.

PART YY

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 section 27-3301 of this chapter.

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 section 27-3301 of this chapter.

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 ZZ

Section 1. Section 1266 of the public authorities law is amended by adding a new subdivision 20 to read as follows:

20. Notwithstanding any other provision of law, the authority and any of its subsidiary corporations shall establish and implement a ten percent fare rate program for veterans, provided, however, the authority shall not pay any costs or expenses related to the ten percent fare rate reduction program from its operating or capital budgets and may only implement the ten percent fare rate reduction program with funds appropriated to it by the state of New York for such purpose. For purposes of this subdivision "veteran" shall mean a member of the armed forces of the United States who served and was honorably discharged or released under conditions other than dishonorable from such service, and presents an authorized veteran identification card, and who is a resident of the state of New York at the time of application for the ten percent fare rate reduction program.

§ 2. This act shall take effect immediately.

PART AAA

Section 1. Short title. This act shall be known and may be cited as the "one city, one fare act".

§ 2. Legislative findings and statement of purpose. The legislature finds, determines and declares that:

(a) The MTA's three transit operating agencies, New York City Transit ("NYCT"), the Long Island Rail Road ("LIRR"), and Metro-North, converge in New York City, in particular at Grand Central Terminal, but fares vary within city limits across the different modes of travel.

(b) Many parts of New York City that are in need of enhanced access to the subway, such as Southeast Queens and the East Bronx, are served by--or will be served by--the LIRR or Metro-North. However, high fares on these services and a lack of joint railroad-NYCT ticket options make intracity railroad travel prohibitively expensive. Taking the LIRR from Rosedale to Atlantic Terminal takes a third of the time (36 minutes, versus 1 hour, 32 minutes) but costs more than twice as much ($7.25 versus $3). A daily peak round-trip ticket between Kew Gardens and Fordham consists of either two City Tickets or a one-way ticket and a Combo

Ticket add-on, costing $29 with no weekly or monthly option available, nearly ten times as expensive as the subway.

(c) The MTA has already implemented a single CityTicket fare zone for railroad tickets, but only for one railroad or the other. This option has made New York City's railroad stations some of the only stations to surpass pre-COVID ridership, some by as much as 224%, and saved New Yorkers over $100 million according to Governor Hochul. This is clear evidence of latent demand for enhanced intracity commuter rail options. Unfortunately, the MTA has not expanded CityTicket despite continued calls from elected officials, advocates and communities throughout the city.

(d) The MTA has further declined to restore joint railroad-NYCT options such as the Atlantic Ticket, which offered a weekly LIRR ticket between Southeast Queens and Atlantic Terminal along with a weekly unlimited subway pass for $60 until 2023.

(e) The legislature has repeatedly affirmed the necessity of providing fare incentives to transit riders in the FY2025 and FY2026 One-House Budget Resolutions and has acted previously to correct unrealized opportunities at the authority, such as the 2022 bicycle and pedestrian access bill (S4943B/A6235B).

(f) A public policy purpose would be served and the interests of the people of the state, in particular parts of The Bronx and Queens where the subway does not reach, would be advanced by directing the Metropolitan Transportation Authority to develop and implement a field study of a single, unified fare zone across New York City's railroads. Such a field study would broaden the MTA's customer base in areas unserved by the subway, ensuring equitable access to affordable transit for residents of subway deserts.

§ 3. The Metropolitan Transportation Authority is hereby authorized and directed to conduct a study on a unified, single city fare zone across the Long Island Rail Road and Metro-North for all intracity commuter rail options with free transfers to New York City Transit. Such study shall last no less than two years. Following completion of such study, the Metropolitan Transportation Authority shall report the findings to the governor and the legislature.

§ 4. This act shall take effect immediately.

PART BBB

Section 1. Section 2855 of the public authorities law, as added by section 1 of part KK of chapter 59 of the laws of 2006, is amended to read as follows:

§ 2855. Electronic method of payment; periodic charges. Notwithstanding the provisions of any law to the contrary, if any authority shall offer any electronic method of payment for tolls, fares, fees, rentals, or other charges, including but not limited to a system called E-ZPass, such authority shall not impose any periodic administrative or other charge for the privilege of using such electronic method of payment for such charges. Nothing in this section shall be construed to prohibit any authority from making any charge for extra services requested by a holder of such electronic method of payment, any charge for lost or damaged equipment, or for defaults, such as charges for dishonored checks. The authority shall not enter any agreement with bondholders that would require the imposition of administrative or other periodic charges relating to electronic methods of payment prohibited by this section. **No fee or administrative charge for the timely or late payment of a toll** bill for an obligation to pay a toll or tolls valued at two hundred dollars or less shall exceed the authority's actual cost to impose the charge and process payment of such obligation. Provided, further, any authority offering such electronic payment methods shall publish their updated fee waiver policy in a prominent location on their website.

§ 2. Subdivision 5 of section 2985 of the public authorities law, as added by chapter 379 of the laws of 1992, is amended to read as follows:

5. An owner found liable for a violation of toll collection regulations pursuant to this section involving an obligation to pay a toll or tolls valued at two hundred dollars or less shall be liable for a monetary penalty not to exceed twenty-five dollars for a first violation thereof; for a second violation thereof both within eighteen months be liable for a monetary penalty not to exceed the greater of fifty dollars or two times the toll evaded; for a third or subsequent violation thereof all within eighteen months be liable for a monetary penalty not to exceed the greater of seventy-five dollars or five times the toll evaded. An owner found liable for [~~a~~] any other violation of toll collection regulations pursuant to this section shall for a first violation thereof be liable for a monetary penalty not to exceed fifty dollars or two times the toll evaded whichever is greater; for a second violation thereof both within eighteen months be liable for a monetary penalty not to exceed one hundred dollars or five times the toll evaded whichever is greater; for a third or subsequent violation thereof all within eighteen months be liable for a monetary penalty not to exceed one hundred fifty dollars or ten times the toll evaded whichever is greater.

§ 3. Subdivision 8 of section 2985 of the public authorities law, as amended by section 6 of subpart A of part WW of chapter 56 of the laws of 2024, is amended to read as follows:

8. (a) (i) Adjudication of the liability imposed upon owners by this section shall be by the entity having jurisdiction over violations of the rules and regulations of the public authority serving the notice of liability or where authorized by an administrative tribunal and all violations shall be heard and determined in the county in which the violation is alleged to have occurred, or in New York city and upon the consent of both parties, in any county within New York city in which the public authority operates or maintains a facility, and in the same manner as charges of other regulatory violations of such public authority or pursuant to the rules and regulations of such administrative tribunal as the case may be.

(ii) The owner of the vehicle or other individual upon whom liability is imposed may designate an agent in writing, including an attorney or elected official, to dispute or resolve a toll incurred pursuant to this section or section twenty-nine hundred eighty-five-a of this article with the relevant tolling authority's customer service center and/or toll payer advocate office identified in section twenty-nine hundred eighty-five-a of this article.

(b) Upon exhaustion of remedies pursuant to this section or section twenty-nine hundred eighty-five-a of this title, as applicable, the New York state bridge authority, thruway authority, triborough bridge and tunnel authority, metropolitan transportation authority, and port authority of New York and New Jersey, a bi-state agency created by compact set forth in chapter one hundred fifty-four of the laws of nineteen hundred twenty-one, shall have the power to enter judgments for unpaid liabilities, provided that such unpaid liabilities include the failure to pay tolls, fees, or other charges or the failure to have such tolls, fees or other charges dismissed or transferred in response to three or more notices of violation issued within a five year period charging the registrant of a motor vehicle with a violation of toll collection regulations, and to enforce such judgments, without court proceedings, in the same manner as the enforcement of money judgments in civil actions in any court of competent jurisdiction or any other place provided for the entry of civil judgment within the state of New York, after a period of notice pursuant to paragraph (c) of this subdivision. The applicable tolling authority shall not enforce such judgments until thirty days have elapsed from issuing a notice pursuant to paragraph (c) of this subdivision. **The applicable tolling authority shall not have the power to enter or enforce judgments for unpaid liabilities for failure to pay two hundred dollars or less in tolls incurred within a five-year period.**

(c) Prior to entering judgments for unpaid liabilities pursuant to paragraph (b) of this subdivision, the applicable tolling authority shall notify the person subject to such judgment, by first class mail, that such person is at risk of entry of a judgment against them if they fail to pay such unpaid liabilities. The form and content of such notice shall be prescribed by the applicable tolling authority, and shall contain a warning to advise the person that failure to pay the applicable unpaid liabilities within a period of not less than thirty days of such notice will result in the enforcement of a judgment against them, and shall further contain information about the process to dispute such liabilities, consistent with this section or section twenty-nine hundred eighty-five-a of this title, as applicable. **Any person, firm, corporation, or other entity charged with a toll violation may pay such tolls in full and have any toll violation fees related to such paid tolls waived for a period of six months from the effective date of this paragraph.**

(d) With respect to an obligation to pay a toll or tolls valued at one hundred dollars or less, any toll violation fee charged to any person, firm, corporation, or other entity for the use of a toll highway, bridge or tunnel facility operated by a public authority shall not exceed twice the amount of the toll charged for using such highway, bridge or tunnel for a period of ninety days from the effective date of this paragraph and shall not exceed three times the amount of the toll charged for using such highway, bridge or tunnel for an additional ninety-day period following the initial ninety-day period.

§ 4. Subdivisions 3, 4, 11 and 13 of section 2985-a of the public authorities law, as added by section 2 of subpart B of part WW of chapter 56 of the laws of 2024, are amended to read as follows:

3. In the case of an owner who incurs an obligation to pay a toll for the first time in six months under the tolls by mail program at a cashless tolling facility, a toll bill shall be sent within ten business days after the end of the initial billing cycle and of each subsequent billing cycle. In the case of all other owners incurring an obligation to pay a toll at a cashless tolling facility, a toll bill shall be sent at the end of the next billing cycle. Toll bills shall be sent to the owner by first class mail, and may additionally be sent by electronic means of communication upon the affirmative consent of the owner, by or on behalf of the public authority which operates such cashless tolling facility. The owner shall have thirty days from the date of the toll bill to pay the incurred toll. The toll bill shall include: (i) the total amount of the incurred tolls due, (ii) the date by which payment of the incurred tolls is due, (iii) any administrative fees, (iv) the

address for receipt of payment and methods of payment for the toll, (v) the procedure for contesting any toll and the contact information for the relevant toll payer advocate office and customer service center **and procedure for designating an agent to contest any toll on the owner's behalf**, (vi) information related to the failure to timely pay or respond to the notice of liability, in addition to the possibility that a judgment can be entered for repeat unpaid liabilities that could lead to a vehicle being towed or immobilized, (vii) a website address or hyperlink for the owner to access time-stamped photographs or footage of each toll incurred by electronic means, (viii) information related to the availability of the toll payer advocate to discuss payment options, and (ix) other information required by law or by the public authority. Each toll bill shall identify the date, time, location, license plate number, and jurisdiction of the license plate for each toll that has been incurred. Each toll bill shall include an image of the license plate of the vehicle being used or operated on the toll facility. If the owner fails to pay the initial toll bill, a second toll bill shall be sent in the next billing cycle, which shall also indicate the overdue toll or tolls and any administrative or late fees due.

4. In the case of an owner who does not pay a toll incurred under the tolls by mail program on a cashless facility at the place and time and in the manner established for collection of such toll in the second toll bill, a notice of violation shall be sent notifying the owner that the toll is unpaid and administrative violation fees are being imposed. The notice of violation shall be sent to the owner by first class mail, and may additionally be sent by electronic means of communication upon the affirmative consent of the owner, by or on behalf of the public authority which operates such cashless tolling facility. The notice of violation shall include: (i) the total amount of unpaid tolls and administrative violation fees due, (ii) the date by which payment of the tolls and administrative violation fees is due, (iii) the address for receipt of payment and methods of payment for the toll, (iv) the procedure for contesting any toll and the contact information for the relevant toll payer advocate office and customer service center **and procedure for designating an agent to contest any toll on the owner's behalf**, (v) information related to the failure to timely pay or respond to the notice of liability, in addition to the possibility that a judgment can be entered for repeat unpaid liabilities that could lead to a vehicle being towed or immobilized, (vi) a website address or hyperlink for the owner to access time-stamped photographs or footage of each toll incurred by electronic means, (vii) information related to the availability of the toll payer advocate to discuss payment options, and (viii) other information required by law or by the public authority. Each notice of violation shall identify the date, time, location, license plate number, and jurisdiction of the license plate for each unpaid toll that has been incurred.

11. Any public authority that operates a cashless tolling facility shall: (i) maintain a website and toll-free phone number for any person to receive updated information on any tolls or fees which are outstanding; and (ii) establish procedures for owners to dispute any tolls and violation fees incurred in connection with toll bills, including a requirement that written determinations in such disputes shall be issued within forty-five days of receipt of the owner's declaration of dispute. Such information shall be prominently displayed on such public authority's toll bills, notices of violation and website. **The authority shall**

publish its fee waiver policy in a prominent location on its website, including any updates to such policy.

13. Every public authority that operates a cashless tolling facility shall establish an office of such authority's toll payer advocate, designed to further assist owners who remain unsatisfied after first attempting resolution in writing of their concern with, and receiving written determination from, such authority's customer service center. The office of the toll payer advocate shall also endeavor to identify any systemic issues and recommend reasonable improvements regarding the use of and process involved with the payment of tolls under the tolls by mail program at cashless tolling facilities to the public authority. **The owner of the vehicle or other individual upon whom liability is imposed may designate an agent, in writing, including an attorney or elected official, to dispute or resolve a toll incurred pursuant to this section or section twenty-nine hundred eighty-five of this article with the relevant tolling authority's customer service center and toll payer advocate office.**

§ 5. No later than 270 days after the effective date of this act, every public authority that operates a cashless tolling facility pursuant to article 9 of the public authorities law or central business district tolling program pursuant to article 44-C of the vehicle and traffic law shall report to the governor, temporary president of the senate, speaker of the assembly, and chairs of the corporations and public authorities committees in the senate and assembly on the following: (1) the total number of toll bills issued involving license plates which were disputed by the owner as not having used such tolling asset or been present at the time the toll was incurred or having lawfully surrendered the license plates to which the toll bill was issued; (2) the total number of toll bills issued to owners where a tolling system incorrectly billed an owner for tolls incurred by a distinctive license plate or government use motor vehicle; (3) a summary of how such toll bill disputes were resolved; (4) an explanation of steps taken to prevent similar future issues; and (5) any remedial steps or compensation provided to owners.

§ 6. This act shall take effect immediately. 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 on or before such date. With respect to the Port Authority of New York and New Jersey, this act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with this act upon the Port Authority of New York and New Jersey; but if the state of New Jersey shall have already enacted such legislation, this act shall take effect immediately; provided, that the chair of the port authority shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in 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. Provided, however, that section four of this act shall take effect on the same date and in the same manner as subpart B of part WW of chapter 56 of the laws of 2024.

PART CCC

Section 1. Paragraph (f) of subdivision 2 of section 14-l of the transportation law, as amended by section 1 of part XX of chapter 59 of the laws of 2021, is amended to read as follows:

(f) No grant or loan to any eligible applicant shall exceed the sum of two million five hundred thousand dollars, and no part of any such grant or loan shall be used for salaries or for services regularly provided by the applicant for administrative costs in connection with such grant or loan. **Notwithstanding the foregoing, the maximum grant award may be higher than the sum of two million five hundred thousand dollars when the commissioner, in their discretion, determines that the total funds available for assistance pursuant to this section supports a higher maximum grant, not to exceed five million dollars.**

§ 2. This act shall take effect immediately.

PART DDD

Section 1. Section 1800 of the vehicle and traffic law is amended by adding a new subdivision (j) to read as follows:

(j) Every person convicted of a violation of the provisions of section eleven hundred forty-four-a of this chapter shall for a first conviction thereof be punished by a fine of not more than two hundred seventy-five dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment. For a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than four hundred fifty dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment. For a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than seven hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.

§ 2. This act shall take effect January 1, 2027 and shall apply to violations committed on and after such date.

PART EEE

Section 1. Paragraph 3 of subdivision (h) of section 1180 of the vehicle and traffic law, as amended by section 6 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

3. Every person convicted of a violation of paragraph two of subdivision (d), subdivision (f) or (g) of this section shall be punished as follows:

(i) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by not more than ten miles per hour, by a fine of not less than ninety nor more than one hundred [~~fifty~~] **seventy-five** dollars;

(ii) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by more than ten miles per hour, but not more than thirty miles per hour, by a fine of not less than one hundred eighty nor more than three hundred **fifty** dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment, provided, however, that where the vehicle is either (A) in violation of any rules or regulations involving an out-of-service defect relating to brake systems, steering components and/or coupling devices, or (B) transporting flammable gas, radioactive materials or explosives, the fine shall be three hundred **fifty** dollars or imprisonment for not more than thirty days, or both such fine and imprisonment;

(iii) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by more than thirty miles per hour, by a fine of not less than three hundred sixty nor more than [~~six~~] seven hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment, provided, however, that where the vehicle is either (A) in violation of any rules or regulations involving an out-of-service defect relating to brake systems, steering components and/or coupling devices, or (B) transporting flammable gas, radioactive materials or explosives, the fine shall be [~~six~~] seven hundred dollars or imprisonment for not more than thirty days, or both such fine and imprisonment.

§ 2. This act shall take effect January 1, 2027 and shall apply to violations occurring on or after such date.

PART FFF

Section 1. The public authorities law is amended by adding a new section 1266-n to read as follows:

§ 1266-n. Long Island Rail Road and Metro-North Commuter Railroad Company; transfers to New York city transit. Notwithstanding any other provision of law, general, special or local, the authority, in conjunction with the New York city transit authority, shall develop and implement a weekly and a monthly ticket valid for optional, discounted transfers between the Long Island Rail Road and the Metro-North Commuter Railroad Company to the New York city transit authority subways and buses.

§ 2. The public authorities law is amended by adding a new section 1219-b to read as follows:

§ 1219-b. Authority; transfers to Long Island Railroad and Metro-North Commuter Railroad Company. Notwithstanding any other provision of law, general, special or local, the authority, in conjunction with the metropolitan transportation authority, shall develop and implement a weekly and a monthly ticket valid for optional, discounted transfers between the authority subways and buses to the Long Island Rail Road and the Metro-North Commuter Railroad Company.

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

PART GGG

Section 1. The public authorities law is amended by adding a new section 1886 to read as follows:

§ 1886. Heat pump rebate program. 1. There is hereby created within the authority a heat pump rebate program. The purpose of the program is to reduce greenhouse gas emissions by promoting the adoption of efficient heat pumps.

2. As used in this section:

(a) "Eligible applicant" shall mean an individual who is a homeowner or tenant who installs an eligible heat pump at their primary residence. An eligible applicant does not include a business, governmental subdivision, or other entity.

(b) "Eligible heat pumps" shall mean heat pumps that meet or exceed the consortium for energy efficiency highest efficiency tier, not including any advanced tier, in effect at the beginning of the year in which the heat pump is installed at the eligible applicant's primary residence.

3. The authority shall create a program, within existing appropriations, to award rebates to eligible applicants for eligible heat pumps in amounts up to two thousand dollars or thirty percent of the cost of the heat pump, whichever is less.

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 two hundred seventy days after the effective date of this section, including rules and regulations relating to the types of equipment qualifying as eligible heat pumps under this section, the forms required to claim a rebate, the required documentation and basis for establishing eligibility for a rebate, procedures and guidelines for claiming a rebate and any other requirements the authority deems necessary. In the course of developing such rules and regulations, the authority shall consult with relevant stakeholders. 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 heat pumps about the heat pump 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 heat pump 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 ten years after it shall have become a law.

PART HHH

Section 1. The financial services law is amended by adding a new section 208 to read as follows:

§ 208. Office of digital innovation, governance, integrity, and trust. (a) The superintendent shall establish within the department the office of digital innovation, governance, integrity, and trust.

(b) The office shall have the following functions, powers and duties:

(1) Registering developers who wish to do business in the state pursuant to article forty-four-B of the general business law, and establishing and maintaining a publicly available registry of entities registered through the office, in addition to any disclosure statement submitted pursuant to section fourteen hundred twenty-eight of the general business law;

(2) Registering data brokers who wish to do business in the state pursuant to section eighteen hundred one of the general business law, and establishing and maintaining a publicly available registry of entities registered through the office and associated deletion portal, and fulfilling the other duties set forth in article forty-eight of the general business law;

(3) Providing guidance to consumers regarding their rights with respect to automated decision-making systems, data brokers, and other emerging technologies regulated by or registered with the office;

(4) Establishing, maintaining, and making publicly available a statewide inventory of all automated decision-making systems developed, used, or procured by any state department, board, commission, agency or authority;

(5) Developing, or assisting in the development of, statewide artificial intelligence policies and governance, including but not limited to:

(i) Developing and updating state policy and guidelines on the use, procurement, development, and deployment of artificial intelligence in a manner consistent with state laws;

(ii) Developing and updating a handbook regarding the use, study, development, evaluation, and procurement of systems that use artificial intelligence in a manner consistent with state and federal laws, and national and international standards for use by the state's departments, boards, commissions, agencies and authorities;

(iii) Developing a risk management plan, including procedures for assessing and classifying risk levels for use of artificial intelligence and automated decision-making systems by the state's departments, boards, commissions, agencies and authorities;

(iv) Setting governance standards for oversight of artificial intelligence and automated systems, and determining resource requirements for responsible adoption, including, but not limited to, developing and deploying employee training programs for safe and responsible use of artificial intelligence;

(v) Ensuring public access requirements are established for the publication of information related to each state agency use of automated systems and artificial intelligence; and

(vi) Establishing standards for human oversight of automated decision-making systems used by any state department, board, commission, agency or authority, including a minimum requirement for human review for consequential decisions.

(6) Establishing a mechanism for reporting critical safety incidents involving artificial intelligence models in conformance with article forty-four-B of the general business law; and

(7) Cooperating with and assisting the attorney general and the other offices and personnel in the department in the carrying out of legal enforcement responsibilities for the protection of consumers.

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

(1) "Automated decision-making system" shall mean any software that uses algorithms, computational models, or artificial intelligence techniques, or a combination thereof, to materially automate or replace

human decision-making. "Automated decision-making system" shall not include any software used primarily for basic computerized processes, such as calculators, spellcheck tools, autocorrect functions, spreadsheets, electronic communications, or any tool that relates only to internal management affairs such as ordering office supplies or processing payments, and that does not materially affect the rights, liberties, benefits, safety or welfare of any individual within the state.

(2) "Consequential decision" means a decision or judgment that has a material, legal or similarly significant effect on an individual's access to, or the cost, terms, or availability of rights, liberties, safety or welfare, including but not limited to: employment, workers' management, or self-employment; education and vocational training; housing or lodging, including rental or short-term arrangements; family planning, including adoption, reproductive services, and child protective services assessments; health care or health insurance, including mental health care, dental, and vision; financial services; law enforcement activities; or legal services.

(d) To effectuate the purposes of this section, the office may request and receive from any department, division, board, bureau, commission or other agency of the state or any political subdivision thereof, or any public authority, such staff and other assistance, information, and resources as will enable the office to properly carry out its functions, powers and duties.

§ 2. This act shall take effect immediately.

PART III

Section 1. Short title. This act shall be known and may be cited as the "accelerate solar for affordable power (ASAP) act".

§ 2. Legislative findings and intent. The legislature finds that increasing distributed solar energy capacity and lowering interconnection costs are essential for achieving the state's affordability, economic development, and environmental goals. It is the intent of the legislature to amend the climate leadership and community protection act to set a new target for distributed solar energy capacity and direct the public service commission to advance reforms to the utility interconnection process to ensure timely and cost-effective integration of new distributed energy resources, such as solar and energy storage systems, into the electric distribution system.

§ 3. Paragraph e of subdivision 13 of section 75-0103 of the environmental conservation law, as added by chapter 106 of the laws of 2019, is amended to read as follows:

e. Measures to achieve [~~six~~] twenty gigawatts of distributed solar energy capacity installed in the state by two thousand [~~twenty-five~~] thirty-five, nine gigawatts of offshore wind capacity installed by two thousand thirty-five, a statewide energy efficiency goal of one hundred eighty-five trillion British thermal units energy reduction from the two thousand twenty-five forecast; and three gigawatts of statewide energy storage capacity by two thousand thirty.

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

§ 66-x. Interconnection reforms. 1. (a) Within ninety days of the effective date of this section the commission shall issue an order requiring every electric corporation to file a report with the commission which shall include itemized costs of completed upgrades to the electric distribution system required in order to interconnect new distributed energy resources in the prior calendar categorized by upgrade type and equipment type annually by March thirty-first. Such reports shall be accompanied by sufficient supporting documentation as determined by the commission, and shall be subject to inspection and public comment before adoption by the commission. Adopted reports received pursuant to this paragraph shall be the basis for electric corporations to develop future distribution upgrade cost estimates.

(b) Electric corporations shall track actual costs of all distribution upgrades they perform and disclose such costs to the department and to the distributed energy resource company that paid for the upgrade. The department shall maintain a database on its publicly accessible website of all disclosed cost data and annual reports submitted pursuant to paragraph (a) of this subdivision.

2. The commission shall consider proposals to create greater cost-certainty for distribution upgrades in order to limit the risk of uncapped utility cost overruns, and the commission shall issue an order to increase cost-certainty and counteract utility cost overruns within one hundred eighty days of the effective date of this section.

§ 5. Subdivision 1 of section 66-j of the public service law is amended by adding a new paragraph (j) to read as follows:

(j) "Flexible interconnection" means the use of smart-grid technology to monitor and actively manage distributed energy resources.

§ 6. Section 66-j of the public service law is amended by adding two new subdivisions 2-a and 6-a to read as follows:

2-a. Flexible interconnection. (a) The commission shall direct every electric corporation to develop a proposal for a flexible interconnection program to be established in the state. Within ninety days of the effective date of this subdivision, electric corporations with active flexible interconnection pilot projects shall file a flexible interconnection implementation plan, including proposed tariff modifications and interconnection agreement contract language, with the commission. The commission shall solicit public comments on the electric corporation proposals, consider alternative proposals, convene at least two technical conferences, and consult with stakeholders throughout the process of program development. Every electric corporation which does not have an active flexible interconnection pilot project shall file comments in response to the initial proposal and may file alternative proposals for consideration. Within one year of the effective date of this subdivision, the commission shall issue an order establishing a uniform statewide flexible interconnection program. Such program shall include clearly defined limits to annual energy curtailment for solar energy systems and shall include transparent pricing for customer-funded equipment, software and operating expenses. This program shall be technology agnostic, and electric corporations must consider customer-proposed flexible interconnection solutions that meet the technical requirements of the electric corporation.

(b) The commission shall establish guidelines and timelines for the implementation of flexible interconnection procedures to lower the cost and shorten the timeline to integrate distributed energy resources.

6-a. Distributed energy resource capacity expansion. (a) Within three months of the effective date of this subdivision, the commission shall establish a distribution system investment program whose purpose is to identify and direct electric corporations to implement proactive distribution upgrades that create distributed energy resource hosting capacity. Such program shall be integrated into the coordinated grid planning process, and electric corporations shall submit annual reports to the commission detailing actions taken and electric corporation investments made to expand hosting capacity for distributed energy resources.

(b) The commission shall establish a defined distribution system voltage threshold of 69KV, excluding any lines under federal energy regulatory commission jurisdiction, such that electric infrastructure owned by electric corporations with a voltage at or below 69KV shall be considered distribution for the purposes of distributed energy resource interconnection and distributed energy resource compensation. All distributed energy resources seeking to interconnect to the distribution system shall be eligible for interconnection under the New York state standardized interconnection requirements and shall be eligible for compensation under the value of distributed energy resources tariff.

§ 7. Implementation. 1. The New York state energy research and development authority (NYSERDA), in collaboration with the department of public service, is hereby directed to file a proposal to continue the NY-Sun program to develop and implement initiatives necessary to cost-effectively achieve the new distributed solar goal set forth in this act. The implementation plan shall include incentives and other initiatives to support rooftop solar for homes and businesses as well as community solar, with at least thirty-five percent of program investment benefiting low- to moderate-income households and disadvantaged communities. The implementation plan may include rate design improvements and additional interconnection reforms to lower the cost of the program.

2. From available funds, the public service commission is hereby directed to issue an order authorizing additional funding to NYSERDA for the continuation of the NY-Sun program. Such funding shall be sufficient to support the development and implementation of the initiatives required to meet the new distributed solar goal. NY-Sun funding may be authorized by the commission in increments to control program costs, provided that these increments must be sufficient to support at least two gigawatts of solar energy capacity each. The commission shall ensure that the NY-Sun program operates continuously, without interruption, until the distributed solar goal is reached.

3. The public service commission is hereby directed to issue orders necessary to effectuate the provisions and modifications set forth in this act.

§ 8. This act shall take effect immediately.

PART JJJ

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 B of chapter 58 of the laws of 2025, 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	5.05
Onondaga	74.94
Oswego	2.82
Oneida	16.02
Cortland......................	1.17
In the Rochester-Genesee Regional Transportation District:	
Genesee	[~~1.36~~] 1.35
Livingston	.90
Monroe	[~~90.14~~] 89.75
Wayne	.98
Wyoming	.51
Seneca	.64
Orleans	.77

Ontario .... [~~4.69~~] 4.67
Yates .... .45

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

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

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

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

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

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

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

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2026.

PART KKK

Section 1. Paragraphs (d) and (f) of subdivision 2-a of section 1269-b of the public authorities law, paragraph (d) as added by section 1 of part LLL of chapter 58 of the laws of 2022, the closing paragraph of paragraph (d) as amended and paragraph (f) as added by section 1 of part CCC of chapter 58 of the laws of 2023, are amended and two new paragraphs (h) and (i) are added to read as follows:

(d) At a minimum, individual capital project data for **all** projects that are committed for construction shall be included in a capital program dashboard maintained by the authority on its website. Any summary views provided on the website shall include the original budgets at the time of project commitment when scope and budget are defined, project scopes, and schedules, in addition to current or amended budgets, project scopes, and schedules. Data pertaining to individual projects shall include, but not be limited to:

(i) the capital project identification number delineated by agency, category, element and project as used in the capital program;

(ii) the capital plan years;

(iii) the agency or authority undertaking the project;

(iv) a project description;

(v) the project location where appropriate;

(vi) the capital needs code of the project, such as state of good repair, normal replacement, system improvement, system expansion or other category;

(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 and subcontractors associated with the project;

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

(xi) coding regarding whether the project is related to accessibility, resiliency, or state of good repair.

The status of projects shall be provided and state the current phase of the project, such as planning, design, construction or completion, and shall state how far the project has progressed as measured in percentage by expenditure. The dashboard shall measure progress based on original budgets at the time of project commitment when scope and budget are defined. At a minimum, all changes to planned budgets of greater than ten percent, significant project scope or a three month or more change in schedule shall be provided in narrative form and describe the reason for each change or amendment. The dashboard shall include a glossary or data dictionary which contains plain language descriptions of the data, including individual project data, and any other information provided on the dashboard. The authority shall provide a definition of resiliency in the glossary or data dictionary. The dashboard shall be updated, at a minimum, on a quarterly basis, and all data fields available on the dashboard shall be made available for download on the authority's website in a single tabular data file in a common, machine readable format. Capital dashboard data shall also be made available on the data.ny.gov website or such other successor website maintained by, or on behalf of, the state, as deemed appropriate by the New York state office of information technology services under executive order number ninety-five of two thousand thirteen, or any successor agency or order.

(f) The authority shall create and maintain a separate section on its capital program dashboard website for projects related to **state of good repair,** accessibility [~~or~~] resiliency**, and projects prioritized for the year**. Information on this website shall be updated quarterly.

(g) For the purposes of this subdivision, "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, and "resiliency" shall have the same meaning as defined by the authority in its twenty-year needs assessment as required by subdivision c of section twelve hundred sixty-nine-c of this title.

(h) For the purposes of this subdivision, all sources of funding shall be specified as from the state of New York, the federal government, the city of New York, the authority, 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.

(i) The authority shall create and maintain on its website a publicly accessible database describing the condition of capital assets identified in the authority's twenty-year needs assessment. Such database shall identify for each capital element the condition of such element categorized as poor, marginal, adequate, good or excellent and shall include the estimated cost and time required to achieve a state of good repair. The database shall be updated at least biennially and shall be linked from the capital program dashboard.

§ 2. To the extent practicable, the authority shall provide the information required in accordance with subdivision 2-a of section 1269-b of the public authorities law as amended by section one of this act for every capital program plan it has undertaken within one year of the effective date of this section.

§ 3. This act shall take effect immediately.

PART LLL

Section 1. The agriculture and markets law is amended by adding a new article 26-D to read as follows:

ARTICLE 26-D

FARM SECURITY RESILIENCY GRANT AWARDS

Section 440. Definitions.

441. Farm security resiliency grant board.

442. Powers and duties of the board.

443. Application process.

444. Grant awards.

445. Reporting.

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

1. "Farm security resiliency grant board", or "board", shall mean the farm security resiliency grant board established pursuant to section four hundred forty-one of this article.

2. "Eligible weather condition" shall mean any of the following weather conditions:

(a) high winds;

(b) excessive moisture or precipitation, including hail, flooding, or excessive snowfall;

(c) prolonged lack of precipitation, including drought;

(d) extreme temperatures including heat or freeze conditions;

(e) widespread fire; or

(f) any other severe weather or growing condition determined by the board to substantially impact agricultural income.

3. "Eligible losses" shall mean income lost or costs incurred as a result of eligible weather conditions, including:

(a) lost wages or other compensation;

(b) lost income from destroyed crops, livestock, or other agricultural products;

(c) debt payment or other ongoing costs;

(d) costs of replanting;

(e) costs of replacing livestock feed;

(f) infrastructure or equipment repair or replacement costs;

(g) farm road or access road repair costs;

(h) other losses as determined by the commissioner in consultation with the review board.

4. "Farm employer" shall have the same meaning as such term is defined in section three hundred thirty-four of this chapter.

§ 441. Farm security resiliency grant board. 1. There shall be established within the department the farm security resiliency grant board for purposes of advising the commissioner regarding the program established pursuant to this article.

2. The board shall consist of eight members selected for their experience and expertise related to areas of board responsibility and comprised of diverse members of the agriculture industry, and shall include:

(a) the commissioner or the commissioner's designee;

(b) the commissioner of the division of homeland security and emergency services or such commissioner's designee;

(c) three representatives of agricultural organizations with demonstrated experience offering technical assistance to or advocacy on behalf of farmers, to be appointed by the commissioner;

(d) two current farmers, to be appointed by the commissioner who own, control or operate farms that are less than five-hundred acres; and

(e) one member with significant professional experience in crop insurance, to be appointed by the commissioner.

3. Members of the board shall serve without salary but shall be entitled to reimbursement of their ordinary and necessary travel expenses.

4. The terms of office of members of the board shall be three years. Members of the board may be reappointed for additional terms by the commissioner. Vacancies shall be filled by the commissioner for the remainder of the unexpired term and may be reappointed for additional terms by the commissioner.

5. A majority of appointed members of the board shall constitute a quorum.

6. The board shall meet at least quarterly and may meet additionally upon request of the commissioner.

§ 442. Powers and duties of the board. The board shall advise the commissioner on matters relating to the program established pursuant to this article, including but not limited to sharing feedback from impacted parties including farmers and agricultural organizations and making recommendations related to program administration and efficiency.

§ 443. Application process. 1. The commissioner shall develop an application form and process for farm employers to seek grant awards under this article. The application form developed pursuant to this subdivision shall include, but not be limited to, the following information:

(a) A description of the damage that occurred, and documentation thereof;

(b) An attestation that an eligible weather condition or event occurred, and documentation;

(c) An estimate of eligible losses, including documentation as required by the commissioner with respect thereto;

(d) A year-end report of farm income and expenses from schedule F of United States Internal Revenue Form 1040 for the previous calendar year;

(e) Documentation of any other funds sought or acquired related to the eligible weather condition or eligible losses, such as insurance;

(f) Documentation of any crop insurance policies held;

(g) Documentation evidencing the acreage of the farm; and

(h) Any other documentation that the commissioner may require.

2. Applications for a grant award under this article shall be made to the commissioner. Such applications may be made at any time and shall be processed in the order such application was received. Applications shall be accepted until all appropriated funds for grant awards pursuant to this article have been awarded for the applicable year.

3. Only applicants who own, control or operate farms that are five-hundred acres or less shall be eligible to apply. Applications for farms exceeding such five-hundred acre threshold shall be deemed ineligible and shall be automatically denied.

§ 444. Grant awards. 1. Upon receipt of an application for a grant award pursuant to this article, the commissioner shall make a determination regarding the approval, disapproval, or modification of a grant award within thirty calendar days of such receipt, provided such application is administratively complete.

2. In making such determinations, the commissioner may modify the amount of the grant award from the amount requested.

3. Within the amount of monies appropriated for such purpose, the commissioner shall award grants to farm employers that have incurred substantial eligible losses as a result of eligible weather conditions.

4. Grants awarded pursuant to this section shall reimburse a farm employer for up to fifty percent of uninsured or otherwise uncovered eligible losses due to eligible weather conditions up to a maximum award of one hundred fifty thousand dollars per applicant per year.

5. Grants awarded pursuant to this section shall be distributed to awardees in a timely manner consistent with all applicable laws and regulations.

6. Applicants whose applications are not approved shall receive a written explanation from the commissioner of the reasons why such application was not approved.

§ 445. Reporting. 1. By April first of each calendar year, the board shall submit an annual report to the governor and the legislature which includes, but need not be limited to:

(a) The total amount of grants awarded pursuant to this article within the previous calendar year;

(b) Information regarding the application process, including but not limited to the number of applications received and the number of applications that were approved in the previous calendar year; and

(c) Any recommendations for improving the functioning of the program, including ways to improve accessibility for potential applicants.

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

PART MMM

Section 1. Section 15 of the transportation law, subdivision 2 as amended by chapter 524 of the laws of 2005 and subdivision 3 as amended by chapter 1064 of the laws of 1969, is amended to read as follows:

§ 15. Comprehensive statewide master plan for transportation. 1. The department shall formulate [~~and from time to time revise~~] a long-range comprehensive statewide master plan for the balanced development and coordination of adequate, safe and efficient commuter and general transportation facilities and services in the state at reasonable cost to the people, including, but not limited to, state and local highways[~~,~~] and bridges under the jurisdiction of the commissioner, bicycle and pedestrian facilities on such state highways and bridges, rapid transit, freight and passenger railroad, omnibus, marine and other mass transportation facilities and services, excluding rapid transit, railroad, omnibus, marine and other mass transportation facilities and services under the jurisdiction of either the metropolitan transportation authority as defined in section two hundred nineteen-c of this chapter or a bi-state public benefit corporation, and public use aviation and airport facilities and services[~~,~~] whether publicly or privately owned, developed, operated or maintained, excluding airports operated by a bi-state public benefit corporation. Such plan shall include a minimum twenty-year forecast period at the time of adoption, assess long-range needs spanning such period, include a forecast of pavement and bridge conditions of state and local highways and bridges under the jurisdiction of the commissioner, and take into consideration:

a. the most recent twenty-year transportation plan adopted by each metropolitan planning organization within the state pursuant to subpart C of part 450 of title 23 of the code of federal regulations; and

b. the most recent long-range statewide transportation plan and statewide transportation improvement program developed by the state pursuant to subpart B of part 450 of title 23 of the code of federal regulations.

2. The department shall submit such plan to the governor, the temporary president of the senate, the speaker of the assembly and to the department of state on or before September first, [~~nineteen hundred sixty-eight, and thereafter shall submit appropriate revisions of such plan~~] two thousand twenty-seven. The department shall review and update such plan at least every five years to extend the forecast period to at least twenty years, provided that the department may revise such plan at any other time without extending such forecast period. The department shall submit all such revised and updated plans to the governor, the temporary president of the senate, the speaker of the assembly and to the department of state [~~from time to~~] at the time [~~as~~] such revisions are made. The department of state shall review such plan and such revisions and shall submit a report thereon, together with such recommendations as it may deem appropriate, to the governor, the temporary

president of the senate and the speaker of the assembly. Such plan and such revisions shall become effective upon approval by the governor [~~and~~], shall serve thereafter as a guide to the public and publicly assisted development of transportation facilities and services in the state, and the department shall maintain hard copies of the most recent version of such plan and revisions thereto on file as a public document in the office of the commissioner and at each regional office of the department.

3. In formulating such plan and any such revisions, the department:

a. shall conduct [~~one or more~~] at least one public [~~hearings~~] hearing in each department region;

b. may consult with and cooperate with (i) officials of departments and agencies of the state having duties and responsibilities concerning transportation;

(ii) officials and representatives of public corporations as defined in [~~article one, section three of the general corporation~~] section sixty-five of the general construction law;

(iii) officials and representatives of the federal government, of neighboring states and of interstate agencies on problems affecting transportation in this state;

(iv) officials and representatives of carriers and transportation facilities and systems in the state; and

(v) persons, organizations and groups utilizing, served by, interested in or concerned with transportation facilities and systems in the state;

c. may request and receive from any department, division, board, bureau, commission or other agency of the state or any political subdivision thereof or any public authority such assistance and data as may be necessary to enable the department to carry out its responsibilities under this section; and

d. may make use of and incorporate in the department's plan, any recognized long-range regional plan for transportation, survey or report developed by any public or private agency.

4. The department shall maintain on its public website the proposed and adopted long-range comprehensive statewide master plan and all proposed and adopted revisions thereto, and shall provide a means on such website for the public to submit comments thereon to the department.

§ 2. Subdivision 13 of section 14 of the transportation law, as added by chapter 420 of the laws of 1968, is amended to read as follows:

13. To report from time to time to the governor and make an annual report to the governor and the legislature which shall include its recommendations. Additionally, the commissioner shall submit a report to the governor, the temporary president of the senate, and the speaker of the assembly, beginning September first, two thousand twenty-seven and semi annually thereafter, including a list of those capital projects in the department's capital program that have experienced major schedule changes or major cost changes in letting schedule or construction cost, including projects that were eliminated and projects that were added, since the adoption of the most recent state budget. For each project the report shall include the project identification number and description, original and revised letting dates, original and revised construction costs, and a detailed explanation of why the changes occurred. For the purposes of this subdivision, the term "major schedule changes" is defined as a twelve-month or more delay in the letting date of a project, and the term "major cost changes" is defined as one of the following as applicable: a greater than fifty percent change for

projects fifteen million dollars or less, and a greater than twenty-five percent change for projects in excess of fifteen million dollars.

§ 3. This act shall take effect immediately.

PART NNN

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

ARTICLE 7-B

EXCELSIOR POWER PROGRAM

Section 135-p. Excelsior power program.

§ 135-p. Excelsior power program. Within sixty days of the effective date of this section, the commission shall commence a proceeding to implement the excelsior power program that shall direct gas corporations, electric corporations, combination electric and gas corporations, and the Long Island power authority to create a smart thermostat program that provides a monthly bill credit of at least twenty-five dollars a month to enrolled customers with a smart thermostat. The commission within such proceeding shall require the following criteria for the excelsior power program:

1. enrollment criteria that clearly state in plain language that the program is opt-in only;

2. a mechanism for customers to easily unenroll if they no longer wish to participate;

3. education for customers on how frequently adjustments are likely to be made to their smart thermostat and including but not limited to a maximum bandwidth of temperature adjustments;

4. protections for customer data;

(a) Any customer data collected pursuant to such excelsior power program shall only include personal identifying information necessary to effectively administer this program.

(b) No customer data collected pursuant to this program may be sold or shared, except as set forth in paragraph (c) of this subdivision.

(c) Participating customer data may be shared with law enforcement only pursuant to a valid judicial warrant or judicial subpoena.

(d) Customer data must be safely stored and securely encrypted, along with any other additional cybersecurity protections the commission deems necessary to protect customers and customer data;

5. a mechanism for customers to override the thermostat during extreme heat or cold events without penalty;

6. identification of the smart thermostats that are eligible for the program;

7. outreach to customers living in disadvantaged communities as defined by subdivision five of section 75-0101 of the environmental conservation law, and low to moderate income customers;

8. a clear framework that prioritizes decreasing load from non-residential, commercial, and industrial customers prior to adjusting participating residential customers' load;

9. customer notice prior to temperature adjustments;

10. clear identification of the parameters for when customers can expect temperature adjustments to occur; and

11. any other requirements the commission deems appropriate for such program.

§ 2. Reporting requirements. Beginning December 31, 2027 and for as long as the excelsior power program is active, an annual report shall be issued by the public service commission to the governor, the temporary president of the senate and the speaker of the assembly and made publicly available on the public service commission's website.

§ 3. Funding for the excelsior power program shall be subject to the amount of monies appropriated for such purpose. The public service commission may commit additional existing monies to the excelsior power program if it determines it is appropriate to maintain or grow such program.

§ 4. This act shall take effect immediately.

PART OOO

Section 1. Subdivision (h) of section 1174-a of the vehicle and traffic law, as added by chapter 145 of the laws of 2019, is amended to read as follows:

(h) Adjudication of the liability imposed upon owners by 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. **For courts having jurisdiction over traffic infractions where the violation occurred that adjudicate liability imposed upon owners by this section, a notice of liability validly imposed in accordance with subdivision (g) of this section shall be valid for purposes of such court adjudicating such liability as if it was a uniform traffic ticket or simplified traffic information, and such court shall adjudicate such liability in a manner not inconsistent with sections two hundred forty and two hundred forty-one of this chapter, provided that subsequent judicial review may be sought pursuant to article seventy-eight of the civil practice law and rules. Notwithstanding any inconsistent provision, such courts may adjudicate such liability remotely.**

§ 2. This act shall take effect immediately; provided, however, that the amendments to subdivision (h) of section 1174-a 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.

§ 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 OOO of this act shall be as specifically set forth in the last section of such Parts.