

STATE OF NEW YORK

S. 8008--C

A. 9008--C

SENATE - ASSEMBLY

January 19, 2022

IN SENATE -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); 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 Capital District Transportation District and adding Montgomery County to such District (Part E); to amend the public authorities law, in relation to the electronic submission and public posting of bids for New York state thruway authority construction, reconstruction and improvement contracts (Part F); intentionally omitted (Part G); to amend the public authorities law, in relation to increasing the statutory threshold for mandatory use of design-build by the metropolitan transportation authority (Part H); to amend the public authorities law, in relation to procurements conducted by the metropolitan transportation authority and the New York city transit authority (Part I); to amend part PP of chapter 54 of the laws of 2016 amending the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending authorization for tax increment financing for the metropolitan transportation authority (Part J); intentionally omitted (Part K); intentionally omitted (Part L); intentionally omitted

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

LBD12673-05-2

ted (Part M); intentionally omitted (Part N); 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 O); 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 P); to amend the correction law, in relation to establishing an identification card program; and to amend the vehicle and traffic law, in relation to waiving non-driver identification application fees for incarcerated individuals (Part Q); to amend the civil rights law, in relation to requiring all state agencies to update all applicable forms and data systems to include a gender "x" option (Part R); to amend the public officers law, in relation to authorizing the disclosure of records for the public service loan forgiveness program (Part S); to amend the insurance law, in relation to the pilot program for entertainment industry employees and the pilot program for displaced workers, and 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 T); to amend the general municipal law, in relation to brownfield opportunity areas (Part U); intentionally omitted (Part V); intentionally omitted (Part W); in relation to authorizing certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with the Winter World University Games; and providing for the repeal of such provisions upon expiration thereof (Part X); 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 Y); to amend the 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 Z); to amend the infrastructure investment act, in relation to requiring project labor agreements when undertaking certain authorized projects, and in relation to the effectiveness thereof; and to amend chapter 749 of the laws of 2019 authorizing, for certain public works undertaken pursuant to project labor agreements, use of the alternative delivery method known as design-build contracts, in relation to the definition of authorized entity, and in relation to the effectiveness thereof (Part AA); to amend the state finance law, in relation to the excelsior linked deposit program (Part BB); to amend the New York state urban development corporation act, in relation to creating the small business seed funding grant program (Part CC); 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 DD); intentionally omitted (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); to amend the state finance law and the public authorities law, in relation to the cannabis social equity fund (Part II); to repeal certain provisions of the highway law and



transportation corporations law, relating to fiber optic cable (Part JJ); to amend the environmental conservation law, in relation to removing a program cap and allowing funding of the solid waste mitigation program's inactive landfill initiative (Part KK); to amend the environmental conservation law and the tax law, in relation to eligibility for participation in the brownfield cleanup program, assignment of the brownfield redevelopment tax credits and brownfield opportunity areas; and to amend part H of chapter 1 of the laws of 2003, amending the tax law relating to brownfield redevelopment tax credits, remediated brownfield credit for real property taxes for qualified sites and environmental remediation insurance credits, in relation to the effectiveness thereof (Part LL); to amend the environmental conservation law, in relation to extending the waste tire management fee and conforming the applicable administrative provisions to article 28 of the tax law (Part MM); to amend part TT of chapter 59 of the laws of 2021 authorizing the creation of state debt in the amount of three billion dollars, in relation to creating the environmental bond act of 2022 "restore mother nature" for the purposes of environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change; and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2022, in relation to creating the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 (Part NN); to amend the environmental conservation law, the state finance law, and part UU of chapter 59 of the laws of 2021 amending the environmental conservation law and the state finance law relating to the implementation of the environmental bond act of 2022 "restore mother nature", in relation to renaming such act the "clean water, clean air, and green jobs environmental bond act of 2022" (Part OO); to amend the tax law, in relation to increasing the transfer amount from the real estate transfer tax to the environmental protection fund (Part PP); to amend the environmental conservation law, in relation to freshwater wetlands; and to repeal certain provisions of such law relating thereto (Part QQ); intentionally omitted (Part RR); intentionally omitted (Part SS); intentionally omitted (Part TT); to amend the environmental conservation law, in relation to the water pollution control revolving fund (Part UU); intentionally omitted (Part VV); to amend the vehicle and traffic law and the state finance law, in relation to the vessel surcharge; and to repeal certain provisions of the state finance law relating thereto (Part WW); to amend the environmental conservation law and the real property tax law, in relation to river regulating district payment of taxes on lands owned by the state (Part XX); to amend the parks, recreation and historic preservation law, in relation to the powers, functions and duties of the state council of parks, recreation and historic preservation and the regional park, recreation and historic preservation commissions; and to repeal certain provisions of such law relating thereto (Part YY); intentionally omitted (Part ZZ); to authorize the energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part AAA); to authorize utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture



and markets, department of environmental conservation, department of state, and the office of parks, recreation and historic preservation from utility assessment revenues; and providing for the repeal of such provisions upon the expiration thereof (Part BBB); intentionally omitted (Part CCC); intentionally omitted (Part DDD); intentionally omitted (Part EEE); to amend the public authorities law, in relation to authorizing the power authority of the state of New York to enter into agreements with state instrumentalities and municipal entities for the use of excess capacity in its broadband technologies and infrastructure (Part FFF); to amend the vehicle and traffic law, in relation to establishing the commercial driver's license (CDL) class A young adult training program; and to repeal subdivision 36 of section 14 of the transportation law relating thereto (Part GGG); to amend the urban development corporation act, in relation to expanding the Restore New York's Communities Initiative (Part HHH); to amend the financial services law, in relation to requiring assessments to defray operating expenses on persons regulated by the department of financial services that engage in virtual currency business activity (Part III); to amend the tax law, in relation to requiring the department of taxation and finance contract with an economic impact firm for the purposes of conducting an independent, comprehensive, analysis of each tax credit, tax deduction, and tax incentive (Part JJJ); to amend the environmental conservation law, in relation to enhancing the state's flood mitigation and coastal resiliency activities (Part KKK); to amend the public authorities law, in relation to requiring the metropolitan transportation authority to publish certain data relating to capital programs on the authority's website (Part LLL); to amend the New York state urban development corporation act, the general municipal law and the labor law, in relation to enacting the "working to implement reliable and equitable deployment of broadband act (WIRED broadband act)" (Part MMM); and to amend chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, the economic development law, and the public authorities law, in relation to the reporting of economic development benefits and establishing a searchable state subsidy and aggregate economic development benefits database (Part NNN)

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

1 Section 1. This act enacts into law major components of legislation
2 necessary to implement the state transportation, economic development
3 and environmental conservation budget for the 2022-2023 state fiscal
4 year. Each component is wholly contained within a Part identified as
5 Parts A through NNN. The effective date for each particular provision
6 contained within such Part is set forth in the last section of such
7 Part. Any provision in any section contained within a Part, including
8 the effective date of the Part, which makes a reference to a section "of
9 this act", when used in connection with that particular component, shall
10 be deemed to mean and refer to the corresponding section of the Part in
11 which it is found. Section three of this act sets forth the general
12 effective date of this act.

13

PART A



1 Intentionally Omitted

2 PART B

3 Intentionally Omitted

4 PART C

5 Intentionally Omitted

6 PART D

7 Intentionally Omitted

8 PART E

9 Section 1. Section 1 of part I of chapter 413 of the laws of 1999,
10 relating to providing for mass transportation payments, as amended by
11 section 1 of part D of chapter 58 of the laws of 2015, is amended to
12 read as follows:

13 Section 1. Notwithstanding any other law, rule or regulation to the
14 contrary, payment of mass transportation operating assistance pursuant
15 to section 18-b of the transportation law shall be subject to the
16 provisions contained herein and the amounts made available therefor by
17 appropriation.

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

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

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

35	Percentage
36	of Matching
37 Local Jurisdiction	Payment
38 -----	-----
39 In the Metropolitan Commuter	
40 Transportation District:	
41 New York City	6.40
42 Dutchess	1.30
43 Nassau	39.60

1	Orange	0.50	
2	Putnam	1.30	
3	Rockland	0.10	
4	Suffolk	25.70	
5	Westchester	25.10	
6	In the Capital District Trans-		
7	portation District:		
8	Albany	[56.10]	<u>55.27</u>
9	Rensselaer	[23.30]	<u>22.96</u>
10	Saratoga	[4.10]	<u>4.04</u>
11	Schenectady	[16.50]	<u>16.26</u>
12	Montgomery		<u>1.47</u>
13	In the Central New York Re-		
14	gional Transportation Dis-		
15	trict:		
16	Cayuga	5.11	
17	Onondaga	75.83	
18	Oswego	2.85	
19	Oneida	16.21	
20	In the Rochester-Genesee Re-		
21	gional Transportation Dis-		
22	trict:		
23	Genesee	1.36	
24	Livingston90	
25	Monroe	90.14	
26	Wayne98	
27	Wyoming51	
28	Seneca64	
29	Orleans77	
30	Ontario	4.69	
31	In the Niagara Frontier Trans-		
32	portation District: Erie		89.20
33	Niagara	10.80	

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

43 Notwithstanding the reporting date provision of section 17-a of the
44 transportation law, the reports of each regional transportation authori-
45 ty and other major public transportation systems receiving mass trans-
46 portation operating assistance shall be submitted on or before July 15
47 of each year in the format prescribed by the commissioner of transporta-
48 tion. Copies of such reports shall also be filed with the chairpersons
49 of the senate finance committee and the assembly ways and means commit-
50 tee and the director of the budget. The commissioner of transportation
51 may withhold future state operating assistance payments to public trans-
52 portation systems or private operators that do not provide such reports.

53 Payments may be made in quarterly installments as provided in subdivi-
54 sion 2 of section 18-b of the transportation law or in such other manner
55 and at such other times as the commissioner of transportation, with the

1 approval of the director of the budget, may provide; and where payment
2 is not made in the manner provided by such subdivision 2, the matching
3 payments required of any city, county, Indian tribe or intercity bus
4 company shall be made within 30 days of the payment of state operating
5 assistance pursuant to this section or on such other basis as may be
6 agreed upon by the commissioner of transportation, the director of the
7 budget, and the chief executive officer of such city, county, Indian
8 tribe or intercity bus company.

9 The commissioner of transportation shall be required to annually eval-
10 uate the operating and financial performance of each major public trans-
11 portation system. Where the commissioner's evaluation process has iden-
12 tified a problem related to system performance, the commissioner may
13 request the system to develop plans to address the performance deficien-
14 cies. The commissioner of transportation may withhold future state oper-
15 ating assistance payments to public transportation systems or private
16 operators that do not provide such operating, financial, or other infor-
17 mation as may be required by the commissioner to conduct the evaluation
18 process.

19 Payments shall be made contingent upon compliance with regulations
20 deemed necessary and appropriate, as prescribed by the commissioner of
21 transportation and approved by the director of the budget, which shall
22 promote the economy, efficiency, utility, effectiveness, and coordinated
23 service delivery of public transportation systems. The chief executive
24 officer of each public transportation system receiving a payment shall
25 certify to the commissioner of transportation, in addition to informa-
26 tion required by section 18-b of the transportation law, such other
27 information as the commissioner of transportation shall determine is
28 necessary to determine compliance and carry out the purposes herein.

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

42 Notwithstanding the provisions of subdivision 4 of section 18-b of the
43 transportation law, the commissioner of transportation is authorized to
44 continue to use prior quarter statistics to determine current quarter
45 payment amounts, as initiated in the April to June quarter of 1981. In
46 the event that actual revenue passengers and actual total number of
47 vehicle, nautical or car miles are not available for the preceding quar-
48 ter, estimated statistics may be used as the basis of payment upon
49 approval by the commissioner of transportation. In such event, the
50 succeeding payment shall be adjusted to reflect the difference between
51 the actual and estimated total number of revenue passengers and vehicle,
52 nautical or car miles used as the basis of the estimated payment. The
53 chief executive officer may apply for less aid than the system is eligi-
54 ble to receive. Each quarterly payment shall be attributable to operat-
55 ing expenses incurred during the quarter in which it is received, unless
56 otherwise specified by such commissioner. In the event that a public

1 transportation system ceases to participate in the program, operating
2 assistance due for the final quarter that service is provided shall be
3 based upon the actual total number of revenue passengers and the actual
4 total number of vehicle, nautical or car miles carried during that quar-
5 ter.

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

8 In the event that an audit of a public transportation system or
9 private operator receiving funds discloses the existence of an overpay-
10 ment of state operating assistance, regardless of whether such an over-
11 payment results from an audit of revenue passengers and the actual
12 number of revenue vehicle miles statistics, or an audit of private oper-
13 ators in cases where more than a reasonable return based on equity or
14 operating revenues and expenses has resulted, the commissioner of trans-
15 portation, in addition to recovering the amount of state operating
16 assistance overpaid, shall also recover interest, as defined by the
17 department of taxation and finance, on the amount of the overpayment.

18 Notwithstanding any other law, rule or regulation to the contrary,
19 whenever the commissioner of transportation is notified by the comp-
20 troller that the amount of revenues available for payment from an
21 account is less than the total amount of money for which the public mass
22 transportation systems are eligible pursuant to the provisions of
23 section 88-a of the state finance law and any appropriations enacted for
24 these purposes, the commissioner of transportation shall establish a
25 maximum payment limit which is proportionally lower than the amounts set
26 forth in appropriations.

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

32 § 2. This act shall take effect immediately and shall be deemed to
33 have been in full force and effect on and after April 1, 2022.

34

PART F

35 Section 1. Subdivision 1 of section 359 of the public authorities law,
36 as amended by section 6 of part TT of chapter 54 of the laws of 2016, is
37 amended to read as follows:

38 1. On assuming jurisdiction of a thruway section or connection or any
39 part thereof, or of a highway connection, the authority shall proceed
40 with the construction, reconstruction or improvement thereof. All such
41 work shall be done pursuant to a contract or contracts which shall be
42 let to the lowest responsible bidder, by sealed proposals publicly
43 opened, after public advertisement and upon such terms and conditions as
44 the authority shall require; provided, however, that the authority may
45 reject any and all proposals and may advertise for new proposals, as
46 herein provided, if in its opinion, the best interests of the authority
47 will thereby be promoted; provided further, however, that at the request
48 of the authority, all or any portion of such work, together with any
49 engineering required by the authority in connection therewith, shall be
50 performed by the commissioner and his subordinates in the department of
51 transportation as agents for, and at the expense of, the authority. A
52 sealed proposal may be accepted through an electronic platform estab-
53 lished or used by the authority, provided that any sealed proposal



1 received electronically shall be made public at the same time as any
2 competing paper proposal, and provided further that the authority shall,
3 at minimum, provide the same opportunity and time for submitting sealed
4 proposals physically as for sealed proposals submitted electronically,
5 and shall provide the opportunity for bidders to submit sealed proposals
6 physically any time that it provides the opportunity to submit sealed
7 electronic proposals. In addition, the authority shall establish a proc-
8 ess for accommodating force majeure events that prevent the submission
9 of a sealed electronic proposal, including but not limited to internet
10 and power outage events, and for automatically confirming receipt of any
11 sealed electronic proposal received. All bidders shall be notified of
12 the time and place of any such adjournment or rejection.

13 § 2. This act shall take effect immediately.

14 PART G

15 Intentionally Omitted

16 PART H

17 Section 1. Subdivision 1 of section 1264 of the public authorities
18 law, as amended by section 2 of subpart B of part ZZZ of chapter 59 of
19 the laws of 2019, is amended to read as follows:

20 1. The purposes of the authority shall be the continuance, further
21 development and improvement of commuter transportation and other
22 services related thereto within the metropolitan commuter transportation
23 district, including but not limited to such transportation by railroad,
24 omnibus, marine and air, in accordance with the provisions of this
25 title. It shall be the further purpose of the authority, consistent with
26 its status as the ex officio board of both the New York city transit
27 authority and the triborough bridge and tunnel authority, to develop and
28 implement a unified mass transportation policy for such district in an
29 efficient and cost-effective manner that includes the use of design-
30 build contracting on all projects over [twenty-five] two hundred million
31 dollars in cost for new construction and all projects over four hundred
32 million dollars in cost for projects that are predominantly rehabili-
33 tation or replacement of existing assets except where a waiver is grant-
34 ed by the New York state budget director pursuant to a request in writ-
35 ing from the metropolitan transportation authority. For purposes of
36 granting a waiver pursuant to this section, such review shall consider
37 whether the design build contracting method is appropriate for the
38 project that such waiver is sought for, and the amount of savings and
39 efficiencies that could be achieved using such method. The determination
40 for such waiver shall be made in writing within forty-five days from
41 request or shall be deemed granted.

42 § 2. This act shall take effect immediately.

43 PART I

44 Section 1. Paragraph (b) of subdivision 7 of section 1209 of the
45 public authorities law, as amended by section 3 of subpart C of part ZZZ
46 of chapter 59 of the laws of 2019, is amended to read as follows:

47 (b) Section twenty-eight hundred seventy-nine of this chapter shall
48 apply to the authority's acquisition of goods or services of any kind,
49 in the actual or estimated amount of fifteen thousand dollars or more,

1 provided that (i) a contract for services in the actual or estimated
2 amount of one million dollars or less shall not require approval by the
3 board of the authority regardless of the length of the period over which
4 the services are rendered, and provided further that a contract for
5 services in the actual or estimated amount in excess of one million
6 dollars shall require approval by the board of the authority regardless
7 of the length of the period over which the services are rendered unless
8 such a contract is awarded to the lowest responsible bidder after
9 obtaining sealed bids and (ii) the board of the authority may by resolu-
10 tion adopt guidelines that authorize the award of contracts to small
11 business concerns, to service disabled veteran owned businesses certi-
12 fied pursuant to article seventeen-B of the executive law, or minority
13 or women-owned business enterprises certified pursuant to article
14 fifteen-A of the executive law, or purchases of goods or technology that
15 are recycled or remanufactured, in an amount not to exceed one million
16 five hundred thousand dollars without a formal competitive process and
17 without further board approval. The board of the authority shall adopt
18 guidelines which shall be made publicly available for the awarding of
19 such contract without a formal competitive process.

20 § 2. Paragraph (e) of subdivision 9 of section 1209 of the public
21 authorities law, as added by chapter 929 of the laws of 1986, is amended
22 to read as follows:

23 (e) the item is available through an existing contract between a
24 vendor and (i) another public authority provided that such other author-
25 ity utilized a process of competitive bidding or a process of competi-
26 tive requests for proposals to award such contract, (ii) the United
27 States general services administration provided that such administration
28 utilized a process of competitive bidding or a process of competitive
29 requests for proposals to award such contract, (iii) Nassau county or
30 [(ii)] (iv) the state of New York or the city of New York, provided that
31 in any case when the authority under this paragraph determines that
32 obtaining such item thereby would be in the public interest and sets
33 forth the reasons for such determination. Such rationale shall include,
34 but need not be limited to, a determination of need, a consideration of
35 the procurement method by which the contract was awarded, an analysis of
36 alternative procurement sources including an explanation why a competi-
37 itive procurement or the use of a centralized contract let by the
38 commissioner of the office of general services is not in the best inter-
39 est of the authority, and the reasonableness of cost. The authority
40 shall accept sole responsibility for any payment due the vendor as a
41 result of the authority's order; or

42 § 3. Subdivision 10 of section 1209 of the public authorities law, as
43 added by chapter 929 of the laws of 1986, is amended to read as follows:

44 10. Upon the adoption of a resolution by the authority stating, for
45 reasons of efficiency, economy, compatibility or maintenance reliabil-
46 ity, that there is a need for standardization, the authority may estab-
47 lish procedures whereby particular supplies, materials or equipment are
48 identified on a qualified products list. Such procedures shall provide
49 for products or vendors to be added to or deleted from such list and
50 shall include provisions for public advertisement of the manner in which
51 such lists are compiled. The authority shall review such list no less
52 than [twice] once a year for the purpose of making modifications there-
53 to. Contracts for particular supplies, materials or equipment identi-
54 fied on a qualified products list may be awarded by the authority to the
55 lowest responsible bidder after obtaining sealed bids in accordance with
56 this section or without competitive sealed bids in instances when the

1 item is available from only a single source, except that the authority
2 may dispense with advertising provided that it mails copies of the invi-
3 tation to bid to all vendors of the particular item on the qualified
4 products list.

5 § 4. Paragraph (b) of subdivision 2 of section 1265-a of the public
6 authorities law, as amended by section 3-a of subpart C of part ZZZ of
7 chapter 59 of the laws of 2019, is amended to read as follows:

8 (b) Section twenty-eight hundred seventy-nine of this chapter shall
9 apply to the authority's acquisition of goods or services of any kind,
10 in the actual or estimated amount of fifteen thousand dollars or more,
11 provided (i) that a contract for services in the actual or estimated
12 amount of one million dollars or less shall not require approval by the
13 board of the authority regardless of the length of the period over which
14 the services are rendered, and provided further that a contract for
15 services in the actual or estimated amount in excess of one million
16 dollars shall require approval by the board of the authority regardless
17 of the length of the period over which the services are rendered unless
18 such a contract is awarded to the lowest responsible bidder after
19 obtaining sealed bids, and (ii) the board of the authority may by resol-
20 ution adopt guidelines that authorize the award of contracts to small
21 business concerns, to service disabled veteran owned businesses certi-
22 fied pursuant to article seventeen-B of the executive law, or minority
23 or women-owned business enterprises certified pursuant to article
24 fifteen-A of the executive law, or purchases of goods or technology that
25 are recycled or remanufactured, in an amount not to exceed one million
26 five hundred thousand dollars without a formal competitive process and
27 without further board approval. The board of the authority shall adopt
28 guidelines which shall be made publicly available for the awarding of
29 such contract without a formal competitive process.

30 § 5. Paragraph (e) of subdivision 4 of section 1265-a of the public
31 authorities law, as added by chapter 929 of the laws of 1986, is amended
32 to read as follows:

33 (e) the item is available through an existing contract between a
34 vendor and (i) another public authority provided that such other author-
35 ity utilized a process of competitive bidding or a process of compet-
36 itive requests for proposals to award such contracts [or], (ii) Nassau
37 county, [or] (iii) the state of New York [or], (iv) the city of New York
38 or (v) the United States general services administration provided that
39 such administration utilized a process of competitive bidding or a proc-
40 ess of competitive requests for proposals to award such contract,
41 provided that in any case when under this paragraph the authority deter-
42 mines that obtaining such item thereby would be in the public interest
43 and sets forth the reasons for such determination. Such rationale shall
44 include, but need not be limited to, a determination of need, a consid-
45 eration of the procurement method by which the contract was awarded, an
46 analysis of alternative procurement sources including an explanation why
47 a competitive procurement or the use of a centralized contract let by
48 the commissioner of the office of general services is not in the best
49 interest of the authority, and the reasonableness of cost. The authority
50 shall accept sole responsibility for any payment due the vendor as a
51 result of the authority's order; or

52 § 6. Subdivision 5 of section 1265-a of the public authorities law, as
53 added by chapter 929 of the laws of 1986, is amended to read as follows:

54 5. Upon the adoption of a resolution by the authority stating, for
55 reasons of efficiency, economy, compatibility or maintenance reliabil-
56 ity, that there is a need for standardization, the authority may estab-

1 lish procedures whereby particular supplies, materials or equipment are
 2 identified on a qualified products list. Such procedures shall provide
 3 for products or vendors to be added to or deleted from such list and
 4 shall include provisions for public advertisement of the manner in which
 5 such lists are compiled. The authority shall review such list no less
 6 than [twice] once a year for the purpose of making such modifications.
 7 Contracts for particular supplies, materials or equipment identified on
 8 a qualified products list may be awarded by the authority to the lowest
 9 responsible bidder after obtaining sealed bids in accordance with this
 10 section or without competitive sealed bids in instances when the item is
 11 available from only a single source, except that the authority may
 12 dispense with advertising provided that it mails copies of the invita-
 13 tion to bid to all vendors of the particular item on the qualified
 14 products list.

15 § 7. This act shall take effect immediately; provided, however, that
 16 the amendments to paragraph (b) of subdivision 7 of section 1209 of the
 17 public authorities law made by section one of this act shall not affect
 18 the expiration of such subdivision and shall be deemed to expire there-
 19 with; and provided further, however, that the amendments to paragraph
 20 (b) of subdivision 2 of section 1265-a of the public authorities law
 21 made by section four of this act shall not affect the expiration of such
 22 paragraph and shall be deemed to expire therewith.

23 PART J

24 Section 1. Section 3 of part PP of chapter 54 of the laws of 2016,
 25 amending the general municipal law relating to the New York transit
 26 authority and the metropolitan transportation authority, as amended by
 27 section 1 of part K of chapter 58 of the laws of 2020, is amended to
 28 read as follows:

29 § 3. This act shall take effect immediately; provided that the amend-
 30 ments to subdivision 1 of section 119-r of the general municipal law
 31 made by section two of this act shall expire and be deemed repealed
 32 April 1, [2022] 2023, and provided further that such repeal shall not
 33 affect the validity or duration of any contract entered into before that
 34 date pursuant to paragraph f of such subdivision.

35 § 2. This act shall take effect immediately.

36 PART K

37 Intentionally Omitted

38 PART L

39 Intentionally Omitted

40 PART M

41 Intentionally Omitted

42 PART N

43 Intentionally Omitted

1

PART O

2 Section 1. Section 5 of chapter 751 of the laws of 2005, amending the
3 insurance law and the vehicle and traffic law relating to establishing
4 the accident prevention course internet technology pilot program, as
5 amended by section 4 of part ZZ of chapter 58 of the laws of 2020, is
6 amended to read as follows:

7 § 5. This act shall take effect on the one hundred eightieth day after
8 it shall have become a law and shall expire and be deemed repealed April
9 1, [2022] 2024; provided that any rules and regulations necessary to
10 implement the provisions of this act on its effective date are author-
11 ized and directed to be completed on or before such date.

12 § 2. This act shall take effect immediately.

13

PART P

14 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003,
15 amending the vehicle and traffic law and other laws relating to increas-
16 ing certain motor vehicle transaction fees, as amended by section 1 of
17 part YY of chapter 58 of the laws of 2020, is amended to read as
18 follows:

19 § 13. This act shall take effect immediately; provided however that
20 sections one through seven of this act, the amendments to subdivision 2
21 of section 205 of the tax law made by section eight of this act, and
22 section nine of this act shall expire and be deemed repealed on April 1,
23 [2022] 2024; provided further, however, that the provisions of section
24 eleven of this act shall take effect April 1, 2004 and shall expire and
25 be deemed repealed on April 1, [2022] 2024.

26 § 2. Section 2 of part B of chapter 84 of the laws of 2002, amending
27 the state finance law relating to the costs of the department of motor
28 vehicles, as amended by section 2 of part YY of chapter 58 of the laws
29 of 2020, is amended to read as follows:

30 § 2. This act shall take effect April 1, 2002; provided, however, if
31 this act shall become a law after such date it shall take effect imme-
32 diately and shall be deemed to have been in full force and effect on and
33 after April 1, 2002; provided further, however, that this act shall
34 expire and be deemed repealed on April 1, [2022] 2024.

35 § 3. This act shall take effect immediately.

36

PART Q

37 Section 1. The correction law is amended by adding a new section 11 to
38 read as follows:

39 § 11. Identification card program. 1. For purposes of this section,
40 "identification card" shall have the same meaning as defined in section
41 four hundred ninety of the vehicle and traffic law.

42 2. The commissioner, in consultation with the commissioner of motor
43 vehicles, shall develop a program that would allow incarcerated individ-
44 uals without an identification card, or incarcerated individuals who
45 have not been issued a driver's license or learner's permit by the
46 commissioner of motor vehicles, or incarcerated individuals whose driv-
47 er's license or learner's permit is expired, suspended, revoked or
48 surrendered, or incarcerated individuals whose identification card is
49 expired, to obtain an identification card prior to the incarcerated
50 individual's release from an institution or correctional facility under
51 the jurisdiction of the department or upon the individual's release from

1 an institution or correctional facility under the jurisdiction of the
2 department at the option of the incarcerated individual.

3 3. The sentence and commitment or certificate of conviction of an
4 incarcerated individual shall be deemed sufficient to grant authori-
5 zation to the department of corrections and community supervision to
6 assist an incarcerated individual in an institution or correctional
7 facility under the jurisdiction of such department to apply for and
8 obtain an identification card from the department of motor vehicles.

9 4. (a) Prior to an incarcerated individual's release from an institu-
10 tion or correctional facility under the jurisdiction of the department,
11 the department shall notify the incarcerated individual, verbally and in
12 writing, of such identification card program. The department shall also
13 document that they offered to assist the incarcerated individual in
14 obtaining an identification card and if such incarcerated individual
15 declined. The department shall make diligent efforts to ensure that an
16 incarcerated individual is provided with an identification card, if
17 requested, prior to or upon the release of such individual from an
18 institution or correctional facility under the jurisdiction of the
19 department.

20 (b) If an identification card is obtained with the assistance of the
21 department for an incarcerated individual prior to such individual's
22 release from the department's custody, the identification card shall be
23 kept in the incarcerated individual's records until such individual is
24 released from an institution or correctional facility under the juris-
25 isdiction of the department; upon such individual's release, the identifi-
26 cation card shall be provided to the individual.

27 5. The department shall collect data on the number of incarcerated
28 individuals participating in the identification card program and issue a
29 report on such data to the governor, the temporary president of the
30 senate and the speaker of the assembly annually until December thirty-
31 first, two thousand twenty-six.

32 § 2. Subdivision 3 of section 491 of the vehicle and traffic law, as
33 added by section 1 of part H of chapter 58 of the laws of 2017, is
34 amended to read as follows:

35 3. Waiver of fee. The commissioner may waive the payment of fees
36 required by subdivision two of this section if the applicant is (a) an
37 incarcerated individual in an institution or correctional facility under
38 the jurisdiction of a state department or agency, or (b) a victim of a
39 crime and the identification card applied for is a replacement for one
40 that was lost or destroyed as a result of the crime.

41 § 3. This act shall take effect immediately.

42 PART R

43 Section 1. The civil rights law is amended by adding a new section
44 79-q to read as follows:

45 § 79-q. Collection of gender or sex designation information by state
46 agencies. 1. All New York state agencies that collect demographic infor-
47 mation about a person's gender or sex shall make available to the person
48 at the point of data collection an option to mark their gender or sex as
49 "x".

50 2. Where applicable federal law requires a state agency to collect sex
51 or gender data as either "m" or "f", the state agency shall create a
52 separate field for state purposes so that a person has the option to
53 mark their gender or sex as "x" to be collected by the state.

1 3. All state agencies shall update any applicable physical and online
2 forms or data systems by January first, two thousand twenty-three,
3 except the department of labor, the office of children and family
4 services, the office of temporary and disability assistance and the
5 division of criminal justice services, which shall update any applicable
6 forms or data systems by January first, two thousand twenty-four.

7 4. A state agency that cannot comply with the requirements of this
8 section shall, at least sixty days before the applicable deadline, post
9 publicly on its website a written progress report that describes with
10 specificity the steps the agency has taken to comply with this section,
11 the impediments that prevented compliance, the efforts undertaken by the
12 agency to come into compliance, and an estimated time frame for compli-
13 ance. The written report shall be updated every six months from the date
14 of the original posting.

15 5. By January first, two thousand twenty-five, the governor shall post
16 on a publicly available website and submit to the temporary president of
17 the senate and the speaker of the assembly a written report listing
18 every agency that has not yet complied with this section. Such report
19 shall include the latest progress reports for each non-compliant agency.
20 Such annual report shall be updated every year by January first;
21 provided that once all agencies have complied with the requirements of
22 this section, the governor shall post on a publicly available website
23 and submit to the temporary president of the senate and the speaker of
24 the assembly a certification of compliance with this section, and no
25 further annual report shall be required.

26 § 2. Subdivision 3 of section 62 of the civil rights law, as added by
27 chapter 158 of the laws of 2021, is amended to read as follows:

28 3. Except as provided in subdivisions one and two of this section, the
29 court shall not require any other pre-hearing notice. [The court shall
30 not condition the entry of an order on notice to any other party or to
31 any city, state or federal agency except by written order detailing the
32 court's reasoning for requiring such notice and showing cause why such
33 notice should be served.] Under no circumstances shall the court require
34 notice to United States immigration and customs enforcement, United
35 States customs and border protection, United States citizenship and
36 immigration services, or any successor agencies, or any agencies having
37 similar duties.

38 § 3. This act shall take effect immediately.

39 PART S

40 Section 1. Paragraph (o) of subdivision 1 of section 96 of the public
41 officers law, as added by chapter 319 of the laws of 2014, is amended to
42 read as follows:

43 (o) to officers or employees of a public retirement system of the city
44 of New York if the information sought to be disclosed is necessary for
45 the receiving public retirement system to process benefits under the
46 retirement and social security law, the administrative code of the city
47 of New York, or the education law or any other applicable provision of
48 law. A written request or consent from the data subject pursuant to
49 paragraph (a) of this subdivision shall not be required for the disclo-
50 sure of records pursuant to this paragraph; or

51 (p) to officers or employees of the United States department of educa-
52 tion for such department to process credit for qualifying employment and
53 loan forgiveness under the public service loan forgiveness program. A
54 written request or consent from the data subject pursuant to paragraph

1 (a) of this subdivision shall not be required for the disclosure of
2 records pursuant to this paragraph.

3 § 2. This act shall take effect immediately.

4

PART T

5 Section 1. Subparagraphs (C) and (D) of paragraph 4 of subsection (a)
6 of section 1122 of the insurance law, as added by chapter 495 of the
7 laws of 2004, are amended to read as follows:

8 (C) resides in a household having a [net] gross monthly household
9 income at or below [two hundred eight] four hundred percent of the non-
10 farm federal poverty level (as defined and updated by the federal
11 department of health and human services) [or the gross equivalent of
12 such net income]; [and]

13 (D) is not eligible for employer provided coverage; and

14 (E) maintains the same level of insurance coverage as when they were
15 employed.

16 § 2. Paragraphs 3 and 4 of subsection (b) of section 1122 of the
17 insurance law, as added by chapter 495 of the laws of 2004, are amended
18 to read as follows:

19 (3) The superintendent shall review the applications and advise the
20 applicants as to their eligibility to participate in the pilot program.
21 Within amounts available for such purpose, the superintendent shall
22 provide continuation assistance. Such assistance shall be issued, to the
23 extent of funds available therefor, which is equivalent to [fifty]
24 seventy-five percent of the premium for the period covered by such
25 assistance. Continuation assistance shall not be provided for more than
26 twelve months within a five-year period.

27 (4) In approving applications from eligible individuals, the super-
28 intendent shall:

29 (A) make a determination as to the extent of available funds for the
30 pilot program so as to assure, to the extent possible, that the funding
31 will be available to provide continuation assistance to the applicant in
32 an amount equal to [fifty] seventy-five percent of the premium for a
33 period of twelve months within five years; if the superintendent deter-
34 mines that such funding may not be available due to the level of enroll-
35 ment in the pilot program at the time of the eligible individual's
36 application, the superintendent shall deny such application; and

37 (B) require eligible individuals who are awarded continuation assist-
38 ance to sign an acknowledgement that recipients who later become eligi-
39 ble for health insurance coverage through another employer are no longer
40 eligible to receive assistance under this section and that the state may
41 seek to recover assistance provided after the date of such eligibility.

42 § 3. Paragraphs 3 and 4 of subsection (c) of section 1122 of the
43 insurance law, as added by chapter 495 of the laws of 2004, are amended
44 to read as follows:

45 (3) The superintendent shall review the applications and advise the
46 applicants as to their eligibility to participate in the pilot program.
47 Within amounts available for such purpose, the superintendent shall
48 provide continuation assistance. Such assistance shall be issued, to the
49 extent of funds available therefor, which is equivalent to [fifty]
50 seventy-five percent of the premium for the period covered by such
51 assistance. Continuation assistance shall not be provided for more than
52 twelve months within a five-year period.

53 (4) In approving applications from eligible individuals, the super-
54 intendent shall:

1 (A) make a determination as to the extent of available funds for the
2 pilot program so as to assure, to the extent possible, that the funding
3 will be available to provide continuation assistance to the applicant in
4 an amount equal to [fifty] seventy-five percent of the premium for a
5 period of twelve months within five years; if the superintendent deter-
6 mines that such funding may not be available due to the level of enroll-
7 ment in the pilot program at the time of the eligible individual's
8 application, the superintendent shall deny such application; and

9 (B) require eligible individuals who were awarded continuation assist-
10 ance to sign an acknowledgement that recipients who later become eligi-
11 ble for health insurance coverage through another employer are no longer
12 eligible to receive assistance under this section and that the state may
13 seek to recover assistance provided after the date of such eligibility.

14 § 4. Section 4 of chapter 495 of the laws of 2004, amending the insur-
15 ance law and the public health law relating to the New York state health
16 insurance continuation assistance demonstration project, as amended by
17 section 1 of part KK of chapter 57 of the laws of 2021, is amended to
18 read as follows:

19 § 4. This act shall take effect on the sixtieth day after it shall
20 have become a law; provided, however, that this act shall remain in
21 effect until July 1, [2022] 2023 when upon such date the provisions of
22 this act shall expire and be deemed repealed; provided, further, that a
23 displaced worker shall be eligible for continuation assistance retroac-
24 tive to July 1, 2004.

25 § 5. This act shall take effect immediately; provided, however, that
26 the amendments to section 1122 of the insurance law made by sections
27 one, two and three of this act shall not affect the repeal of such
28 section and shall be deemed repealed therewith.

29

PART U

30 Section 1. Subparagraph 7 of paragraph b of subdivision 2 of section
31 970-r of the general municipal law, as amended by section 1 of part U of
32 chapter 58 of the laws of 2018, is amended to read as follows:

33 (7) preliminary descriptions of possible remediation strategies, reuse
34 opportunities, necessary infrastructure improvements and other public or
35 private measures needed to stimulate investment, promote revitalization,
36 [and] support job growth, reduce greenhouse gas emissions, increase
37 climate resilience, enhance community health and environmental condi-
38 tions, and achieve environmental justice.

39 § 2. Subparagraph 11 of paragraph d of subdivision 3 of section 970-r
40 of the general municipal law, as amended by section 1 of part U of chap-
41 ter 58 of the laws of 2018, is amended to read as follows:

42 (11) descriptions of possible remediation strategies, reuse opportu-
43 nities, brownfield redevelopment, necessary infrastructure improvements
44 and other public or private measures needed to stimulate investment,
45 promote revitalization, [and] support job growth, reduce greenhouse gas
46 emissions, increase climate resilience, enhance community health and
47 environmental conditions, and achieve environmental justice;

48 § 3. Paragraph a of subdivision 3-a of section 970-r of the general
49 municipal law, as added by section 1 of part U of chapter 58 of the laws
50 of 2018, is amended to read as follows:

51 a. Within amounts appropriated therefor, the secretary is authorized
52 to provide, on a competitive basis, financial assistance to munici-
53 palities, to community based organizations, to community boards, or to
54 community based organizations acting in cooperation with a municipality,

1 to conduct predevelopment activities within a designated brownfield
2 opportunity area to advance the goals and priorities of the brownfield
3 opportunity area program set forth in the nomination of such area. Such
4 financial assistance shall not exceed ninety percent of the costs of
5 such activities. Activities eligible to receive such assistance shall
6 include: development and implementation of marketing strategies; devel-
7 opment of plans and specifications; real estate services; building
8 condition studies; infrastructure analyses; zoning and regulatory
9 updates; environmental, housing and economic studies, analyses and
10 reports; renewable energy feasibility studies, legal and financial
11 services; and public outreach.

12 § 4. Paragraphs d, f, and g of subdivision 6 of section 970-r of the
13 general municipal law, as amended by section 1 of part U of chapter 58
14 of the laws of 2018, are amended to read as follows:

15 d. Applications for such assistance shall be submitted to the [commis-
16 sioner] secretary in a format, and containing such information, as
17 prescribed by the [commissioner] secretary in consultation with the
18 [secretary of state] commissioner.

19 f. The [commissioner] secretary, upon the receipt of an application
20 for such assistance from a community based organization not in cooper-
21 ation with the local government having jurisdiction over the proposed
22 brownfield opportunity area, shall request the municipal government to
23 review and state the municipal government's support or lack of support.
24 The municipal government's statement shall be considered a part of the
25 application.

26 g. Prior to making an award for assistance, the [commissioner] secre-
27 tary shall notify the temporary president of the senate and the speaker
28 of the assembly.

29 § 5. Subdivision 8 of section 970-r of the general municipal law, as
30 amended by section 1 of part U of chapter 58 of the laws of 2018, is
31 amended to read as follows:

32 8. [Applications] Community participation requirements. a. All appli-
33 cations for state assistance for pre-nomination or nomination study
34 [assistance] or applications for designation of a brownfield opportunity
35 area shall demonstrate that the following community participation activ-
36 ities have been or will be performed by the applicant:

37 (1) identification of the interested public and preparation of a
38 contact list;

39 (2) identification of major issues of public concern;

40 (3) [public access to (i) the draft and final application for pre-no-
41 mination assistance and brownfield opportunity area designation, and
42 (ii) any supporting documents in a manner convenient to the public;

43 (4)] public notice and newspaper notice of (i) the intent of the muni-
44 cipality and/or community based organization to undertake a pre-nomina-
45 tion [process] or nomination study or [prepare] apply for designation of
46 a brownfield opportunity area [plan], and (ii) the availability of such
47 application and any supporting documents in a manner convenient to the
48 public.

49 b. Application for [nomination] designation of a brownfield opportu-
50 nity area shall provide the following minimum community participation
51 activities:

52 (1) a comment period of at least thirty days on a draft [application]
53 nomination;

54 (2) a public meeting on [a brownfield opportunity area draft] an
55 application[.];

1 (3) public access to such application, nomination, and any supporting
2 documents in the manner convenient to the public.

3 § 6. This act shall take effect immediately.

4 PART V

5 Intentionally Omitted

6 PART W

7 Intentionally Omitted

8 PART X

9 Section 1. Notwithstanding any other provision of law to the contrary,
10 any person who is licensed or certified as a physician, physician's
11 assistant, massage therapist, physical therapist, chiropractor, dentist,
12 optometrist, nurse, nurse practitioner, emergency medical technician,
13 podiatrist or athletic trainer by a foreign government may provide
14 professional services within this state without first being licensed
15 pursuant to the provisions of title 8 of the education law or certified
16 pursuant to the provisions in the public health law, as may be applica-
17 ble, to the team athletes, coaches, staff and delegations originating
18 from such foreign government, in connection with the Winter World
19 University Games, Lake Placid 2023. Such services shall be limited to
20 athletes and personnel in relation to the Winter World University Games,
21 Lake Placid 2023, between the dates of January 5, 2023 and January 25,
22 2023.

23 § 2. Any person who is licensed or certified to practice as a physi-
24 cian, physician's assistant, massage therapist, physical therapist,
25 chiropractor, dentist, optometrist, nurse, nurse practitioner, emergency
26 medical technician, podiatrist or athletic trainer in another state or
27 territory, who is in good standing in such state or territory, and who
28 has been appointed by the Adirondack North Country Sports Council to
29 provide professional services at an event in this state sanctioned by
30 the Adirondack North Country Sports Council, may provide such profes-
31 sional services to team athletes, coaches, staff and delegations from
32 such state or territory registered to train at a location in this state
33 or registered to compete in an event conducted under the sanction of the
34 Adirondack North Country Sports Council in this state without first
35 being licensed pursuant to the provisions of title 8 of the education
36 law or certified pursuant to the provisions of the public health law, as
37 may be applicable. Such services shall be limited to team athletes,
38 coaches, staff and delegations in relation to the Winter World Universi-
39 ty Games, Lake Placid 2023, between the dates of January 5, 2023 and
40 January 25, 2023.

41 § 3. This act shall take effect January 5, 2023 and shall expire and
42 be deemed repealed January 25, 2023.

43 PART Y

44 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
45 New York state urban development corporation act, relating to the powers
46 of the New York state urban development corporation to make loans, as

1 amended by section 1 of part J of chapter 58 of the laws of 2021, is
2 amended to read as follows:

3 § 2. This act shall take effect immediately provided, however, that
4 section one of this act shall expire on July 1, [2022] 2023, at which
5 time the provisions of subdivision 26 of section 5 of the New York state
6 urban development corporation act shall be deemed repealed; provided,
7 however, that neither the expiration nor the repeal of such subdivision
8 as provided for herein shall be deemed to affect or impair in any manner
9 any loan made pursuant to the authority of such subdivision prior to
10 such expiration and repeal.

11 § 2. This act shall take effect immediately and shall be deemed to
12 have been in full force and effect on and after July 1, 2021.

13 PART Z

14 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
15 of the laws of 1968 constituting the New York state urban development
16 corporation act, as amended by section 1 of part K of chapter 58 of the
17 laws of 2021, is amended to read as follows:

18 3. The provisions of this section shall expire, notwithstanding any
19 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
20 the laws of 1996 or of any other law, on July 1, [2022] 2023.

21 § 2. This act shall take effect immediately and shall be deemed to
22 have been in full force and effect on and after July 1, 2021.

23 PART AA

24 Section 1. Subdivision (a) of section 2 of part F of chapter 60 of the
25 laws of 2015, constituting the infrastructure investment act, as amended
26 by section 1 of part DD of chapter 58 the laws of 2020, is amended and a
27 new subdivision (g) is added to read as follows:

28 (a) (i) "authorized state entity" shall mean the New York state thru-
29 way authority, the department of transportation, the office of parks,
30 recreation and historic preservation, the department of environmental
31 conservation, the New York state bridge authority, the office of general
32 services, the dormitory authority, the urban development corporation,
33 the state university construction fund, the New York state Olympic
34 regional development authority and the battery park city authority.

35 (ii) Notwithstanding the provisions of subdivision 26 of section 1678
36 of the public authorities law, section 8 of the public buildings law,
37 sections 8 and 9 of section 1 of chapter 359 of the laws of 1968 as
38 amended, section 103 of the general municipal law, and the provisions of
39 any other law to the contrary, the term "authorized state entity" shall
40 also refer to only those agencies or authorities identified below solely
41 in connection with the following authorized projects, provided that such
42 an authorized state entity may utilize the alternative delivery method
43 referred to as design-build contracts solely in connection with the
44 following authorized projects should the total cost of each such project
45 not be less than five million dollars(\$5,000,000):

46 Authorized Projects	Authorized State Entity
47 1. Frontier Town	Urban Development Corporation
48 2. Life Sciences Laboratory	Dormitory Authority & Urban 49 Development Corporation

1	3. Whiteface Transformative Projects	New York State Olympic Regional
2		Development Authority
3	4. Gore Transformative Projects	New York State Olympic Regional
4		Development Authority
5	5. Belleayre Transformative Projects	New York State Olympic Regional
6		Development Authority
7	6. Mt. Van Hoevenberg Transformative	New York State Olympic Regional
8	Projects	Development Authority
9	7. Olympic Training Center	New York State Olympic Regional
10		Development Authority
11	8. Olympic Arena and Convention	New York State Olympic Regional
12	Center Complex	Development Authority
13	9. State Fair Revitalization	Office of General
14	Projects	Services
15	10. State Police Forensic	Office of General
16	Laboratory	Services

17 Notwithstanding any provision of law to the contrary, all rights or
 18 benefits, including terms and conditions of employment, and protection
 19 of civil service and collective bargaining status of all existing
 20 employees of authorized state entities shall be preserved and protected.
 21 Nothing in this section shall result in the: (1) displacement of any
 22 currently employed worker or loss of position (including partial
 23 displacement such as a reduction in the hours of non-overtime work,
 24 wages, or employment benefits) or result in the impairment of existing
 25 collective bargaining agreements; (2) transfer of existing duties and
 26 functions related to maintenance and operations currently performed by
 27 existing employees of authorized state entities to a contracting entity;
 28 or (3) transfer of future duties and functions ordinarily performed by
 29 employees of authorized state entities to the contracting entity. Noth-
 30 ing contained herein shall be construed to affect (A) the existing
 31 rights of employees pursuant to an existing collective bargaining agree-
 32 ment, and (B) the existing representational relationships among employee
 33 organizations or the bargaining relationships between the employer and
 34 an employee organization.

35 If otherwise applicable, authorized projects undertaken by the author-
 36 ized state entities listed above solely in connection with the
 37 provisions of this act shall be subject to section 135 of the state
 38 finance law, section 101 of the general municipal law, and section 222
 39 of the labor law; provided, however, that an authorized state entity may
 40 fulfill its obligations under section 135 of the state finance law or
 41 section 101 of the general municipal law by requiring the contractor to
 42 prepare separate specifications in accordance with section 135 of the
 43 state finance law or section 101 of the general municipal law, as the
 44 case may be. Provided further, that authorized projects with a total
 45 construction cost of not less than twenty-five million dollars
 46 (\$25,000,000) undertaken by the authorized state entities listed above
 47 solely in connection with the provisions of this act shall only be
 48 undertaken pursuant to a project labor agreement in accordance with
 49 section 222 of the labor law. If a project labor agreement is not
 50 performed on the authorized project, the authorized state entity shall
 51 not utilize a design-build contract for such project. Prior to utilizing
 52 the alternative delivery method referred to as design-build contracts
 53 for the authorized projects listed in this subparagraph with a total

1 construction cost of less than twenty-five million dollars
2 (\$25,000,000), the authorized state entities listed above shall conduct
3 a feasibility study in accordance with section 222 of the labor law.

4 (g) "project labor agreement" shall have the meaning set forth in
5 subdivision 1 of section 222 of the labor law. A project labor agreement
6 shall require participation in apprentice training programs.

7 § 2. Section 3 of part F of chapter 60 of the laws of 2015, constitut-
8 ing the infrastructure investment act, as amended by section 1 of part
9 DD of chapter 58 of the laws of 2020, is amended to read as follows:

10 § 3. Notwithstanding the provisions of section 38 of the highway law,
11 section 136-a of the state finance law, sections 359, 1678, 1680 and
12 1680-a of the public authorities law, sections 376, 407-a, 6281 and 7210
13 of the education law, sections 8 and 9 of the public buildings law,
14 section 103 of the general municipal law, and the provisions of any
15 other law to the contrary, and in conformity with the requirements of
16 this act, an authorized state entity may utilize the alternative deliv-
17 ery method referred to as design-build contracts, in consultation with
18 relevant local labor organizations and construction industry, unless
19 otherwise provided below, for capital projects located in the state
20 related to physical infrastructure, including, but not limited to, high-
21 ways, bridges, buildings and appurtenant structures, dams, flood control
22 projects, canals, and parks, including, but not limited to, to repair
23 damage caused by natural disaster, to correct health and safety defects,
24 to comply with federal and state laws, standards, and regulations, to
25 extend the useful life of or replace highways, bridges, buildings and
26 appurtenant structures, dams, flood control projects, canals, and parks
27 or to improve or add to highways, bridges, buildings and appurtenant
28 structures, dams, flood control projects, canals, and parks; provided
29 that for the contracts executed by the department of transportation, the
30 office of parks, recreation and historic preservation, or the department
31 of environmental conservation, the total cost of each such project shall
32 not be less than ten million dollars (\$10,000,000). Provided further
33 that authorized state entities may only utilize the alternative delivery
34 method referred to as design-build contracts on projects with a total
35 construction cost of not less than twenty-five million dollars
36 (\$25,000,000) if undertaken pursuant to a project labor agreement in
37 accordance with section 222 of the labor law. If a project labor agree-
38 ment is not performed on the project, the authorized state entity shall
39 not utilize a design-build contract for such project. The use of a
40 project labor agreement on a federal aid project shall not be required
41 where the federal government prohibits or disapproves of the use of a
42 project labor agreement on such a federal aided project. Prior to
43 utilizing the alternative delivery method referred to as design-build
44 contracts for projects with a total construction cost of less than twen-
45 ty-five million dollars (\$25,000,000), authorized state entities shall
46 conduct a feasibility study in accordance with section 222 of the labor
47 law.

48 § 3. Section 17 of part F of chapter 60 of the laws of 2015, consti-
49 tuting the infrastructure investment act, as amended by section 7 of
50 part DD of chapter 58 of the laws of 2020, is amended to read as
51 follows:

52 § 17. This act shall take effect immediately and shall expire and be
53 deemed repealed December 31, [2022] 2027, provided that, projects with
54 requests for qualifications issued prior to such repeal shall be permit-
55 ted to continue under this act notwithstanding such repeal and provided
56 further that projects with requests for qualifications issued or

1 projects for which expenditures have been made for scoping, design or
2 environmental studies prior to adoption of the amendments pursuant to a
3 chapter of the laws of 2022 shall not be affected by such amendments if
4 such projects are committed pursuant to the pending issuance or expendi-
5 tures made.

6 § 4. Subdivision (a) of section 2 and section 14 of chapter 749 of the
7 laws of 2019, relating to authorizing, for certain public works under-
8 taken pursuant to project labor agreements, use of the alternative
9 delivery method known as design-build contracts, are amended to read as
10 follows:

11 (a) "Authorized entity" shall mean the New York city department of
12 design and construction, the New York city department of citywide admin-
13 istrative services, the New York city department of environmental
14 protection, the New York city department of transportation, the New York
15 city department of parks and recreation, the New York city health and
16 hospitals corporation, the New York city school construction authority
17 and the New York city housing authority.

18 § 14. This act shall take effect immediately and shall expire and be
19 deemed repealed [three] eight years after such date, provided that,
20 public works with requests for qualifications issued prior to such
21 repeal shall be permitted to continue under this act notwithstanding
22 such repeal.

23 § 5. This act shall take effect immediately; provided, however, that
24 the amendments to part F of chapter 60 of the laws of 2015 made by
25 sections one, two and three of this act, and the amendments to chapter
26 749 of the laws of 2019 made by section four of this act shall not
27 affect the repeal of such part and such chapter and shall be deemed
28 repealed therewith.

29

PART BB

30 Section 1. Subparagraph 6 of paragraph (g) of subdivision 11 of
31 section 213 of the state finance law, as added by section 1 of part HH
32 of chapter 59 of the laws of 2013, is amended and a new paragraph (h) is
33 added to read as follows:

34 (6) small scale systems integration and packaging[.]; or
35 (h) a community development financial institution.

36 § 2. Paragraph (e) of subdivision 12 of section 213 of the state
37 finance law, as added by chapter 705 of the laws of 1993, is amended and
38 a new paragraph (f) is added to read as follows:

39 (e) for certified minority-and women-owned businesses, projects to
40 provide financing necessary to carry out a procurement contract with an
41 agency or authority or other entity of the state or federal govern-
42 ment[.]; or

43 (f) projects in which community development financial institutions
44 make loans.

45 § 3. Section 213 of the state finance law is amended by adding a new
46 subdivision 25 to read as follows:

47 25. "Community development financial institution" means an organiza-
48 tion as defined in 12 U.S.C. 4702(5)(a).

49 § 4. This act shall take effect immediately.

50

PART CC



1 Section 1. Section 1 of chapter 174 of the laws of 1968, constituting
2 the New York state urban development corporation act, is amended by
3 adding a new section 16-gg to read as follows:

4 § 16-gg. Small business seed funding grant program. 1. Definitions.
5 As used in this section, the following terms shall have the following
6 meanings:

7 (a) "Small business" shall mean a business which is resident in this
8 state, independently owned and operated, not dominant in its field, and
9 employs one hundred or less persons, was started on September 1, 2018 or
10 later and has been operational for a minimum of six months prior to
11 application.

12 (b) "Micro-business" shall mean a business which is a resident in this
13 state, independently owned and operated, not dominant in its field, and
14 employs ten or less persons.

15 (c) "The program" shall mean the small business seed funding grant
16 program established pursuant to subdivision two of this section.

17 (d) "Applicant" shall mean a micro-business, small business, or for-
18 profit independent arts and cultural organization, including independent
19 arts contractors submitting an application for a grant award to the
20 program.

21 (e) "For-profit independent arts and cultural organization" shall mean
22 a small or medium sized private for-profit, independently operated live-
23 performance venue, promoter, production company, or performance related
24 business, including independent arts contractors, located in New York
25 state negatively impacted by COVID-19 health and safety protocols, and
26 having one hundred or less full-time employees, excluding seasonal
27 employees.

28 2. Small business seed funding grant program established. The small
29 business seed funding grant program is hereby created to provide assist-
30 ance to early-stage small businesses to succeed in a recovering New York
31 state economy.

32 3. Authorization. The corporation is hereby authorized, using avail-
33 able funds, to issue grants and provide technical assistance and
34 outreach to micro-businesses, small businesses, for-profit arts and
35 cultural organizations including independent arts contractors and tech-
36 nical assistance partners for the purpose of aiding the recovery of the
37 New York state economy, and may promulgate guidelines to effectuate the
38 purposes herein.

39 4. Selection criteria and application process. (a) In order to be
40 eligible for a grant or additional form of support under the program, an
41 eligible small business shall:

42 (i) be incorporated in New York state or licensed or registered to do
43 business in New York state and must be resident in the state of New
44 York;

45 (ii) be a currently viable micro-business, small business, for-profit
46 arts and cultural organization including independent arts contractors
47 that started business on September 1, 2018 or later and has been opera-
48 tional for at least six months before an application is submitted;

49 (iii) have between five thousand and one million dollars in gross
50 receipts or be able to demonstrate five thousand dollars in business
51 expenses;

52 (iv) be in substantial compliance with applicable federal, state and
53 local laws, regulations, codes and requirements; and

54 (v) not owe any federal, state or local taxes, or have an approved
55 repayment, deferral plan, or agreement with appropriate federal, state,
56 and local taxing authorities.

1 (b) (i) Grants awarded from this program shall be available to eligi-
2 ble micro-businesses, small businesses, and for-profit arts and cultural
3 organizations including independent arts contractors that do not qualify
4 for business assistance grant programs under the federal American Rescue
5 Plan Act of 2021 or any other available federal COVID-19 economic recov-
6 ery or business assistance grant programs, including loans forgiven
7 under the federal Paycheck Protection Program, or are unable to obtain
8 sufficient business assistance from such federal programs, with priority
9 given to socially and economically disadvantaged business owners includ-
10 ing, but not limited to, minority and women-owned business enterprises,
11 service-disabled veteran-owned businesses, and veteran-owned businesses,
12 or businesses located in communities that were economically distressed
13 prior to March 1, 2020, as determined by the most recent census data.

14 (ii) Grants awarded from this program shall be available to eligible
15 micro-businesses, small businesses and for-profit arts and cultural
16 organizations including independent arts contractors that did not quali-
17 fy for business assistance under the COVID-19 pandemic small business
18 recovery grant program as provided for in section sixteen-ff of this
19 act.

20 5. Eligible costs. (a) Eligible costs considered for micro-businesses
21 and small businesses under this program must have been incurred between
22 September 1, 2018 and January 1, 2022.

23 (b) (i) The following costs incurred by a micro-business, small busi-
24 ness, and for-profit arts and cultural organization including independ-
25 ent arts contractors shall be considered eligible under the program at a
26 minimum: payroll costs; costs of rent or mortgage as provided for in
27 subparagraph (ii) of this paragraph; costs of repayment of local proper-
28 ty or school taxes associated with such small business's location as
29 provided for in subparagraph (iii) of this paragraph; insurance costs;
30 utility costs; costs of personal protection equipment (PPE) necessary to
31 protect worker and consumer health and safety; heating, ventilation, and
32 air conditioning (HVAC) costs, or other machinery or equipment costs, or
33 supplies and materials necessary for compliance with COVID-19 health and
34 safety protocols, and other documented COVID-19 costs as approved by the
35 corporation.

36 (ii) Mortgage payments or commercial rent shall be considered eligible
37 costs.

38 (iii) Payment of local property taxes and school taxes shall be
39 considered eligible costs.

40 (c) Grants awarded under the program shall not be used to re-pay or
41 pay down any portion of a loan obtained through a federal coronavirus
42 relief package for business assistance or any New York state business
43 assistance programs.

44 6. Application and approval process. (a) An eligible micro-business,
45 small business, or for-profit arts and cultural organization including
46 independent arts contractors shall submit a complete application in a
47 form and manner prescribed by the corporation.

48 (b) The corporation shall establish the procedures and time period for
49 micro-businesses, small businesses, or for-profit arts and cultural
50 organizations including independent arts contractors to submit applica-
51 tions to the program. As part of the application each micro-business,
52 small business, or for-profit arts and cultural organization including
53 independent arts contractors shall provide sufficient documentation in a
54 manner prescribed by the corporation to demonstrate hardship, and
55 prevent fraud, waste, and abuse.



1 7. Technical assistance and outreach. The corporation may offer or
 2 make available to all applicants, regardless of approval status, direct
 3 or indirect access to financial and business planning, legal consulta-
 4 tion, language assistance services, mentoring services for post-pandemic
 5 planning, reopening planning assistance and other assistance and support
 6 as determined by the corporation. Assistance, support, outreach and
 7 other services may be provided by or through partner organizations,
 8 including but not limited to chambers of commerce, local business devel-
 9 opment corporations, trade associations and other community organiza-
 10 tions that have expertise and background in providing technical assist-
 11 ance, at the discretion of the corporation.

12 8. Reporting. The corporation, on a quarterly basis beginning Septem-
 13 ber 30, 2022, and ending when all program funds are expended, shall
 14 submit a separate and distinct report to the governor, the temporary
 15 president of the senate, and the speaker of the assembly setting forth
 16 the activities undertaken by the program. Such quarterly report shall
 17 include, but need not be limited to: the number of applicants and their
 18 county locations; the number of applicants approved by the program and
 19 their county location; the total amount of grants awarded, and the
 20 average amount of such grants awarded; and such other information as the
 21 corporation determines necessary and appropriate. Such report shall
 22 be included on the corporation's website and any other publicly accessi-
 23 ble state database that list economic development programs, as deter-
 24 mined by the commissioner. Such reporting may be incorporated as part of
 25 any reporting required under section sixteen-ff of this act.

26 § 2. This act shall take effect immediately.

27 PART DD

28 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the
 29 public authorities law relating to the powers and duties of the dormito-
 30 ry authority of the state of New York relative to the establishment of
 31 subsidiaries for certain purposes, as amended by section 1 of part CC of
 32 chapter 58 of the laws of 2020, is amended to read as follows:

33 § 2. This act shall take effect immediately and shall expire and be
 34 deemed repealed on July 1, [2022] 2024; provided however, that the expi-
 35 ration of this act shall not impair or otherwise affect any of the
 36 powers, duties, responsibilities, functions, rights or liabilities of
 37 any subsidiary duly created pursuant to subdivision twenty-five of
 38 section 1678 of the public authorities law prior to such expiration.

39 § 2. This act shall take effect immediately.

40 PART EE

41 Intentionally Omitted

42 PART FF

43 Intentionally Omitted

44 PART GG

45 Intentionally Omitted

1

PART HH

2

Intentionally Omitted

3

PART II

4 Section 1. Section 99-ii of the state finance law is amended by adding
5 a new subdivision 2-a to read as follows:

6 2-a. Revenues deposited into this fund pursuant to section fifteen of
7 the cannabis law shall first be used to reimburse the state general fund
8 for any funds transferred to this fund from the state general fund for
9 the purposes of supporting expenditures authorized under paragraph (d)
10 of subdivision three of this section.

11 § 2. Paragraphs (d), (e), (f), and (g) of subdivision 3 of section
12 99-ii of the state finance law are relettered paragraphs (e), (f), (g),
13 and (h), and a new paragraph (d) is added to read as follows:

14 (d) subject to available appropriations and providing that no more
15 than fifty million dollars in funding, shall be made available, whether
16 directly or indirectly for investment in a private debt or equity fund
17 formed pursuant to subdivision thirty-two of section one thousand six
18 hundred seventy-eight of the public authorities law or to cover capital
19 costs associated with establishing conditional adult-use cannabis
20 retail dispensaries for operation by social equity licensees duly
21 licensed pursuant to article two of the cannabis law. Such capital costs
22 shall include all costs, including closely related ancillary costs,
23 related to the leasing, planning, design, construction, reconstruction,
24 rehabilitation, improvement, furnishing, and equipping of such adult-use
25 cannabis retail dispensaries, to the extent such work has been undertak-
26 en or costs for such work incurred by: (i) the office of cannabis
27 management and the cannabis control board, (ii) the dormitory authority
28 of the state of New York, or any subsidiary thereof, under agreement
29 with the office of cannabis management and the cannabis control board,
30 or with the private debt or equity fund formed pursuant to subdivision
31 thirty-two of section one thousand six hundred seventy-eight of the
32 public authorities law, or (iii) the private debt or equity fund formed
33 pursuant to subdivision thirty-two of section one thousand six hundred
34 seventy-eight of the public authorities law. Any repayment of the
35 state's investment by the fund, as authorized in this paragraph shall be
36 deposited in the New York state cannabis revenue fund.

37 § 3. Section 1678 of the public authorities law is amended by adding
38 three new subdivisions 30, 31 and 32 to read as follows:

39 30. To enter into one or more agreements with the office of cannabis
40 management, the cannabis control board, or the private debt or equity
41 fund, selected pursuant to subdivision thirty-two of this section, in
42 which the state or any state agency, public authority, public benefit
43 corporation, or division thereof has invested and is formed for the
44 limited purpose of funding the capital costs associated with establish-
45 ing conditional adult-use cannabis retail dispensaries for operation by
46 social equity licensees duly licensed pursuant to article two of the
47 cannabis law, for the following purposes:

48 (a) (i) To acquire by lease or sublease such real property or any
49 interest therein as may be necessary or convenient for the construction,
50 reconstruction, rehabilitation, improvement, or provision of conditional
51 adult-use cannabis retail dispensaries for operation by social equity
52 licensees, as agent, and (ii) to acquire by purchase or other agreement,



1 personal property or interest therein as may be necessary for the acqui-
2 sition, construction, reconstruction, rehabilitation, improvement or
3 provision of such dispensaries, whether as principal or agent;

4 (b) To prepare or cause to be prepared, whether as principal or agent,
5 plans, specifications, designs, and estimates of costs for the design,
6 construction, reconstruction, rehabilitation, improvement, furnishing or
7 equipping of conditional adult-use cannabis retail dispensaries for
8 operation by social equity licensees;

9 (c) To design, construct, reconstruct, rehabilitate, or to cause the
10 design, construction, rehabilitation or improvement of, whether as prin-
11 cipal or agent, conditional adult-use cannabis retail dispensaries for
12 operation by social equity licensees and to enter into contracts to
13 cause such facilities to be designed, constructed, reconstructed, reha-
14 ilitated, improved, furnished, or equipped;

15 (d) To enter, as lessor or as agent for the lessor, into leases,
16 subleases, or other agreements with the social equity licensees operat-
17 ing for the conditional adult-use cannabis retail dispensaries; provided
18 that (i) the authority shall only enter in lease agreements as agent of
19 the private debt or equity fund selected pursuant to subdivision thir-
20 ty-two of this section, (ii) any general terms of such lease agreement,
21 and any material deviations or changes therefrom, are approved by the
22 office of cannabis management; and

23 (e) To enter, as lender or as agent to the lender, into a non-recourse
24 loan or other agreements with the social equity licensees operating the
25 conditional adult-use cannabis retail dispensaries, provided that any
26 general terms of such non-recourse loan agreements, and any material
27 deviations or changes therefrom, are approved by the office of cannabis
28 management and that the terms of the non-recourse loan agreement do not
29 include a penalty for early termination but will allow for the inclusion
30 of a make-whole provision and shall not, at the time the loan is estab-
31 lished, exceed the prime lending rate plus one-half the interest rate
32 specified under subdivision one of section fourteen-a of the banking
33 law, nor include terms or conditions that would allow for an equity
34 position in the social equity licensee's conditional adult-use cannabis
35 retail dispensary business or that would entitle a share in, or claim
36 to, any revenue or profit generated by such business.

37 31. (a) To form one or more subsidiaries for the purpose of limiting
38 the potential liability of the authority when exercising the powers and
39 duties conferred upon the authority by subdivision thirty of this
40 section in connection with certain work performed on behalf of the
41 office of cannabis management, the cannabis control board, or the
42 private debt or equity fund in which the state or any state agency,
43 public authority, public benefit corporation, or division thereof has
44 invested and has been selected pursuant to subdivision thirty-two of
45 this section. Such subsidiary created pursuant to this subdivision may
46 exercise and perform one or more of the purposes, powers, duties, func-
47 tions, rights and responsibilities of the authority other than the issu-
48 ance of indebtedness, in connection with real and personal property with
49 respect to which the authority holds title or a leasehold interest, in
50 its own name or as agent for the titleholder or leaseholder including,
51 but not limited to: (i) entering into leases, subleases, or other
52 arrangements with regard to such property and acting in a manner
53 consistent with the rights, obligations or responsibilities of the
54 owner, landlord or tenant of such property pursuant to such lease or
55 sublease agreements; (ii) servicing non-recourse loan payments; (iii)



1 furnishing property management services; and (iv) providing general
2 operational and administrative support services.

3 (b) Such subsidiary authorized by paragraph (a) of this subdivision
4 shall be established in the form of a public benefit corporation by
5 executing and filing with the secretary of state a certificate of incor-
6 poration which shall identify the authority as the entity organizing
7 such subsidiary and set forth the name of such subsidiary public benefit
8 corporation, its duration, the location of its principal office and its
9 corporate purposes as provided in this subdivision and which certificate
10 may be amended from time to time by the filing of amendments thereto
11 with the secretary of state. Such subsidiary shall be organized as a
12 public benefit corporation, shall be a body politic and corporate, and
13 shall have all the privileges, immunities, tax exemptions and other
14 exemptions of the authority. The members of such subsidiary shall be the
15 same as the members of the authority and the provisions of subdivision
16 two of section sixteen hundred ninety-one of this title shall in all
17 respects apply to such members when acting in such capacity.

18 (c) Nothing in this subdivision shall be construed to impose any
19 liabilities, obligations, or responsibilities of such subsidiary upon
20 the authority and the authority shall have no liability or responsibil-
21 ity therefor unless the authority expressly agrees to assume the same.

22 (d) Such subsidiary created pursuant to this subdivision shall be
23 subject to any other provision of this chapter pertaining to subsid-
24 iaries of public authorities.

25 32. (a) (i) To select a private debt or equity fund formed for the
26 sole purpose of funding the capital costs, including closely related
27 ancillary and administrative costs, associated with establishing condi-
28 tional adult-use cannabis retail dispensaries for operation by social
29 equity licensees deemed to be eligible by the office of cannabis manage-
30 ment for financing through such fund or related costs, provided that any
31 partnership agreement between the fund and the authority, shall be
32 subject to the written approval or resolution of the cannabis control
33 board, the board of the dormitory authority, and the director of the
34 division of the budget, and the selection of such general partner shall
35 be made in consultation with the office of cannabis management.

36 (ii) The organizational structure and investment policy of the
37 selected fund and the provisions of the partnership agreement shall
38 satisfy the following parameters and requirements:

39 (1) The fund shall have a public policy committee composed of the
40 chair of the cannabis control board, executive director of the office of
41 cannabis management, and the president of the authority, or their repre-
42 sentatives, who shall guide the decisions of the selected fund to
43 achieve the public policy goals of the state, which includes providing
44 advice and direction to the fund where matters implicate public policy
45 and confirming the fund's adherence to its public purpose, which
46 includes compliance with stated objectives or mission of the cannabis
47 law and the marijuana regulation and taxation act, generally and more
48 specifically, to provide social equity conditional adult-use cannabis
49 retail dispensary licensees with the opportunity of acquiring commer-
50 cially viable retail operations;

51 (2) Such committee shall:

52 (A) review and approve of the fund's investment policy statement and
53 any changes thereto;

54 (B) review and approve any changes to the use and distribution of
55 investment funds;



1 (C) review and approve the fund's strategic plan, particularly those
2 pertaining to the investor class, the establishment, management, and
3 liquidation of investments by the fund;

4 (D) monitor the fund's risk profile, investment activity, and perform-
5 ance;

6 (E) approve the maximum amount of promised return on investment,
7 management fees, and compensation of the general partner;

8 (F) review and approve any changes or amendments to the fund's organ-
9 izational structure, partnership agreements, and the fund manager or
10 servicer's agreement to ensure that they are consistent with the fund's
11 public purpose;

12 (G) take reasonable steps, at the direction of the office of cannabis
13 management, to provide geographic equity and representation in estab-
14 lishing such conditional adult-use cannabis retail dispensaries for
15 operation by social equity licensees, to the extent practicable, in
16 support of the public purpose of the fund and further, at the direction
17 of the office of cannabis management that the site selection for such
18 dispensaries comports with the requirements of the cannabis law and the
19 marihuana regulation and taxation act, and its rules and regulations
20 governing the location of conditional adult-use cannabis dispensaries;
21 and

22 (H) confirm that any real property leases and loan agreements issued
23 by or on behalf of the fund shall be provided to social equity licen-
24 sees, duly licensed pursuant to article two of the cannabis law;

25 (3) The general partner and the fund shall to the extent allowable by
26 section one of article five of the state constitution, authorize the
27 comptroller of the state, or the comptroller's legally authorized repre-
28 sentatives, to access, examine, or audit the accounts and books of the
29 fund including its receipts, disbursements, contracts, investments, and
30 any other items directly relating to its financial standing and cooper-
31 ate with any such financial examination or financial audit on an annual
32 basis. The general partner shall agree to cause the key officers to be
33 available to discuss the fund and the partnership and its activities at
34 the time of the audit;

35 (4) The general partner shall agree to cause the key officers to be
36 available to discuss the fund and the partnership and its activities at
37 the request of the public policy committee;

38 (5) Any real property subleased out by the fund to a social equity
39 licensee shall be at the same rate on which the fund has leased such
40 property;

41 (6) The fund shall not be authorized to borrow any money or to incur
42 any indebtedness, including guarantees, except when approved by the
43 public policy committee;

44 (7) The fund shall not be voluntarily terminated early without the
45 prior consent of the public policy committee;

46 (8) The fund shall have a conflict-of-interest policy approved by the
47 public policy committee;

48 (9) Any loan agreement the fund enters into with social equity licen-
49 sees shall be a non-recourse loan and shall allow prepayment of the debt
50 without any penalty imposed by the fund but will allow for the inclusion
51 of a make-whole provision and shall not, at the time that the non-rec-
52 ourse loan is established, exceed the prime lending rate plus one-half
53 the maximum interest rate specified under subdivision one of section
54 fourteen-a of the banking law;

1 (10) The fund shall not accept more than two hundred million dollars
2 in total investment over the course of its life and the state's contrib-
3 ution to the fund shall not exceed fifty million dollars; and

4 (11) The fund shall not take any equity positions in, issue equity
5 loans to, or enter into revenue or profit sharing agreements with any
6 social equity adult-use cannabis retail dispensary business or include
7 any terms and conditions in an agreement with such business to that
8 effect; the fund shall also not include any excessive penalties within
9 the loan agreements; and

10 (12) Any other requirement as the dormitory authority may deem appro-
11 priate, in consultation with the office of cannabis management, or the
12 cannabis control board.

13 (b) (i) After the funding of the private debt or equity fund as
14 provided pursuant to this subdivision, the authority shall prepare an
15 annual report beginning on December thirtieth, two thousand twenty-two
16 and annually thereafter, which report shall include, but not be limited
17 to:

18 (1) the number of conditional adult-use cannabis retail dispensaries
19 assisted by the authority pursuant to this subdivision;

20 (2) the geographic distribution of sites designated by the office of
21 cannabis management and prepared by the authority for conditional
22 adult-use cannabis retail dispensaries for operation by licensed social
23 equity businesses; and

24 (3) any other such data and information, including information about
25 subsidiary or subsidiaries created pursuant to subdivision thirty-one of
26 this section.

27 (4) Additionally, for the first report, the authority shall report on
28 the procurement and selection of the general partner.

29 (ii) Such report shall be published on the authority's website and
30 presented to the governor, the temporary president of the senate and the
31 speaker of the assembly, no later than December thirtieth, two thousand
32 twenty-two and annually thereafter; and

33 (iii) The authority shall further submit a copy of the partnership
34 agreement between the fund and the authority, to the governor, the
35 temporary president of the senate, and the speaker of the assembly no
36 later than fifteen days after such agreement has been fully executed.

37 § 4. Paragraph (b) of subdivision 2 of section 1676 of the public
38 authorities law is amended by adding three new undesignated paragraphs
39 to read as follows:

40 the office of cannabis management.

41 the cannabis control board.

42 the private debt or equity fund in which the state or any state agen-
43 cy, public authority or public benefit corporation, or division thereof,
44 has invested and is selected pursuant to subdivision thirty-two of
45 section one thousand six hundred seventy-eight of this title to the
46 extent authorized in subdivision thirty of such section.

47 § 5. Subdivision 1 of section 1680 of the public authorities law is
48 amended by adding three new undesignated paragraphs to read as follows:

49 the office of cannabis management.

50 the cannabis control board.

51 the private debt or equity fund in which the state or any agency,
52 authority or division thereof has invested and is selected pursuant to
53 subdivision thirty-two of section one thousand six hundred seventy-eight
54 of this title to the extent authorized in subdivision thirty of such
55 section.

56 § 6. This act shall take effect immediately.

1

PART JJ

2 Section 1. Subdivision 24-e of section 10 of the highway law is
3 REPEALED.

4 § 2. Section 7 of the transportation corporations law is REPEALED.

5 § 3. This act shall take effect on the thirtieth day after it shall
6 have become a law; except that any and all annual fees for fiber optic
7 facilities previously installed, or pending applications for proposed
8 new fiber facilities shall continue to be due and owing in full, for the
9 remaining duration of such previously installed facility's annual
10 permit, or pending new application.

11

PART KK

12 Section 1. Subdivision 2 of section 27-1207 of the environmental
13 conservation law, as amended by section 7 of part AA of chapter 58 of
14 the laws of 2018, is amended to read as follows:

15 2. The solid waste mitigation program shall receive no more than
16 [twenty-five] fifty million dollars from the clean water infrastructure
17 act of 2017 and be made available to the department and the department
18 of health, as applicable, for the following purposes:

- 19 a. enumeration and assessment of solid waste sites;
- 20 b. investigation and environmental characterization of solid waste
21 sites, including environmental sampling;
- 22 c. mitigation and remediation of solid waste sites;
- 23 d. monitoring of solid waste sites; and
- 24 e. administration and enforcement of the requirements of section
25 27-1203 of this title.

26 § 2. This act shall take effect immediately.

27

PART LL

28 Section 1. Subdivision 29 of section 27-1405 of the environmental
29 conservation law, as added by section 2 of part BB of chapter 56 of the
30 laws of 2015, is amended and two new subdivisions 32 and 33 are added to
31 read as follows:

32 29. "Affordable housing project" shall mean (a) a project as shall be
33 defined in regulation by the department, after consultation with the
34 division of housing and community renewal, which shall at a minimum,
35 establish the percentage of units in the project that must be below a
36 defined percentage of the area median income; or (b) a project situated
37 on a brownfield site that demonstrates the project is the subject of a
38 determination by a federal, state or local government housing agency
39 that all or a portion of the project or site will qualify for benefits,
40 including but not limited to real property taxation exemptions, is or
41 will be eligible under an affordable housing program which requires that
42 a percentage of residential rental or home ownership dwelling units be
43 dedicated to tenants or homeowners at a defined maximum percentage or
44 percentages of area median income based on the occupants' households
45 annual gross income. Such federal, state or local affordable housing
46 program shall confer a benefit to the project. For the purposes of this
47 subdivision, the term "benefit" shall be broadly construed, and shall
48 include, but not be limited to, tax benefits, including real estate tax
49 benefits, tax credits, bond financing, subsidy financing, and zoning
50 variances or waivers. Further, the department may by regulation, after
51 consulting with the division of housing and community renewal, exclude



1 specific benefits from qualifying pursuant to this subdivision. To
2 demonstrate eligibility under this subdivision, the project must present
3 a certification of compliance or other evidence of eligibility by a
4 federal, state, or local government affordable housing agency that such
5 project is an affordable housing project. For purposes of this subdivi-
6 sion, "area median income" shall mean the area median income for the
7 primary metropolitan statistical area or for the county if located
8 outside a metropolitan statistical area, as determined by the United
9 States department of housing and urban development or its successor for
10 a family of four, as adjusted for family size.

11 32. "Disadvantaged community" shall mean a community that is identi-
12 fied pursuant to section 75-0111 of this chapter.

13 33. "Renewable energy facility site" shall mean real property: (a)
14 that is used for a renewable energy system, as defined in section
15 sixty-six-p of the public service law; or (b) any co-located system
16 storing energy generated from such a renewable energy system prior to
17 delivering it to the bulk transmission, sub-transmission, or distrib-
18 ution system.

19 § 2. The opening paragraph of subdivision 1-a of section 27-1407 of
20 the environmental conservation law, as added by section 3 of part BB of
21 chapter 56 of the laws of 2015, is amended to read as follows:

22 If the person is also seeking a determination that the site is eligi-
23 ble for the tangible property credit component of the brownfield rede-
24 velopment tax credit pursuant to paragraph three of subdivision (a) of
25 section twenty-one of the tax law for a site located in a city having a
26 population of one million or more, such person shall submit information
27 sufficient to demonstrate that: (a) at least half of the site area is
28 located in an environmental zone as defined in section twenty-one of the
29 tax law; (b) the property is upside down or underutilized; [or] (c) the
30 project is an affordable housing project; (d) the project is within a
31 disadvantaged community, within a designated brownfield opportunity
32 area, and meets the conformance determinations pursuant to subdivision
33 ten of section nine hundred seventy-r of the general municipal law; or
34 (e) the project is being developed as a renewable energy facility site.
35 An applicant may request an eligibility determination for tangible prop-
36 erty credits at any time from application until the site receives a
37 certificate of completion pursuant to section 27-1419 of this title
38 except for sites seeking eligibility under the underutilized category.

39 § 3. Section 27-1409 of the environmental conservation law is amended
40 by adding a new subdivision 13 to read as follows:

41 13. After acceptance by the department, an executed brownfield cleanup
42 agreement shall be submitted and returned to the department with payment
43 of a nonrefundable program fee in the amount of fifty thousand dollars,
44 which shall be deposited to the credit of the oversight and assistance
45 account of the hazardous waste remedial fund pursuant to section nine-
46 ty-seven-b of the state finance law. The department shall waive such fee
47 upon a demonstration of financial hardship by the applicant. To demon-
48 strate financial hardship the applicant must show but for the program
49 fee, remediation of the brownfield site would not be economically
50 viable. When evaluating financial hardship, the department will consider
51 whether the applicant has waived their rights to tax credits, whether
52 the location of the proposed brownfield site is in a disadvantaged
53 community or the proposed brownfield site is being developed as an
54 affordable housing project, the assets and income of the applicant, and
55 any other factors deemed relevant. The department shall establish regu-
56 lations governing the demonstration of financial hardship. Program fees

1 shall not qualify for any of the tax credits available for brownfield
2 sites under sections twenty-one, twenty-two, and twenty-three of the tax
3 law.

4 § 4. Paragraph 2 of subdivision (a) of section 21 of the tax law, as
5 amended by section 1 of part H of chapter 577 of the laws of 2004, is
6 amended to read as follows:

7 (2) Site preparation credit component. The site preparation credit
8 component shall be equal to the applicable percentage of the site prepa-
9 ration costs paid or incurred by the taxpayer with respect to a quali-
10 fied site. The credit component amount so determined with respect to a
11 site's qualification for a certificate of completion shall be allowed
12 for the taxable year in which the effective date of the certificate of
13 completion occurs. The credit component amount determined other than
14 with respect to such qualification shall be allowed for the taxable year
15 in which the improvement to which the applicable costs apply is placed
16 in service for up to five taxable years after the issuance of such
17 certificate of completion; provided, however, that for any qualified
18 site to which a certificate of completion is issued on or after July
19 first, two thousand fifteen but on or before June twenty-fourth, two
20 thousand twenty-one, the site preparation credit component for such
21 costs shall be allowed for up to seven taxable years after the issuance
22 of such certificate of completion.

23 § 5. Paragraph 4 of subdivision (a) of section 21 of the tax law, as
24 amended by section 1 of part H of chapter 577 of the laws of 2004, is
25 amended to read as follows:

26 (4) On-site groundwater remediation credit component. The on-site
27 groundwater remediation credit component shall be equal to the applica-
28 ble percentage of the on-site groundwater remediation costs paid or
29 incurred by the taxpayer with respect to a qualified site (to the extent
30 that such groundwater remediation costs are not included in the determi-
31 nation of the site preparation credit or the cost or other basis
32 included in the determination of the tangible property credit). The
33 credit component so determined for costs incurred and paid with respect
34 to and prior to the issuance of a certificate of completion shall be
35 allowed for the taxable year in which the effective date of the issuance
36 of a certificate of completion occurs. The credit component amount
37 determined in taxable years after the effective date of the issuance of
38 a certificate of completion shall be allowed in the taxable year such
39 qualified costs are incurred and paid for up to five taxable years after
40 the issuance of such certificate of completion; provided, however, that
41 with respect to any qualified site for which a certificate of completion
42 has been issued on or after July first, two thousand fifteen but on or
43 before June twenty-fourth, two thousand twenty-one, the credit component
44 amount determined in taxable years after the effective date of the issu-
45 ance of a certificate of completion shall be allowed in the taxable year
46 such qualified costs are incurred and paid for up to seven taxable years
47 after the issuance of such certificate of completion.

48 § 6. Subparagraph (B) of paragraph 5 of subdivision (a) of section 21
49 of the tax law, as amended by section 21 of part BB of chapter 56 of the
50 laws of 2015, is amended to read as follows:

51 (B) With respect to such qualified site for which the department of
52 environmental conservation has issued a notice to the taxpayer on or
53 after July first, two thousand fifteen [or the date of publication in
54 the state register of proposed regulations defining "underutilized" as
55 provided in subdivision thirty of section 27-1405 of the environmental
56 conservation law, whichever shall be later], that its request for

1 participation has been accepted under subdivision six of section 27-1407
2 of the environmental conservation law, the applicable percentage for the
3 tangible property credit component of the brownfield redevelopment tax
4 credit pursuant to paragraph three of [subdivision (a) of] this
5 [section] subdivision shall be the sum of ten percent and the following
6 additional percentages, provided that if the sum is greater than twen-
7 ty-four percent, the total percentage of the tangible property credit
8 component shall be twenty-four percent and is otherwise subject to the
9 limitations set forth in paragraphs three and three-a of [subdivision

10 (a) of] this [section] subdivision:

11 (i) five percent for a site which:

12 (1) is located within an environmental zone; or

13 (2) is in a disadvantaged community as that term is defined in section
14 27-1405 of the environmental conservation law for which the department
15 of environmental conservation has issued a notice to the taxpayer on or
16 after January first, two thousand twenty-three that its request for
17 participation has been accepted under subdivision six of section 27-1407
18 of the environmental conservation law;

19 (ii) five percent for a site located within a designated brownfield
20 opportunity area and is developed in conformance with the goals and
21 priorities established for that applicable brownfield opportunity area
22 and meets the conformance determinations pursuant to subdivision ten of
23 section nine hundred seventy-r of the general municipal law;

24 (iii) five percent for a site developed as affordable housing, as
25 defined in section 27-1405 of the environmental conservation law;

26 (iv) five percent for a site to be used primarily for manufacturing
27 activities as such term is defined in subparagraph (B) of paragraph
28 three-a of this subdivision; [and]

29 (v) five percent for sites remediated to Track 1 as that term is
30 defined in subdivision four of section 27-1415 of the environmental
31 conservation law; and

32 (vi) for a qualified site for which the department of environmental
33 conservation has issued a notice to the taxpayer on or after January
34 first, two thousand twenty-three that its request for participation has
35 been accepted under subdivision six of section 27-1407 of the environ-
36 mental conservation law, five percent for sites developed as renewable
37 energy facility sites as defined in section 27-1405 of the environmental
38 conservation law.

39 § 7. Paragraph 2 of subdivision (b) of section 21 of the tax law, as
40 amended by section 23 of part BB of chapter 56 of the laws of 2015, is
41 amended to read as follows:

42 (2) Site preparation costs. The term "site preparation costs" shall
43 mean all amounts properly chargeable to a capital account, which are
44 paid or incurred which are necessary to implement a site's investi-
45 gation, remediation, or qualification for a certificate of completion,
46 and shall include costs of: excavation; demolition; activities undertak-
47 en under the oversight of the department of labor or in accordance with
48 standards established by the department of health to remediate and
49 dispose of regulated materials including asbestos, lead or polychlori-
50 nated biphenyls; environmental consulting; engineering; legal costs;
51 transportation, disposal, treatment or containment of contaminated soil;
52 remediation measures taken to address contaminated soil vapor; cover
53 systems consistent with applicable regulations; physical support of
54 excavation; dewatering and other work to facilitate or enable remedi-
55 ation activities; sheeting, shoring, and other engineering controls
56 required to prevent off-site migration of contamination from the quali-



1 fied site or migrating onto the qualified site; and the costs of fenc-
2 ing, temporary electric wiring, scaffolding, and security facilities
3 until such time as the certificate of completion has been issued. Site
4 preparation shall include all costs paid or incurred within sixty months
5 after the last day of the tax year in which the certificate of
6 completion is issued that are necessary for compliance with the certif-
7 icate of completion or subsequent modifications thereof, or the remedial
8 program defined in such certificate of completion including but not
9 limited to institutional controls, engineering controls, an approved
10 site management plan, and an environmental easement with respect to the
11 qualified site; provided, however, with respect to any qualified site
12 for which the department of environmental conservation has issued a
13 notice to the taxpayer on or after July first, two thousand fifteen but
14 on or before June twenty-fourth, two thousand twenty-one that its
15 request for participation has been accepted under subdivision six of
16 section 27-1407 of the environmental conservation law, site preparation
17 shall include all costs paid or incurred within eighty-four months after
18 the last day of the tax year in which the certificate of completion is
19 issued that are necessary for compliance with the certificate of
20 completion or subsequent modifications thereof, or the remedial program
21 defined in such certificate of completion including but not limited to
22 institutional controls, engineering controls, an approved site manage-
23 ment plan, and an environmental easement with respect to the qualified
24 site. Site preparation cost shall not include the costs of foundation
25 systems that exceed the cover system requirements in the regulations
26 applicable to the qualified site.

27 § 8. Paragraph 4 of subdivision (b) of section 21 of the tax law, as
28 amended by section 23 of part BB of chapter 56 of the laws of 2015, is
29 amended to read as follows:

30 (4) On-site groundwater remediation costs. The term "on-site groundwa-
31 ter remediation costs" shall mean all amounts properly chargeable to a
32 capital account, which are paid or incurred which are necessary to
33 implement a site's groundwater investigation, remediation, or qualifica-
34 tion for a certificate of completion not already covered under site
35 preparation costs, and shall include costs of: environmental consulting;
36 engineering; legal costs; transportation, disposal, treatment or
37 containment of contaminated groundwater; sheeting, shoring, and other
38 engineering controls required to prevent off-site migration of groundwa-
39 ter contamination from the qualified site or migrating onto the quali-
40 fied site; and the costs of fencing, temporary electric wiring and secu-
41 rity facilities until such time as the certificate of completion is
42 issued. On-site groundwater remediation costs shall include all costs
43 paid or incurred within sixty months after the last day of the tax year
44 in which the certificate of completion is issued that are necessary for
45 compliance with the certificate of completion or subsequent modifica-
46 tions thereof, or the groundwater remedial program defined in such
47 certificate of completion including but not limited to institutional
48 controls, engineering controls, an approved site management plan specif-
49 ic to on-site groundwater remediation, and an environmental easement
50 with respect to the qualified site. Provided, however, with respect to
51 any qualified site for which a certificate of completion has been issued
52 on or after July first, two thousand fifteen but on or before June twen-
53 ty-fourth, two thousand twenty-one, on-site groundwater remediation
54 costs shall include all such costs paid or incurred within eighty-four
55 months after the last day of the tax year in which the certificate of
56 completion is issued.

1 § 9. Subparagraph (i) of paragraph 3 of subdivision (a) of section 21
2 of the tax law, as amended by section 1 of part AA of chapter 58 of the
3 laws of 2021, is amended to read as follows:

4 (i) The tangible property credit component shall be equal to the
5 applicable percentage of the cost or other basis for federal income tax
6 purposes of tangible personal property and other tangible property,
7 including buildings and structural components of buildings, which
8 constitute qualified tangible property and may include any related party
9 service fee paid; provided that in determining the cost or other basis
10 of such property, the taxpayer shall exclude the acquisition cost of any
11 item of property with respect to which a credit under this section was
12 allowable to another taxpayer; and provided further that for the
13 purposes of this section, starting with taxable year two thousand twen-
14 ty-two, on sites that comply with the track one remediation standards
15 promulgated pursuant to subdivision four of section 27-1415 of the envi-
16 ronmental conservation law, stadiums, baseball parks, basketball courts
17 and other athletic facilities shall be considered buildings, and that
18 components of stadiums, baseball parks, basketball courts, and other
19 athletic facilities constructed on such sites, including sports field
20 turf, site lighting, sidewalks, access and entry ways, and other
21 improvements added to land, shall be considered structural components of
22 buildings under the internal revenue code, and shall be included in the
23 definition of tangible property for the purposes of this section. A
24 related party service fee shall be allowed only in the calculation of
25 the tangible property credit component and shall not be allowed in the
26 calculation of the site preparation credit component or the on-site
27 groundwater remediation credit component. The portion of the tangible
28 property credit component which is attributable to related party service
29 fees shall be allowed only as follows: (A) in the taxable year in which
30 the qualified tangible property described in subparagraph (iii) of this
31 paragraph is placed in service, for that portion of the related party
32 service fees which have been earned and actually paid to the related
33 party on or before the last day of such taxable year; and (B) with
34 respect to any other taxable year for which the tangible property credit
35 component may be claimed under this subparagraph and in which the amount
36 of any additional related party service fees are actually paid by the
37 taxpayer to the related party, the tangible property credit component
38 for such amount shall be allowed in such taxable year. The credit compo-
39 nent amount so determined shall be allowed for the taxable year in which
40 such qualified tangible property is first placed in service on a quali-
41 fied site with respect to which a certificate of completion has been
42 issued to the taxpayer, or for the taxable year in which the certificate
43 of completion is issued if the qualified tangible property is placed in
44 service prior to the issuance of the certificate of completion. This
45 credit component shall only be allowed for up to one hundred twenty
46 months after the date of the issuance of such certificate of completion,
47 provided, however, that for qualified sites to which a certificate of
48 completion is issued on or after March twentieth, two thousand ten, but
49 prior to January first, two thousand twelve, the commissioner may extend
50 the credit component for up to one hundred forty-four months after the
51 date of such issuance, if the commissioner, in consultation with the
52 commissioner of environmental conservation, determines that the require-
53 ments for the credit would have been met if not for the restrictions
54 related to the state disaster emergency declared pursuant to executive
55 order 202 of 2020 or any extension thereof or subsequent executive order
56 issued in response to the novel coronavirus (COVID-19) pandemic;



1 provided, however, with respect to any qualified site for which the
2 department of environmental conservation has issued a certificate of
3 completion to the taxpayer on or after March twentieth, two thousand ten
4 and before December thirty-first, two thousand fifteen, this credit
5 component shall be allowed for up to one hundred eighty months after the
6 date of the issuance of such certificate of completion.

7 § 10. Section 31 of part H of chapter 1 of the laws of 2003, amending
8 the tax law relating to brownfield redevelopment tax credits, remediated
9 brownfield credit for real property taxes for qualified sites and envi-
10 ronmental remediation insurance credits, as amended by section 32 of
11 part BB of chapter 56 of the laws of 2015, is amended to read as
12 follows:

13 § 31. The tax credits allowed under section 22 or 23 of the tax law
14 and the corresponding provisions in articles 9, 9-A, 22 and 33 of the
15 tax law, as added by the provisions of sections one through twenty-nine
16 of this act, shall not be applicable to any site accepted into the
17 brownfield cleanup program on and after July 1, 2015 [or the date of
18 publication in the state register of proposed regulations defining
19 "underutilized" as provided in subdivision 30 of section 27-1405 of the
20 environmental conservation law, whichever shall be later]. The tax cred-
21 its allowed under section 21 of the tax law and the corresponding
22 provisions in articles 9, 9-A, 22 and 33 of the tax law, as added by the
23 provisions of sections one through twenty-nine of this act, shall not be
24 applicable to any site accepted into the brownfield cleanup program
25 after December 31, [2022] 2032, provided, however that any sites
26 accepted on or before December 31, [2022] 2032 must have received the
27 certificate of completion required to qualify for any of such credits on
28 or before [March] December 31, [2026] 2036.

29 § 11. This act shall take effect immediately.

30

PART MM

31 Section 1. Subdivision 1 and the opening paragraph of subdivision 2 of
32 section 27-1905 of the environmental conservation law, as amended by
33 section 1 of part E of chapter 58 of the laws of 2019, are amended to
34 read as follows:

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

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

43 § 2. Subdivisions 1, 2, 3 and paragraph (a) of subdivision 6 of
44 section 27-1913 of the environmental conservation law, as amended by
45 section 2 of part E of chapter 58 of the laws of 2019, are amended to
46 read as follows:

47 1. Until December thirty-first, two thousand [twenty-two] twenty-five,
48 a waste tire management and recycling fee of two dollars and fifty cents
49 shall be charged on each new tire sold. The fee shall be paid by the
50 purchaser to the tire service at the time the new tire or new motor
51 vehicle is purchased.

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

53 (a) recapped or resold tires;

54 (b) mail-order sales; or

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

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

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

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

13 3. [Until March thirty-first, two thousand twenty-three, each] Each
14 tire service maintaining a place of business in this state shall make a
15 return to the department of taxation and finance on a quarterly basis,
16 with the return for December, January, and February being due on or
17 before the immediately following March thirty-first; the return for
18 March, April, and May being due on or before the immediately following
19 June thirtieth; the return for June, July, and August being due on or
20 before the immediately following September thirtieth; and the return for
21 September, October, and November being due on or before the immediately
22 following December thirty-first.

23 (a) Each return shall include:

24 (i) the name of the tire service;

25 (ii) the address of the tire service's principal place of business and
26 the address of the principal place of business (if that is a different
27 address) from which the tire service engages in the business of making
28 retail sales of tires;

29 (iii) the name and signature of the person preparing the return;

30 (iv) the total number of new tires sold at retail for the preceding
31 quarter and the total number of new tires placed on motor vehicles prior
32 to original retail sale;

33 (v) the amount of waste tire management and recycling fees due; and

34 (vi) such other reasonable information as the department of taxation
35 and finance may require.

36 (b) Copies of each report shall be retained by the tire service for
37 three years.

38 If a tire service ceases business, it shall file a final return and
39 remit all fees due under this title with the department of taxation and
40 finance not more than one month after discontinuing that business.

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

1 § 3. Subdivision 3 of section 27-1913 of the environmental conserva-
2 tion law, as amended by section two of this act, is amended to read as
3 follows:

4 3. Each tire service maintaining a place of business in this state
5 shall make a return to the department of taxation and finance [on a
6 quarterly basis, with the return for December, January, and February
7 being due on or before the immediately following March thirty-first; the
8 return for March, April, and May being due on or before the immediately
9 following June thirtieth; the return for June, July, and August being
10 due on or before the immediately following September thirtieth; and the
11 return for September, October, and November being due on or before the
12 immediately following December thirty-first.

13 (a) Each return shall include:

14 (i) the name of the tire service;

15 (ii) the address of the tire service's principal place of business and
16 the address of the principal place of business (if that is a different
17 address) from which the tire service engages in the business of making
18 retail sales of tires;

19 (iii) the name and signature of the person preparing the return;

20 (iv) the total number of new tires sold at retail for the preceding
21 quarter and the total number of new tires placed on motor vehicles prior
22 to original retail sale;

23 (v) the amount of waste tire management and recycling fees due; and

24 (vi) such other reasonable information as the department of taxation
25 and finance may require.

26 (b) Copies of each report shall be retained by the tire service for
27 three years.

28 If a tire service ceases business, it shall file a final return and
29 remit all fees due under this title with the department of taxation and
30 finance not more than one month after discontinuing that business] on
31 such form and including such information as the commissioner of taxation
32 and finance may require. Such returns shall be due at the same time and
33 for the same periods as the sales tax return of such tire service, in
34 accordance with section eleven hundred thirty-six of the tax law, and
35 payment of all fees due for such periods shall be remitted with such
36 returns.

37 § 4. Subdivision 5 of section 27-1913 of the environmental conserva-
38 tion law, as added by section 2 of part E of chapter 686 of the laws of
39 2003, is amended to read as follows:

40 5. (a) The provisions of article [twenty-seven] twenty-eight of the
41 tax law, including the provisions relating to definitions, exemptions,
42 returns, personal liability for the tax, collection of tax from the
43 customer, payment of tax and the administration of the tax imposed,
44 shall apply to the provisions of this section in the same manner and
45 with the same force and effect as if the language of such article had
46 been incorporated in full into this section and had expressly referred
47 to the fee under this section, except to the extent that any provision
48 of such article is either inconsistent with a provision of this section
49 or is not relevant to this section. For purposes of this section, any
50 reference to a tax or the taxes imposed by article twenty-eight of the
51 tax law shall be deemed also to refer to the waste tire management and
52 recycling fee imposed under the authority of this section unless a
53 different meaning is clearly required.

54 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
55 sion, the exemptions provided in section eleven hundred sixteen of the
56 tax law shall not apply to this section except with respect to the enti-

1 ties described in paragraphs one, two, three and six of subdivision (a)
2 of such section.

3 § 5. This act shall take effect immediately; provided that sections
4 three and four of this act shall take effect March 1, 2023; provided,
5 further, that the return for the quarterly period ending on the last day
6 of February, 2023 shall be due on March 31, 2023, and any fees required
7 to be collected and paid for such period must be remitted with such
8 return.

9

PART NN

10 Section 1. Section 1 of part TT of chapter 59 of the laws of 2021
11 authorizing the creation of state debt in the amount of three billion
12 dollars, in relation to creating the environmental bond act of 2022
13 "restore mother nature" for the purposes of environmental improvements
14 that preserve, enhance, and restore New York's natural resources and
15 reduce the impact of climate change; and providing for the submission to
16 the people of a proposition or question therefor to be voted upon at the
17 general election to be held in November, 2022, is amended to read as
18 follows:

19 Section 1. The [restore mother nature] clean water, clean air, and
20 green jobs environmental bond act of 2022 is enacted to read as follows:

21 CLEAN WATER, CLEAN AIR, AND GREEN JOBS ENVIRONMENTAL

22 BOND ACT OF 2022

23 ["RESTORE MOTHER NATURE"]

24 Section 1. Short title.

25 2. Creation of state debt.

26 3. Bonds of the state.

27 4. Use of moneys received.

28 § 1. Short title. This act shall be known and may be cited as the
29 "clean water, clean air, and green jobs environmental bond act of 2022
30 [restore mother nature"].

31 § 2. Creation of state debt. The creation of state debt in an amount
32 not exceeding in the aggregate [three] four billion two hundred million
33 dollars [(\$3,000,000,000)] (\$4,200,000,000) is hereby authorized to
34 provide moneys for the single purpose of making environmental improve-
35 ments that preserve, enhance, and restore New York's natural resources
36 and reduce the impact of climate change by funding capital projects for:
37 restoration and flood risk reduction not less than one billion one
38 hundred million dollars [(\$1,000,000,000)] (\$1,100,000,000); open space
39 land conservation and recreation up to [five] six hundred fifty million
40 dollars [(\$550,000,000)] (\$650,000,000); climate change mitigation up to
41 [seven hundred] one billion five hundred million dollars
42 [(\$700,000,000)] (\$1,500,000,000); and, water quality improvement and
43 resilient infrastructure not less than [five] six hundred fifty million
44 dollars [(\$550,000,000)] (\$650,000,000).

45 § 3. Bonds of the state. The state comptroller is hereby authorized
46 and empowered to issue and sell bonds of the state up to the aggregate
47 amount of [three] four billion two hundred million dollars
48 [(\$3,000,000,000)] (\$4,200,000,000) for the purposes of this act,
49 subject to the provisions of article 5 of the state finance law. The
50 aggregate principal amount of such bonds shall not exceed [three] four
51 billion two hundred million dollars [(\$3,000,000,000)] (\$4,200,000,000)
52 excluding bonds issued to refund or otherwise repay bonds heretofore
53 issued for such purpose; provided, however, that upon any such refunding
54 or repayment, the total aggregate principal amount of outstanding bonds



1 may be greater than [three] four billion two hundred million dollars
 2 [(\$3,000,000,000)] (\$4,200,000,000) only if the present value of the
 3 aggregate debt service of the refunding or repayment bonds to be issued
 4 shall not exceed the present value of the aggregate debt service of the
 5 bonds to be refunded or repaid. The method for calculating present value
 6 shall be determined by law.

7 § 4. Use of moneys received. The moneys received by the state from the
 8 sale of bonds sold pursuant to this act shall be expended pursuant to
 9 appropriations for capital projects related to design, planning, site
 10 acquisition, demolition, construction, reconstruction, and rehabili-
 11 tation projects specified in section two of this act.

12 § 2. Section 2 of part TT of chapter 59 of the laws of 2021 authoriz-
 13 ing the creation of state debt in the amount of three billion dollars,
 14 in relation to creating the environmental bond act of 2022 "restore
 15 mother nature" for the purposes of environmental improvements that
 16 preserve, enhance, and restore New York's natural resources and reduce
 17 the impact of climate change; and providing for the submission to the
 18 people of a proposition or question therefor to be voted upon at the
 19 general election to be held in November, 2022, is amended to read as
 20 follows:

21 § 2. This act shall take effect immediately, provided that the
 22 provisions of section one of this act shall not take effect unless and
 23 until this act shall have been submitted to the people at the general
 24 election to be held in November 2022 and shall have been approved by a
 25 majority of all votes cast for and against it at such general election.
 26 Upon approval by the people, section one of this act shall take effect
 27 immediately. The ballots to be furnished for the use of voters upon
 28 submission of this act shall be in the form prescribed by the election
 29 law and the proposition or question to be submitted shall be printed
 30 thereon in the following form, namely "To address and combat the impact
 31 of climate change and damage to the environment, the "Clean Water, Clean
 32 Air, and Green Jobs Environmental Bond Act of 2022 ["Restore Mother
 33 Nature]" authorizes the sale of state bonds up to [three] four billion
 34 two hundred million dollars to fund environmental protection, natural
 35 restoration, resiliency, and clean energy projects. Shall the Environ-
 36 mental Bond Act of 2022 be approved?".

37 § 3. This act shall take effect immediately; provided that section one
 38 of this act shall take effect on the same date and in the same manner as
 39 section 1 of part TT of chapter 59 of the laws of 2021 authorizing the
 40 creation of state debt in the amount of three billion dollars, in
 41 relation to creating the environmental bond act of 2022 "restore mother
 42 nature" for the purposes of environmental improvements that preserve,
 43 enhance, and restore New York's natural resources and reduce the impact
 44 of climate change; and providing for the submission to the people of a
 45 proposition or question therefor to be voted upon at the general
 46 election to be held in November, 2022, takes effect.

47 PART OO

48 Section 1. The article heading of article 58 of the environmental
 49 conservation law, as added by section 1 of part UU of chapter 59 of the
 50 laws of 2021, is amended to read as follows:

51 IMPLEMENTATION OF THE "CLEAN WATER, CLEAN AIR, AND GREEN
 52 JOBS
 53 ENVIRONMENTAL BOND ACT OF 2022 ["RESTORE MOTHER
 54 NATURE]"

1 § 2. Subdivisions 1, 4, 5 and 7 of section 58-0101 of the environ-
2 mental conservation law, as added by section 1 of part UU of chapter 59
3 of the laws of 2021, are amended to read as follows:

4 1. "Bonds" shall mean general obligation bonds issued pursuant to the
5 "clean water, clean air, and green jobs environmental bond act of 2022
6 ["restore mother nature"] in accordance with article VII of the New York
7 state constitution and article five of the state finance law.

8 4. "Disadvantaged communities" shall mean a community that is identi-
9 fied pursuant to section 75-0111 of this chapter.

10 5. "Endangered or threatened species project" means a project to
11 restore, recover, or reintroduce an endangered, threatened, or species
12 of special concern pursuant to a recovery plan or restoration plan
13 prepared and adopted by the department, including but not limited to the
14 state's wildlife action plan.

15 [5. "Environmental justice community" means a minority or low-income
16 community that may bear a disproportionate share of the negative envi-
17 ronmental consequences resulting from industrial, municipal, and commer-
18 cial operations or the execution of federal, state, local, and tribal
19 programs and policies.]

20 7. "Green buildings project" means (i) installing, upgrading, or modi-
21 fying a renewable energy source at a state-owned building or for the
22 purpose of converting or connecting a state-owned building or a public
23 school building, or portion thereof, to a renewable energy source; (ii)
24 reducing energy use or improving energy efficiency or occupant health at
25 a state-owned building or a public school building; (iii) installing a
26 green roof at a state-owned building or a public school building; [and]
27 (iv) installation of renewable heating and cooling systems at a state-
28 owned building or a public school building; or (v) emission reduction
29 projects.

30 § 3. Section 58-0103 of the environmental conservation law, as added
31 by section 1 of part UU of chapter 59 of the laws of 2021, is amended to
32 read as follows:

33 § 58-0103. Allocation of moneys.

34 The moneys received by the state from the sale of bonds pursuant to
35 the environmental bond act of 2022 shall be disbursed in the following
36 amounts pursuant to appropriations as specifically provided for in
37 titles three, five, seven, and nine of this article:

38 1. Not less than one billion one hundred million dollars
39 [(\$1,000,000,000)] (\$1,100,000,000) for restoration and flood risk
40 reduction as set forth in title three of this article.

41 2. Up to [five] six hundred fifty million dollars [(\$550,000,000)]
42 (\$650,000,000) for open space land conservation and recreation as set
43 forth in title five of this article.

44 3. Up to [seven] one billion five hundred million dollars
45 [(\$700,000,000)] (\$1,500,000,000) for climate change mitigation as set
46 forth in title seven of this article.

47 4. Not less than [five] six hundred fifty million dollars
48 [(\$550,000,000)] (\$650,000,000) for water quality improvement and resil-
49 ient infrastructure as set forth in title nine of this article.

50 § 4. Subdivision 1 of section 58-0105 of the environmental conserva-
51 tion law, as added by section 1 of part UU of chapter 59 of the laws of
52 2021, is amended to read as follows:

53 1. Administer funds generated pursuant to the "clean water, clean air,
54 and green jobs environmental bond act of 2022 ["restore mother nature"].

1 § 5. Section 58-0301 of the environmental conservation law, as added
2 by section 1 of part UU of chapter 59 of the laws of 2021, is amended to
3 read as follows:

4 § 58-0301. Allocation of moneys.

5 Of the moneys received by the state from the sale of bonds pursuant to
6 the environmental bond act of 2022, not less than one billion one
7 hundred million dollars [(\$1,000,000,000)] (\$1,100,000,000) shall be
8 available for disbursements for restoration and flood risk reduction
9 projects developed pursuant to section 58-0303 of this title. Not more
10 than two hundred fifty million dollars (\$250,000,000) of this amount
11 shall be available for projects pursuant to subdivision two of section
12 58-0303 of this title and not less than one hundred million dollars
13 (\$100,000,000) each shall be available for coastal rehabilitation and
14 shoreline restoration projects and projects which address inland flood-
15 ing, pursuant to paragraph a of subdivision one of section 58-0303 of
16 this title.

17 § 6. Section 58-0501 of the environmental conservation law, as added
18 by section 1 of part UU of chapter 59 of the laws of 2021, is amended to
19 read as follows:

20 § 58-0501. Allocation of moneys.

21 Of the moneys received by the state from the sale of bonds pursuant to
22 the environmental bond act of 2022 to be used for open space land
23 conservation and recreation projects, up to [five] six hundred fifty
24 million dollars [(\$550,000,000)] (\$650,000,000) shall be available for
25 programs, plans, and projects developed pursuant to section 58-0503 of
26 this title, however, not more than seventy-five million dollars
27 (\$75,000,000) shall be made available for the creation of a fish hatch-
28 ery, or the improvement, expansion, repair or maintenance of existing
29 fish hatcheries, not less than [two] three hundred million dollars
30 [(\$200,000,000)] (\$300,000,000) shall be made available for open space
31 land conservation projects pursuant to paragraph a of subdivision one of
32 section 58-0503 of this title and not less than one hundred fifty
33 million dollars [(\$100,000,000)] (\$150,000,000) shall be made available
34 for farmland protection pursuant to paragraph b of subdivision one of
35 section 58-0503 of this title.

36 § 7. Section 58-0701 and subdivision 1 of 58-0703 of the environmental
37 conservation law, as added by section 1 of part UU of chapter 59 of the
38 laws of 2021, are amended to read as follows:

39 § 58-0701. Allocation of moneys.

40 Of the moneys received by the state from the sale of bonds pursuant to
41 the environmental bond act of 2022, up to [seven] one billion five
42 hundred million dollars [(\$700,000,000)] (\$1,500,000,000) shall be made
43 available for disbursements for climate change mitigation projects
44 developed pursuant to section 58-0703 of this title. Not less than
45 [three] four hundred [fifty] million dollars [(\$350,000,000)]
46 (\$400,000,000) of this amount shall be available for green buildings
47 projects, not less than one hundred million dollars (\$100,000,000) for
48 climate adaptation and mitigation projects pursuant to paragraph c of
49 subdivision one of section 58-0703 of this title, not less than two
50 hundred million dollars (\$200,000,000) shall be available for disburse-
51 ment to reduce or eliminate water pollution or air pollution affecting
52 disadvantaged communities pursuant to paragraphs f and g of subdivision
53 one of section 58-0703 of this title, and not less than five hundred
54 million dollars (\$500,000,000) for costs associated with the purchase of
55 or conversion to zero emission school buses and supporting infrastruc-

1 ture as set forth in paragraph h of subdivision one of section 58-0703
2 of this title.

3 1. Eligible climate change mitigation projects include, but are not
4 limited to:

5 a. costs associated with green building projects, projects that
6 increase energy efficiency or the use or siting of renewable energy on
7 state-owned buildings or properties including buildings owned by the
8 state university of the state of New York, city university of the state
9 of New York, [and] community colleges, and public schools;

10 b. costs associated with projects that utilize natural and working
11 lands to sequester carbon and mitigate methane emissions from agricul-
12 tural sources, such as manure storage through cover and methane
13 reduction technologies;

14 c. costs associated with implementing climate adaptation and miti-
15 gation projects pursuant to section 54-1523 of this chapter;

16 d. costs associated with urban forestry projects such as forest and
17 habitat restoration, for purchase and planting of street trees and for
18 projects to expand the existing tree canopy and bolster community
19 health;

20 e. costs associated with projects that reduce urban heat island
21 effect, such as installation of green roofs, open space protection,
22 community gardens, cool pavement projects, projects that create or
23 upgrade community cooling centers, and the installation of reflective
24 roofs where installation of green roofs is not possible;

25 f. costs associated with projects to reduce or eliminate air pollution
26 from stationary or mobile sources of air pollution affecting [an envi-
27 ronmental justice community] disadvantaged communities; [and]

28 g. costs associated with projects which would reduce or eliminate
29 water pollution, whether from point or non-point discharges, affecting
30 [an environmental justice community] disadvantaged communities; and

31 h. costs associated with the purchase or conversion to zero emission
32 school buses, including costs associated with the supporting infrastruc-
33 ture.

34 § 8. Section 58-0901 of the environmental conservation law, as added
35 by section 1 of part UU of chapter 59 of the laws of 2021, is amended to
36 read as follows:

37 § 58-0901. Allocation of moneys.

38 Of the moneys received by the state from the sale of bonds pursuant to
39 the environmental bond act of 2022 for disbursements for state assist-
40 ance for water quality improvement projects as defined by title one of
41 this article, not less than [five] six hundred fifty million dollars
42 [(\$550,000,000)] (\$650,000,000) shall be available for water quality
43 improvement projects developed pursuant to section 58-0903 of this
44 title. Not less than two hundred million dollars (\$200,000,000) of this
45 amount shall be available for wastewater infrastructure projects under-
46 taken pursuant to the New York state water infrastructure improvement
47 act of 2017 pursuant to paragraph e of subdivision one of section
48 58-0903 of this title, and not less than [one] two hundred fifty
49 million dollars [(\$100,000,000)] (\$250,000,000) shall be available for
50 municipal stormwater projects pursuant to paragraph a of subdivision one
51 of section 58-0903 of this title.

52 § 9. Section 58-1101 and subdivision 1 of section 58-1103 of the envi-
53 ronmental conservation law, as added by section 1 of part UU of chapter
54 59 of the laws of 2021, are amended to read as follows:

55 § 58-1101. Benefits of funds.

1 The department shall make every effort practicable to [ensure that
2 thirty-five] achieve a goal that forty percent of the funds pursuant to
3 this article benefit [environmental justice] disadvantaged communities;
4 however, disadvantaged communities shall receive no less than thirty-
5 five percent of the benefit of the funds pursuant to this article.

6 1. No later than sixty days following the end of each fiscal year,
7 each department, agency, public benefit corporation, and public authori-
8 ty receiving an allocation or allocations of appropriation financed from
9 the [restore mother nature] clean water, clean air, and green jobs envi-
10 ronmental bond act of 2022 shall submit to the commissioner in a manner
11 and form prescribed by the department, the following information as of
12 March thirty-first of such fiscal year, within each category listed in
13 this title: the total appropriation; total commitments; year-to-date
14 disbursements; remaining uncommitted balances; and a description of each
15 project.

16 § 9-a. Article 58 of the environmental conservation law is amended by
17 adding a new title 13 to read as follows:

18 TITLE 13

19 LABOR STANDARDS

20 Section 58-1301. Labor standards.

21 § 58-1301. Labor standards.

22 1. Projects funded pursuant to this article shall require compliance
23 with prevailing wage requirements pursuant to section two hundred twenty
24 of the labor law.

25 2. Any state entity or municipality receiving at least twenty-five
26 million dollars (\$25,000,000) from funds allocated pursuant to this
27 article for a project costing greater than fifty million dollars
28 (\$50,000,000) shall require use of apprenticeship agreements as defined
29 by article twenty-three of the labor law.

30 3. (a) Any state entity or municipality receiving at least twenty-five
31 million dollars (\$25,000,000) from funds allocated pursuant to this
32 article for a project which involves the construction, reconstruction,
33 alteration, maintenance, moving, demolition, excavation, development or
34 other improvement of any building, structure or land, shall be subject
35 to section two hundred twenty-two of the labor law.

36 (b) Any privately owned project receiving funds allocated pursuant to
37 this title which utilizes a project labor agreement on such project
38 shall not be subject to article eight of the labor law.

39 4. If determined applicable, a municipality or state entity may
40 require that the private owner of a project, or a third party acting on
41 the owner's behalf, enter into a labor peace agreement with at least one
42 bona fide labor organization either: (a) where such bona fide labor
43 organization is actively representing non-construction employees; or (b)
44 upon notice by a bona fide labor organization that is attempting to
45 represent non-construction employees. For purposes of this section
46 "labor peace agreement" means an agreement between an entity and labor
47 organization that, at a minimum, protects the state's proprietary inter-
48 ests by prohibiting labor organizations and members from engaging in
49 picketing, work stoppages, boycotts, and any other economic interfer-
50 ence.

51 5.(a) Any municipality or state entity, or a third party acting on
52 behalf and for the benefit of the municipality or state entity, in each
53 contract for construction, reconstruction, alteration, repair, improve-
54 ment or maintenance of a project receiving funds under this article that
55 is a public work, shall ensure that such contract contains a provision
56 that the structural iron and structural steel used or supplied in the



1 performance of the contract or any subcontract thereto and that is
2 permanently incorporated into the public work, shall be produced or made
3 in whole or substantial part in the United States, its territories or
4 possessions. In the case of a structural iron or structural steel prod-
5 uct, all manufacturing must take place in the United States, from the
6 initial melting stage through the application of coatings, except metal-
7 lurgical processes involving the refinement of steel additives. For the
8 purposes of this subdivision, "permanently incorporated" shall mean an
9 iron or steel product that is required to remain in place at the end of
10 the project contract, in a fixed location, affixed to the public work to
11 which it was incorporated. Iron and steel products that are capable of
12 being moved from one location to another are not permanently incorpo-
13 rated into a public work.

14 (b) The provisions of paragraph (a) of this subdivision shall not
15 apply if the head of the department, agency, or municipal entity
16 constructing the public work, in his or her sole discretion, determines
17 that the provisions would not be in the public interest, would result in
18 unreasonable costs, or that obtaining such steel or iron in the United
19 States would increase the cost of the contract by an unreasonable
20 amount, or such iron or steel, including without limitation structural
21 iron and structural steel, cannot be produced or made in the United
22 States in sufficient and reasonably available quantities and of satis-
23 factory quality.

24 § 10. Section 97-tttt of the state finance law, as added by section 2
25 of part UU of chapter 59 of the laws of 2021, is amended to read as
26 follows:

27 § 97-tttt. [Restore mother nature] Clean water, clean air, and green
28 jobs bond fund. 1. There is hereby established in the joint custody of
29 the state comptroller and the commissioner of taxation and finance a
30 special fund to be known as the "[restore mother nature] clean water,
31 clean air, and green jobs bond fund".

32 2. The state comptroller shall deposit into the [restore mother
33 nature] clean water, clean air, and green jobs bond fund all moneys
34 received by the state from the sale of bonds and/or notes for uses
35 eligible pursuant to section four of the clean water, clean air, and
36 green jobs environmental bond act of 2022 ["restore mother nature"].

37 3. Moneys in the [restore mother nature] clean water, clean air, and
38 green jobs bond fund, following appropriation by the legislature and
39 allocation by the director of the budget, shall be available only for
40 reimbursement of expenditures made from appropriations from the capital
41 projects fund for the purpose of the [restore mother nature] clean
42 water, clean air, and green jobs bond fund, as set forth in the clean
43 water, clean air, and green jobs environmental bond act of 2022
44 ["restore mother nature"].

45 4. No moneys received by the state from the sale of bonds and/or notes
46 sold pursuant to the clean water, clean air, and green jobs environ-
47 mental bond act of 2022 ["restore mother nature"] shall be expended for
48 any project until funds therefor have been allocated pursuant to the
49 provisions of this section and copies of the appropriate certificates of
50 approval filed with the chair of the senate finance committee, the chair
51 of the assembly ways and means committee and the state comptroller.

52 § 11. Subdivision 32 of section 61 of the state finance law, as added
53 by section 3 of part UU of chapter 59 of the laws of 2021, is amended to
54 read as follows:

55 32. Thirty years. For the payment of "[restore mother nature] clean
56 water, clean air, and green jobs" projects, as defined in article

1 fifty-eight of the environmental conservation law and undertaken pursu-
2 ant to a chapter of the laws of two thousand twenty-one, enacting and
3 constituting the clean water, clean air, and green jobs environmental
4 bond act of 2022 ["restore mother nature"]. Thirty years for flood
5 control infrastructure, other environmental infrastructure, wetland and
6 other habitat restoration, water quality projects, acquisition of land,
7 including acquisition of real property, and renewable energy projects.
8 Notwithstanding the foregoing, for the purposes of calculating annual
9 debt service, the state comptroller shall apply a weighted average peri-
10 od of probable life of [restore mother nature] clean water, clean air,
11 and green jobs projects, including any other works or purposes to be
12 financed with state debt. Weighted average period of probable life shall
13 be determined by computing the sum of the products derived from multi-
14 plying the dollar value of the portion of the debt contracted for each
15 work or purpose (or class of works or purposes) by the probable life of
16 such work or purpose (or class of works or purposes) and dividing the
17 resulting sum by the dollar value of the entire debt after taking into
18 consideration any original issue premium or discount.

19 § 12. Section 5 of part UU of chapter 59 of the laws of 2021 amending
20 the environmental conservation law and the state finance law relating to
21 the implementation of the environmental bond act of 2022 "restore mother
22 nature", is amended to read as follows:

23 § 5. This act shall take effect only in the event that section 1 of
24 part TT of the chapter of the laws of 2021 enacting the clean water,
25 clean air, and green jobs environmental bond act of 2022 ["restore moth-
26 er nature"] is submitted to the people at the general election to be
27 held in November 2022 and is approved by a majority of all votes cast
28 for and against it at such election. Upon such approval, this act shall
29 take effect immediately; provided that the commissioner of environmental
30 conservation shall notify the legislative bill drafting commission upon
31 the occurrence of the enactment of section 1 of part TT of the chapter
32 of the laws of 2021 enacting the clean water, clean air, and green jobs
33 environmental bond act of 2022 ["restore mother nature"], in order that
34 the commission may maintain an accurate and timely effective data base
35 of the official text of the laws of the state of New York in furtherance
36 of effectuating the provisions of section 44 of the legislative law and
37 section 70-b of the public officers law. Effective immediately, the
38 addition, amendment, and/or repeal of any rule or regulation necessary
39 for the implementation of the foregoing sections of this act are author-
40 ized [and directed] to be made and completed on or before such effective
41 date.

42 § 13. This act shall take effect immediately; provided, however that
43 sections one, two, three, four, five, six, seven, eight, nine, nine-a,
44 ten and eleven of this act shall take effect on the same date and in the
45 same manner as part UU of chapter 59 of the laws of 2021, takes effect.

46

PART PP

47 Section 1. Subdivision (a) of section 1421 of the tax law, as amended
48 by section 4 of part 000 of chapter 59 of the laws of 2019, is amended
49 to read as follows:

50 (a) From the taxes, interest and penalties attributable to the tax
51 imposed pursuant to section fourteen hundred two of this article, the
52 amount of one hundred ninety-nine million three hundred thousand dollars
53 shall be deposited by the comptroller in the environmental protection
54 fund established pursuant to section ninety-two-s of the state finance

1 law for the fiscal year beginning April first, two thousand nine; the
2 amount of one hundred nineteen million one hundred thousand dollars
3 shall be deposited in such fund for the fiscal year beginning April
4 first, two thousand ten; the amount of two hundred fifty-seven million
5 three hundred fifty thousand dollars shall be deposited into such fund
6 for the fiscal year beginning April first, two thousand twenty-two; and
7 for each fiscal year thereafter. On or before June twelfth, nineteen
8 hundred ninety-five and on or before the twelfth day of each month ther-
9 eafter (excepting the first and second months of each fiscal year), the
10 comptroller shall deposit into such fund from the taxes, interest and
11 penalties collected pursuant to such section fourteen hundred two of
12 this article which have been deposited and remain to the comptroller's
13 credit in the banks, banking houses or trust companies referred to in
14 section one hundred seventy-one-a of this chapter at the close of busi-
15 ness on the last day of the preceding month, an amount equal to one-
16 tenth of the annual amount required to be deposited in such fund pursu-
17 ant to this section for the fiscal year in which such deposit is
18 required to be made. In the event such amount of taxes, interest and
19 penalties so remaining to the comptroller's credit is less than the
20 amount required to be deposited in such fund by the comptroller, an
21 amount equal to the shortfall shall be deposited in such fund by the
22 comptroller with subsequent deposits, as soon as the revenue is avail-
23 able. Beginning April first, nineteen hundred ninety-seven, the comp-
24 troller shall transfer monthly to the clean water/clean air fund estab-
25 lished pursuant to section ninety-seven-bbb of the state finance law,
26 all moneys remaining from such taxes, interest and penalties collected
27 that are not required for deposit in the environmental protection fund.
28 § 2. This act shall take effect immediately.

29

PART QQ

30 Section 1. Subdivisions 1, 2, 3 and 7 of section 24-0105 of the envi-
31 ronmental conservation law, as added by chapter 614 of the laws of 1975,
32 subdivision 7 as renumbered by chapter 654 of the laws of 1977, are
33 amended to read as follows:

34 1. The freshwater wetlands of the state of New York are invaluable
35 resources for flood protection, wildlife habitat, open space, climate
36 change mitigation through the accumulation and storage of large amounts
37 of carbon, and water resources.

38 2. Considerable acreage of freshwater wetlands in the state of New
39 York has been lost, despoiled or impaired by unregulated draining,
40 dredging, filling, excavating, building, pollution or other [acts]
41 activities inconsistent with the natural uses of such areas. [Other
42 freshwater] Freshwater wetlands are in jeopardy of being lost, despoiled
43 or impaired by such [unrelated acts] activities and because of the
44 recent curtailment of federal wetland protections.

45 3. Recurrent flooding aggravated or caused by the loss of freshwater
46 wetlands has serious effects upon natural ecosystems and communities.
47 The increasing severity and duration of storm-related flooding due to
48 climate change, which has caused billions of dollars of property damage
49 across the state, makes protection of all freshwater wetlands in the
50 state of vital importance.

51 7. Any loss of freshwater wetlands deprives the people of the state of
52 some or all of the many and multiple benefits to be derived from
53 wetlands, to wit:



1 (a) flood and storm control by the hydrologic absorption and storage
2 capacity of freshwater wetlands;

3 (b) wildlife habitat by providing breeding, nesting and feeding
4 grounds and cover for many forms of wildlife, wildfowl and shorebirds,
5 including migratory wildfowl and rare, endangered or threatened species
6 [such as the bald eagle and osprey], fish, reptiles and amphibians,
7 insects and other invertebrates;

8 (c) protection of subsurface water resources and provision for valu-
9 able watersheds and recharging ground water supplies;

10 (d) recreation by providing areas for hunting, fishing, boating,
11 hiking, bird watching, photography, camping and other uses;

12 (e) pollution treatment by serving as biological and chemical oxida-
13 tion basins and carbon sinks;

14 (f) erosion control by serving as sedimentation areas and filtering
15 basins, absorbing silt and organic matter and protecting channels and
16 harbors;

17 (g) education and scientific research by providing readily accessible
18 outdoor bio-physical laboratories, living classrooms and vast training
19 and education resources; [and]

20 (h) open space and aesthetic appreciation by providing often the only
21 remaining open areas along crowded river fronts and coastal Great Lakes
22 regions; [and]

23 (i) sources of nutrients in freshwater food cycles and nursery grounds
24 and sanctuaries for freshwater fish[.];

25 (j) preservation of plant species that are rare, endangered or threat-
26 ened, or exploitably vulnerable as defined in section 9-1503 of this
27 chapter; and

28 (k) preservation of communities of plants and animals that are deemed
29 by the commissioner to be rare in the state or in a region of the state.

30 § 2. The opening paragraph and paragraphs (c) and (d) of subdivision
31 1, and subdivisions 2, 3 and 8 of section 24-0107 of the environmental
32 conservation law, as amended by chapter 654 of the laws of 1977, are
33 amended and two new subdivisions 9 and 10 are added to read as follows:

34 "Freshwater wetlands" means lands and waters of the state [as shown on
35 the freshwater wetlands map], that are not tidal wetlands as defined in
36 subdivision one of section 25-0103 of this chapter, that have an area of
37 at least twelve and four-tenths acres or, if less than twelve and four-
38 tenths acres in size, are of unusual importance, and which contain any
39 or all of the following:

40 (c) lands and waters substantially enclosed by aquatic or semi-aquatic
41 vegetation as set forth in paragraph (a) of this subdivision or by dead
42 vegetation as set forth in paragraph (b) of this subdivision, the regu-
43 lation of which is necessary to protect and preserve the aquatic and
44 semi-aquatic vegetation; and

45 (d) the waters overlying the areas set forth in paragraphs (a) and (b)
46 of this subdivision and the lands underlying paragraph (c) of this
47 subdivision.

48 2. "Freshwater wetlands map" shall mean a map [promulgated] developed
49 by the department pursuant to section 24-0301 of this article on which
50 are indicated the boundaries of any freshwater wetlands. Freshwater
51 wetland maps depict the approximate location of wetlands and are not
52 necessarily determinative as to whether a permit is required pursuant to
53 section 24-0701 of this article.

54 3. "Boundaries of a freshwater wetland" shall mean the outer limit of
55 the vegetation specified in paragraphs (a) and (b) of subdivision one of

1 this section [24-0107] and of the lands and waters specified in para-
2 graph (c) of such subdivision.

3 8. "Pollution" shall mean the presence in the environment of [man-in-
4 duced] human-induced conditions, or contaminants in quantities or char-
5 acteristics which are or may be injurious to human, plant or wildlife,
6 or other animal life or to property.

7 9. "Unusual importance" shall mean a freshwater wetland, regardless of
8 size, that possesses one or more of the following characteristics as
9 determined by the department pursuant to regulations:

10 (a) it is located in a watershed that has experienced significant
11 flooding in the past, or is expected to experience significant flooding
12 in the future from severe storm events related to climate change;

13 (b) it is located within or adjacent to an urban area, as defined by
14 the United States census bureau;

15 (c) it contains a plant species occurring in fewer than thirty-five
16 sites statewide or having fewer than five thousand individuals state-
17 wide;

18 (d) it contains habitat for an essential behavior of an endangered or
19 threatened species or a species of special concern as defined under
20 section 11-0535 of this chapter or listed as a species of greatest
21 conservation need in New York's wildlife action plan;

22 (e) it is classified by the department as a Class I wetland;

23 (f) it was previously classified and mapped by the department as a
24 wetland of unusual local importance;

25 (g) it is a vernal pool that is known to be productive for amphibian
26 breeding;

27 (h) it is located in an area designated as a floodway on the most
28 current Digital Flood Insurance Rate Map (DFIRM) produced by the Federal
29 Emergency Management Agency;

30 (i) it was previously mapped by the department as a wetland on or
31 before December thirty-first, two thousand twenty-four;

32 (j) it has wetland functions and values that are of local or regional
33 significance; or

34 (k) it is determined by the commissioner to be of significant impor-
35 tance to protecting the state's water quality.

36 10. "Delineation" shall mean a precise representation of a regulated
37 freshwater wetland as defined in subdivision one of this section.

38 § 3. Subdivisions 1, 2, 3, 4 and 5 of section 24-0301 of the environ-
39 mental conservation law are REPEALED.

40 § 4. Subdivisions 6, 7 and 8 of section 24-0301 of the environmental
41 conservation law, subdivision 6 as amended by chapter 16 of the laws of
42 2010 and subdivision 7 as amended and subdivision 8 as added by chapter
43 654 of the laws of 1977, are amended and three new subdivisions 4, 5 and
44 6 are added to read as follows:

45 [6.] 1. Except as provided in subdivision [eight] three of this
46 section, the commissioner shall supervise the maintenance of [such boun-
47 dary] freshwater wetlands maps, which shall be available to the public
48 for inspection and examination at the regional office of the department
49 in which the wetlands are wholly or partly located [and in the office of
50 the clerk of each county in which each such wetland or a portion thereof
51 is located] on the department's website. Digital files of freshwater
52 wetland maps may also be made available, upon request, to the clerk of
53 each county, city, town, or village in which each such wetland or a
54 portion thereof is located. The commissioner may readjust the map
55 [thereafter to clarify the boundaries of the wetlands, to correct any
56 errors on the map, to effect any additions, deletions or technical

1 changes on the map, and to reflect changes as have occurred as a result
2 of the granting of permits pursuant to section 24-0703 of this article,
3 or natural changes which may have occurred through erosion, accretion,
4 or otherwise. Notice of such readjustment shall be given in the same
5 manner as set forth in subdivision five of this section for the promul-
6 gation of final freshwater wetlands maps. In addition, at the time
7 notice is provided pursuant to subdivision five of this section, the
8 commissioner shall update any digital image of the map posted on the
9 department's website to reflect such readjustment] at any time to more
10 accurately depict the approximate location of wetlands, provided howev-
11 er, that a description of such changes shall be made available on the
12 department's website along with the date such changes were made.

13 [7.] 2. Except as provided in subdivision [eight] three of this
14 section, the commissioner may, upon [his] their own initiative, and
15 shall, upon a written request by a landowner whose land or a portion
16 thereof may be included within a wetland, or upon the written request of
17 another person or persons or an official body whose interests are shown
18 to be affected, cause to be delineated [more precisely] the boundary
19 line or lines of a freshwater wetland or a portion thereof. [Such more
20 precise delineation of a freshwater wetland boundary line or lines shall
21 be of appropriate scale and sufficient clarity to permit the ready iden-
22 tification of individual buildings and of other major man-made struc-
23 tures or facilities or significant geographical features with respect to
24 the boundary of any freshwater wetland.] The commissioner shall under-
25 take to delineate the boundary of a particular wetland or wetlands, or a
26 particular part of the boundary thereof only upon a showing by the
27 applicant therefor of good cause for such [more precise] delineation and
28 the establishment of such [more precise] line. Such delineation shall
29 be effective for a period of five years from the date of such deline-
30 ation.

31 [8.] 3. The supervision of the maintenance of any freshwater wetlands
32 map or portion thereof applicable to wetlands within the Adirondack
33 park, the readjustment and precise delineation of wetland boundary lines
34 and the other functions and duties ascribed to the commissioner by
35 subdivisions [six and seven] one and two of this section shall be
36 performed by the Adirondack park agency, which shall make such maps
37 available for public inspection and examination at its headquarters and
38 on the agency's website.

39 4. There is a rebuttable presumption that mapped and unmapped
40 areas meeting the definition of a freshwater wetland in this article
41 are regulated and subject to permit requirements. This presumption
42 may be rebutted by presenting information to the department that the
43 area does not meet the definition contained in this article. A wetland
44 delineation by the department, or a verification by the department of a
45 wetland delineation by another party, is required to identify the regu-
46 lated freshwater wetland boundary in a particular location.

47 5. By January 1, 2025, in addition to any ongoing aerial photography,
48 soil surveys or field verifications being conducted by the department,
49 the department shall accept information from federal government sources,
50 other state sources, local governments, colleges, universities, environ-
51 mental organizations or other private agencies, regarding the location
52 of freshwater wetlands.

53 6. By January 1, 2025, the department shall make educational materials
54 available on its website to inform landowners and local governments of
55 the process for determining how to identify freshwater wetlands.

1 § 5. Subdivisions 1 and 4 of section 24-0501 of the environmental
2 conservation law, as amended by chapter 654 of the laws of 1977, are
3 amended to read as follows:

4 1. On or after September 1, 1975, each local government may adopt,
5 amend, and[, upon the filing of the appropriate freshwater wetlands
6 map,] implement a freshwater wetlands protection law or ordinance in
7 accordance with this article to be applicable to all freshwater wetlands
8 wholly or partially within its jurisdiction. No freshwater wetlands
9 protection law or ordinance adopted by a county pursuant to this section
10 shall be applicable within the boundaries of any city, town or village
11 which has adopted and is implementing a local freshwater wetlands
12 protection law or ordinance consistent with this article.

13 4. [If a city, town or village fails to adopt and implement a freshwa-
14 ter wetlands protection law or ordinance in accordance with this article
15 by the date the applicable freshwater wetlands map is filed by the
16 department or by September 1, 1977, whichever is later, it shall be
17 deemed to have transferred the function to the county in accordance with
18 section 24-0503. If the county fails within ninety days after the date
19 of filing of the applicable freshwater wetlands map or after September
20 1, 1977, whichever is later, to adopt and implement a freshwater
21 wetlands protection law or ordinance in accordance with this article, it
22 shall be deemed to have transferred the function to the department.]
23 Within thirty days after the adoption of a freshwater wetlands
24 protection law or ordinance pursuant to this article, the local govern-
25 ment shall notify the department thereof, under such terms and condi-
26 tions as the department may prescribe, together with its technical and
27 administrative capacity to administer the act. Failure of a local
28 government to give such notice shall constitute a transfer of function
29 pursuant to this subdivision and section 24-0503 of this article.

30 § 6. Section 24-0507 of the environmental conservation law, as amended
31 by section 42 of part D of chapter 60 of the laws of 2012, is amended to
32 read as follows:

33 § 24-0507. Reservation of local jurisdiction.

34 1. Except as provided in this article, jurisdiction over all areas
35 which would qualify as freshwater wetlands [except that they are not
36 designated as such on the freshwater wetlands map pursuant to section
37 24-0301 of this article because they are] less than twelve and four-
38 tenths acres in size and are not of unusual [local] importance is
39 reserved to the city, town or village in which they are wholly or
40 partially located, and the implementation of this article with respect
41 thereto is the responsibility of said city, town or village, in accord-
42 ance with section 24-0501 and title twenty-three of article seventy-one
43 of this chapter, except that a city, town or village in the exercise of
44 its powers under this section, shall not be subject to the provisions of
45 subdivision four of section 24-0501, subdivisions two and three of
46 section 24-0503, or section 24-0505 of this article.

47 2. The department shall consult with any city, town, or village that
48 exercises its powers under this section for the protection of freshwater
49 wetlands.

50 § 7. Subdivisions 1 and 4 of section 24-0701 of the environmental
51 conservation law, subdivision 1 as amended by chapter 654 of the laws of
52 1977 and subdivision 4 as amended by chapter 697 of the laws of 1979,
53 are amended to read as follows:

54 1. [After issuance of the official freshwater wetlands map of the
55 state, or of any selected section or region thereof, any] Any person
56 desiring to conduct activities on freshwater wetlands [as so designated

1 thereon any of the regulated activities set forth in subdivision two of
2 this section], or the regulated areas adjacent to these wetlands set
3 forth in subdivision two of this section, must obtain a permit as
4 provided in this title.

5 4. [The] On lands in active agricultural use or silviculture use, the
6 activities of farmers and other landowners in grazing and watering live-
7 stock, making reasonable use of water resources, harvesting natural
8 products of the wetlands, selectively cutting timber, draining land or
9 wetlands for growing agricultural products and otherwise engaging in the
10 use of wetlands or other land for growing agricultural products shall be
11 excluded from regulated activities and shall not require a permit under
12 subdivision one [hereof] of this section, except that structures not
13 required for enhancement or maintenance of the agricultural productivity
14 of the land and any filling activities shall not be excluded hereunder,
15 and provided that the use of land [designated as a freshwater wetland
16 upon the freshwater wetlands map at the effective date thereof] that
17 meets the definition of a freshwater wetland in section 24-0107 of this
18 article for uses other than those referred to in this subdivision shall
19 be subject to the provisions of this article. All activities on lands
20 that meet the definition of a freshwater wetland shall be subject to the
21 provisions of this article once agricultural or silviculture activities
22 cease.

23 § 8. Subdivision 5 of section 24-0703 of the environmental conserva-
24 tion law, as amended by section 38 of part D of chapter 60 of the laws
25 of 2012, is amended to read as follows:

26 5. [Prior to the promulgation of the final freshwater wetlands map in
27 a particular area and the implementation of a freshwater wetlands
28 protection law or ordinance, no person shall conduct, or cause to be
29 conducted, any activity for which a permit is required under section
30 24-0701 of this title on any freshwater wetland unless he has obtained a
31 permit from the commissioner under this section.] Any person may inquire
32 of the department as to whether or not a given parcel of land [will be
33 designated] includes a freshwater wetland subject to regulation or a
34 regulated freshwater wetland adjacent area. The department shall give a
35 definite answer in writing within [thirty] ninety days of such request
36 as to [whether] the status of such parcel [will or will not be so desig-
37 nated] and whether a permit is required for the proposed activity,
38 provided that the person has a delineation verified by the department
39 and site-specific development plans. Provided that, in the event that
40 weather or ground conditions prevent the department from making a deter-
41 mination within [thirty] ninety days, it may extend such period until a
42 determination can be made. Such answer in the affirmative shall be
43 reviewable; such an answer in the negative shall be a complete defense
44 to the enforcement of this article as to such parcel of land for a peri-
45 od of five years from the date the department issues the negative
46 answer. [The commissioner may by regulation adopted after public hearing
47 exempt categories or classes of wetlands or individual wetlands which he
48 determines not to be critical to the furtherance of the policies and
49 purposes of this article.]

50 § 9. Subdivision 1 of section 24-0705 of the environmental conserva-
51 tion law, as amended by chapter 654 of the laws of 1977, is amended to
52 read as follows:

53 1. In granting, denying or limiting any permit, the local government
54 or the commissioner shall consider the effect of the proposed activity
55 with reference to the public health and welfare, climate change, fish-
56 ing, flood, hurricane and storm dangers, and protection or enhancement

1 of the several functions of the freshwater wetlands and the benefits
2 derived therefrom which are set forth in section 24-0103 of this arti-
3 cle. The effects of the proposed activity shall be considered by the
4 department or a local government, as the case may be, irrespective of
5 political boundaries.

6 § 10. Subdivision 1 of section 24-0901 of the environmental conserva-
7 tion law, as added by chapter 614 of the laws of 1975, is amended to
8 read as follows:

9 1. [Upon completion of the freshwater wetlands map, the] The commis-
10 sioner shall confer with local government officials in each region [in
11 which the inventory has been conducted] to establish a program for the
12 protection of the freshwater wetlands of the state.

13 § 11. Subdivisions 1 and 5 of section 24-0903 of the environmental
14 conservation law, as added by chapter 614 of the laws of 1975, are
15 amended to read as follows:

16 1. [Upon completion of the freshwater wetlands map of the state, or of
17 any selected section or region thereof, the] The commissioner shall
18 [proceed to] classify freshwater wetlands [so designated thereon]
19 according to their most appropriate uses, in light of the values set
20 forth in section 24-0105 of this article and the present conditions of
21 such wetlands. The commissioner shall determine what uses of such
22 wetlands are most compatible with the foregoing and shall prepare mini-
23 mum land use regulations to permit only such compatible uses. The clas-
24 sifications may cover freshwater wetlands in more than one governmental
25 subdivision. Permits pursuant to section 24-0701 of this article are
26 required whether or not a classification has been promulgated.

27 5. Prior to the adoption of any land use regulations governing fresh-
28 water wetlands, the commissioner shall hold a public hearing thereon in
29 the area in which the affected freshwater wetlands are located, and give
30 fifteen days prior notice thereof by posting on the department's website
31 or by publication at least once in a newspaper having general circu-
32 lation in the area of the local government involved. The commissioner
33 shall promulgate the regulations [within thirty days of such hearing]
34 and post such order on the department's website or publish such order
35 [at least once] in a newspaper having general circulation in the area of
36 the local government affected and make such plan available for public
37 inspection and review[; such order shall not take effect until thirty
38 days after the filing thereof with the clerk of the county in which such
39 wetland is located].

40 § 12. Section 24-1305 of the environmental conservation law, as added
41 by chapter 771 of the laws of 1976, is amended to read as follows:

42 § 24-1305. Applicability.

43 The provisions of this article shall not apply to any land use,
44 improvement or development for which final approval shall have been
45 obtained prior to the effective date of this article from the local
46 governmental authority or authorities having jurisdiction over such land
47 use. As used in this section, the term "final approval" shall mean[:

48 (a) in the case of the subdivision of land, conditional approval of a
49 final plat as the term is defined in section two hundred seventy-six of
50 the town law, and approval as used in section 7-728 of the village law
51 and section thirty-two of the general cities law;

52 (b) in the case of a site plan not involving the subdivision of land,
53 approval by the appropriate body or office of a city, village or town of
54 the site plan; and

55 (c) in those cases not covered by subdivision (a) or (b) above,] the
56 issuance of a building permit or other authorization for the commence-

1 ment of the use, improvement or development for which such permit or
2 authorization was issued or in those local governments which do not
3 require such permits or authorizations, the actual commencement of the
4 use, improvement or development of the land.

5 § 13. Paragraph b of subdivision 1 of section 54-1523 of the environ-
6 mental conservation law, as added by section 5 of part U of chapter 58
7 of the laws of 2016, is amended to read as follows:

8 b. nature-based solutions such as wetland protections, including
9 mapping and restoration of freshwater wetlands, to address physical
10 climate risk due to sea level rise, and/or storm surges and/or flooding,
11 based on available data predicting the likelihood of future extreme
12 weather events, including hazard risk analysis data if applicable;

13 § 14. Subdivision 8 of section 70-0117 of the environmental conserva-
14 tion law, as added by section 1 of part AAA of chapter 59 of the laws of
15 2009, is amended to read as follows:

16 8. (a) All persons required to obtain a permit from the department
17 pursuant to section 24-0701 of this chapter shall submit to the depart-
18 ment an application fee in an amount not to exceed the following:

19 (i) [fifty] one hundred dollars per application for a [permit for a
20 minor project as defined in this article or] modification to any exist-
21 ing permit issued pursuant to section 24-0701 of this chapter;

22 (ii) [fifty] three hundred dollars per application for [a permit for a
23 residential project defined as associated with] one new single family
24 dwelling and customary appurtenances thereto;

25 (iii) [one] five hundred dollars per application for multiple new
26 single family dwellings, or a new multiple family dwelling and customary
27 appurtenances thereto;

28 (iv) [two] one thousand dollars per application for new commercial or
29 industrial structures or improvements;

30 (v) one hundred dollars per application for a permit for any other
31 project as defined in this article.

32 (b) All persons required to obtain a permit from the department pursu-
33 ant to section 25-0402 of this chapter shall submit to the department an
34 application fee in an amount not to exceed the following:

35 (i) [two] three hundred dollars per application for a permit for a
36 minor project as defined in this article or modification to any existing
37 permit issued pursuant to section 25-0402 of this chapter;

38 (ii) [nine hundred] two thousand dollars per application for subdivi-
39 sion of land or new commercial or industrial structures or improvements;

40 (iii) one thousand dollars per application for a permit for a project
41 as defined in this article.

42 (c) [All fees] Fees collected pursuant to [this] paragraph (a) of this
43 subdivision shall be deposited [into the environmental protection fund
44 pursuant to section ninety-two-s of the state finance law] to the credit
45 of the conservation fund. Fees collected pursuant to paragraph (b) of
46 this subdivision shall be deposited to the credit of the marine
47 resources account of the conservation fund.

48 (d) Application fees required pursuant to this subdivision will not be
49 required for any state department.

50 § 15. Subdivisions 1 and 2 of section 71-2303 of the environmental
51 conservation law, as amended by chapter 99 of the laws of 2010, are
52 amended to read as follows:

53 1. [Administrative] Civil sanctions. a. Any person who violates, diso-
54 beys or disregards any provision of article twenty-four, including title
55 five and section 24-0507 thereof or any rule or regulation, local law or
56 ordinance, permit or order issued pursuant thereto, shall be liable to

1 the people of the state for a civil penalty of not to exceed eleven
2 thousand dollars for every such violation, to be assessed, after a hear-
3 ing or opportunity to be heard upon due notice and with the rights to
4 specification of the charges and representation by counsel at such hear-
5 ing, by the commissioner or local government or in an action initiated
6 by the attorney general pursuant to section 71-2305 of this title or on
7 the attorney general's own initiative. Each violation shall be a sepa-
8 rate and distinct violation and, in the case of a continuing violation,
9 each day's continuance thereof shall be deemed a separate and distinct
10 violation. Such penalty assessed by the commissioner or local government
11 may be recovered in an action brought by the attorney general at the
12 request and in the name of the commissioner or local government in any
13 court of competent jurisdiction. Such civil penalty may be released or
14 compromised by the commissioner or local government before the matter
15 has been referred to the attorney general; and where such matter has
16 been referred to the attorney general, any such penalty may be released
17 or compromised and any action commenced to recover the same may be
18 settled and discontinued by the attorney general with the consent of the
19 commissioner or local government. In addition, the commissioner or local
20 government shall have power, following a hearing held in conformance
21 with the procedures set forth in section 71-1709 of this article, to
22 direct the violator to cease [his violation of] violating the act and to
23 restore the affected freshwater wetland to its condition prior to the
24 violation, insofar as that is possible within a reasonable time and
25 under the supervision of the commissioner or local government. Any such
26 order of the commissioner or local government shall be enforceable in an
27 action brought by the attorney general at the request and in the name of
28 the commissioner or local government in any court of competent jurisdic-
29 tion. Any civil penalty or order issued by the commissioner or local
30 government pursuant to this subdivision shall be reviewable in a
31 proceeding pursuant to article seventy-eight of the civil practice law
32 and rules.

33 b. Upon determining that significant damage to the functions and bene-
34 fits of a freshwater wetland is occurring or is imminent as a result of
35 any violation of article twenty-four of this chapter, including but not
36 limited to (i) activity taking place requiring a permit under article
37 twenty-four of this chapter but for which no permit has been granted or
38 (ii) failure on the part of a permittee to adhere to permit conditions,
39 the commissioner or local government shall have power to direct the
40 violator to cease and desist from violating the act. In such cases the
41 violator shall be provided an opportunity to be heard within ten days of
42 receipt of the notice to cease and desist.

43 2. Criminal sanctions. Any person who violates any provision of arti-
44 cle twenty-four of this chapter, including any rule or regulation, local
45 law or ordinance, permit or order issued pursuant thereto, shall, in
46 addition, for the first offense, be guilty of a violation punishable by
47 a fine of not less than two thousand nor more than [four] five thousand
48 dollars; for a second and each subsequent offense he shall be guilty of
49 a misdemeanor punishable by a fine of not less than four thousand nor
50 more than [seven] ten thousand dollars or a term of imprisonment of not
51 less than fifteen days nor more than six months or both. [Instead of] In
52 addition to these punishments, any offender may be punishable by being
53 ordered by the court to restore the affected freshwater wetland or adja-
54 cent area to its condition prior to the offense, insofar as that is
55 possible. The court shall specify a reasonable time for the completion
56 of such restoration, which shall be effected under the supervision of

1 the commissioner or local government. Each offense shall be a separate
2 and distinct offense and, in the case of a continuing offense, each
3 day's continuance thereof shall be deemed a separate and distinct
4 offense.

5 § 16. Subdivision 1 of section 71-2305 of the environmental conserva-
6 tion law, as added by chapter 614 of the laws of 1975, is amended to
7 read as follows:

8 1. The attorney general, upon [his] their own initiative or upon
9 complaint of the commissioner or local government, shall prosecute
10 persons alleged to have violated [any such order of the commissioner or
11 local government pursuant to] article twenty-four of this chapter.

12 § 17. The opening paragraph of subdivision 1 of section 24-0107 of the
13 environmental conservation law, as amended by section two of this act,
14 is amended to read as follows:

15 "Freshwater wetlands" means lands and waters of the state, that are
16 not tidal wetlands as defined in subdivision one of section 25-0103 of
17 this chapter, that have an area of at least [twelve] seven and four-
18 tenths acres or, if less than [twelve] seven and four-tenths acres in
19 size, are of unusual importance, and which contain any or all of the
20 following:

21 § 18. Subdivision 1 of section 24-0507 of the environmental conserva-
22 tion law, as amended by section six of this act, is amended to read as
23 follows:

24 1. Except as provided in this article, jurisdiction over all areas
25 which would qualify as freshwater wetlands less than [twelve] seven and
26 four-tenths acres in size and are not of unusual importance is reserved
27 to the city, town or village in which they are wholly or partially
28 located, and the implementation of this article with respect thereto is
29 the responsibility of said city, town or village, in accordance with
30 section 24-0501 and title twenty-three of article seventy-one of this
31 chapter, except that a city, town or village in the exercise of its
32 powers under this section, shall not be subject to the provisions of
33 subdivision four of section 24-0501, subdivisions two and three of
34 section 24-0503, or section 24-0505 of this article.

35 § 19. This act shall take effect immediately, provided, however, that
36 section fourteen of this act shall take effect January 1, 2023, sections
37 two, three, four, five, six, seven, eight, nine, and ten of this act
38 shall take effect January 1, 2025, and sections seventeen and eighteen
39 of this act shall take effect January 1, 2028. Effective immediately,
40 the addition, amendment and/or repeal of any rule or regulation neces-
41 sary for the implementation of this act on its effective date are
42 authorized to be made and completed on or before such effective date.

43 PART RR

44 Intentionally Omitted

45 PART SS

46 Intentionally Omitted

47 PART TT

48 Intentionally Omitted

1

PART UU

2 Section 1. Paragraph h of subdivision 1 of section 17-1909 of the
3 environmental conservation law, as added by chapter 565 of the laws of
4 1989, is amended to read as follows:

5 h. "Municipality" means any county, city, town, village, district
6 corporation, county or town improvement district, school district, Indi-
7 an reservation wholly within New York state, any public benefit corpo-
8 ration or public authority established pursuant to the laws of New York
9 or any agency of New York state which is empowered to construct and
10 operate an eligible project, or any two or more of the foregoing which
11 are acting jointly in connection with an eligible project.

12 § 2. This act shall take effect immediately.

13

PART VV

14

Intentionally Omitted

15

PART WW

16 Section 1. Subdivision 3 of section 2251 of the vehicle and traffic
17 law, as amended by section 5 of part G of chapter 59 of the laws of
18 2009, is amended to read as follows:

19 3. Fees. The triennial fee for registration of a vessel shall be:
20 twenty-two dollars and fifty cents [and a vessel surcharge of three
21 dollars and seventy-five cents,] if less than sixteen feet in length;
22 forty-five dollars [and a vessel surcharge of twelve dollars and fifty
23 cents,] if sixteen feet or over but less than twenty-six feet in length;
24 seventy-five dollars [and a vessel surcharge of eighteen dollars and
25 seventy-five cents,] if twenty-six feet or over. [All funds derived from
26 the collection of the vessel access surcharge pursuant to this subdivi-
27 sion are to be deposited in a subaccount of the "I love NY waterways"
28 vessel access account established pursuant to section ninety-seven-
29 nn of the state finance law. The vessel access surcharge shall not be consid-
30 ered a registration fee for purposes of section seventy-nine-b of the
31 navigation law.

32 Notwithstanding any inconsistent provision of this section, the differ-
33 ence collected between the fees set forth in this subdivision in effect
34 on and after September first, two thousand nine and the fees set forth
35 in this subdivision prior to such date shall be deposited to the credit
36 of the dedicated highway and bridge trust fund. Notwithstanding any
37 inconsistent provision of this section, the difference collected between
38 the vessel surcharge set forth in this subdivision in effect on and
39 after September first, two thousand nine and the vessel surcharge set
40 forth in this subdivision in effect prior to such date shall be deposit-
41 ed to the credit of the dedicated highway and bridge trust fund.]

42 § 2. Subdivision 2 of section 97-nn of the state finance law, as added
43 by chapter 524 of the laws of 2008, is amended to read as follows:

44 2. The "I love NY waterways" fund shall consist of [two accounts: (a)]
45 the "I love NY waterways" boating safety account[; and (b) the "I love
46 NY waterways" vessel access account. Moneys in each account shall be
47 kept separate and not commingled with any other moneys of the state].

48 § 3. Subdivision 4 of section 97-nn of the state finance law, as
49 amended by chapter 524 of laws of 2008, is REPEALED.



1 § 4. This act shall take effect immediately; provided, however, that
2 sections two and three of this act shall take effect April 1, 2024.

3

PART XX

4 Section 1. Section 15-2115 of the environmental conservation law is
5 amended to read as follows:

6 § 15-2115. Taxation of real estate.

7 Lands owned by the state and acquired pursuant to the provisions of
8 title 21 of this article, exclusive of the improvements erected thereon
9 by the regulating districts, shall be assessed and taxed in the same
10 manner as state lands subject to taxation pursuant to title 2 of article
11 5 of the Real Property Tax Law, provided, however, that the aggregate
12 assessed valuations of such lands in any town shall not be reduced below
13 the aggregate assessed valuations thereof with the improvements thereon
14 at the time of their acquisition by the regulating districts, and
15 provided further that in case of a general increase in assessments in
16 any town the assessed valuations of the lands and improvements at the
17 time of their acquisition by the regulating districts shall be deemed to
18 have been increased proportionately with the increase of other real
19 property in such tax district. [The taxes levied thereon shall be paid
20 by the river regulating district under whose authority the land was
21 acquired.]

22 § 2. Section 532 of the real property tax law is amended by adding a
23 new subdivision (1) to read as follows:

24 (1) lands owned by the state and acquired pursuant to the provisions
25 of title twenty-one of article fifteen of the environmental conservation
26 law exclusive of the improvements erected thereon erected by the regu-
27 lating districts.

28 § 3. This act shall take effect immediately.

29

PART YY

30 Section 1. Subdivision 6 of section 5.09 of the parks, recreation and
31 historic preservation law is REPEALED.

32 § 2. Section 7.11 of the parks, recreation and historic preservation
33 law, as amended by chapter 679 of the laws of 1981, is amended to read
34 as follows:

35 § 7.11 Powers and duties of commissions. Each regional park, recre-
36 ation and historic preservation commission shall:

37 1. [Review the application of policy and plans of the office to the
38 park region served by the commission and review and approve the budget
39 for such region prior to its submission to the commissioner.

40 2. Adopt policies, rules and regulations applicable to its park region
41 subject to the general policies formulated by the commissioner and
42 reviewed by the council and in conformity with rules and regulations
43 adopted by the commissioner.

44 3.] Act as a central advisory agency on all matters affecting parks,
45 outdoor recreation and historic preservation within the park region it
46 serves.

47 [4.] 2. Represent and convey to the commissioner and council citizen
48 viewpoints as to the programs and needs of the park region it serves.

49 [5.] 3. Maintain close liaison with officials of the office having
50 administrative jurisdiction over the park region which it serves, and
51 advise such officials on local policy, operational and budgetary
52 matters.



1 § 3. Section 7.13 of the parks, recreation and historic preservation
2 law is REPEALED.

3 § 4. This act shall take effect immediately.

4 PART ZZ

5 Intentionally Omitted

6 PART AAA

7 Section 1. Expenditures of moneys by the New York state energy
8 research and development authority for services and expenses of the
9 energy research, development and demonstration program, including
10 grants, the energy policy and planning program, the zero emissions vehi-
11 cle and electric vehicle rebate program, and the Fuel NY program shall
12 be subject to the provisions of this section. Notwithstanding the
13 provisions of subdivision 4-a of section 18-a of the public service law,
14 all moneys committed or expended in an amount not to exceed \$22,875,000
15 shall be reimbursed by assessment against gas corporations, as defined
16 in subdivision 11 of section 2 of the public service law and electric
17 corporations as defined in subdivision 13 of section 2 of the public
18 service law, where such gas corporations and electric corporations have
19 gross revenues from intrastate utility operations in excess of \$500,000
20 in the preceding calendar year, and the total amount assessed shall be
21 allocated to each electric corporation and gas corporation in proportion
22 to its intrastate electricity and gas revenues in the calendar year
23 2020. Such amounts shall be excluded from the general assessment
24 provisions of subdivision 2 of section 18-a of the public service law.
25 The chair of the public service commission shall bill such gas and/or
26 electric corporations for such amounts on or before August 10, 2022 and
27 such amounts shall be paid to the New York state energy research and
28 development authority on or before September 10, 2022. Upon receipt, the
29 New York state energy research and development authority shall deposit
30 such funds in the energy research and development operating fund estab-
31 lished pursuant to section 1859 of the public authorities law. The New
32 York state energy research and development authority is authorized and
33 directed to: (1) transfer up to \$4 million to the state general fund for
34 climate change related services and expenses of the department of envi-
35 ronmental conservation, \$150,000 to the state general fund for services
36 and expenses of the department of agriculture and markets, and
37 \$1,000,000 to the University of Rochester laboratory for laser energet-
38 ics from the funds received; and (2) commencing in 2016, provide to the
39 chair of the public service commission and the director of the budget
40 and the chairs and secretaries of the legislative fiscal committees, on
41 or before August first of each year, an itemized record, certified by
42 the president and chief executive officer of the authority, or his or
43 her designee, detailing any and all expenditures and commitments ascrib-
44 able to moneys received as a result of this assessment by the chair of
45 the department of public service pursuant to section 18-a of the public
46 service law. This itemized record shall include an itemized breakdown
47 of the programs being funded by this section and the amount committed to
48 each program. The authority shall not commit for any expenditure, any
49 moneys derived from the assessment provided for in this section, until
50 the chair of such authority shall have submitted, and the director of
51 the budget shall have approved, a comprehensive financial plan encom-

1 passing all moneys available to and all anticipated commitments and
2 expenditures by such authority from any source for the operations of
3 such authority. Copies of the approved comprehensive financial plan
4 shall be immediately submitted by the chair to the chairs and secre-
5 taries of the legislative fiscal committees. Any such amount not commit-
6 ted by such authority to contracts or contracts to be awarded or other-
7 wise expended by the authority during the fiscal year shall be refunded
8 by such authority on a pro-rata basis to such gas and/or electric corpo-
9 rations, in a manner to be determined by the department of public
10 service, and any refund amounts must be explicitly lined out in the
11 itemized record described above.

12 § 2. This act shall take effect immediately and shall be deemed to
13 have been in full force and effect on and after April 1, 2022.

14

PART BBB

15 Section 1. Expenditures of moneys appropriated in a chapter of the
16 laws of 2022 to the department of agriculture and markets from the
17 special revenue funds-other/state operations, miscellaneous special
18 revenue fund-339, public service account shall be subject to the
19 provisions of this section. Notwithstanding any other provision of law
20 to the contrary, direct and indirect expenses relating to the department
21 of agriculture and markets' participation in general ratemaking
22 proceedings pursuant to section 65 of the public service law or certif-
23 ication proceedings pursuant to article 7 or 10 of the public service
24 law, shall be deemed expenses of the department of public service within
25 the meaning of section 18-a of the public service law. No later than
26 August 15, 2023, the commissioner of the department of agriculture and
27 markets shall submit an accounting of such expenses, including, but not
28 limited to, expenses in the 2022--2023 state fiscal year for personal
29 and non-personal services and fringe benefits, to the chair of the
30 public service commission for the chair's review pursuant to the
31 provisions of section 18-a of the public service law.

32 § 2. Expenditures of moneys appropriated in a chapter of the laws of
33 2022 to the department of state from the special revenue funds-
34 other/state operations, miscellaneous special revenue fund-339, public
35 service account shall be subject to the provisions of this section.
36 Notwithstanding any other provision of law to the contrary, direct and
37 indirect expenses relating to the activities of the department of
38 state's utility intervention unit pursuant to subdivision 4 of section
39 94-a of the executive law, including, but not limited to participation
40 in general ratemaking proceedings pursuant to section 65 of the public
41 service law or certification proceedings pursuant to article 7 or 10 of
42 the public service law, and expenses related to the activities of the
43 major renewable energy development program established by section 94-c
44 of the executive law, shall be deemed expenses of the department of
45 public service within the meaning of section 18-a of the public service
46 law. No later than August 15, 2023, the secretary of state shall submit
47 an accounting of such expenses, including, but not limited to, expenses
48 in the 2022--2023 state fiscal year for personal and non-personal
49 services and fringe benefits, to the chair of the public service commis-
50 sion for the chair's review pursuant to the provisions of section 18-a
51 of the public service law.

52 § 3. Expenditures of moneys appropriated in a chapter of the laws of
53 2022 to the office of parks, recreation and historic preservation from
54 the special revenue funds-other/state operations, miscellaneous special

1 revenue fund-339, public service account shall be subject to the
 2 provisions of this section. Notwithstanding any other provision of law
 3 to the contrary, direct and indirect expenses relating to the office of
 4 parks, recreation and historic preservation's participation in general
 5 ratemaking proceedings pursuant to section 65 of the public service law
 6 or certification proceedings pursuant to article 7 or 10 of the public
 7 service law, shall be deemed expenses of the department of public
 8 service within the meaning of section 18-a of the public service law. No
 9 later than August 15, 2023, the commissioner of the office of parks,
 10 recreation and historic preservation shall submit an accounting of such
 11 expenses, including, but not limited to, expenses in the 2022--2023
 12 state fiscal year for personal and non-personal services and fringe
 13 benefits, to the chair of the public service commission for the chair's
 14 review pursuant to the provisions of section 18-a of the public service
 15 law.

16 § 4. Expenditures of moneys appropriated in a chapter of the laws of
 17 2022 to the department of environmental conservation from the special
 18 revenue funds-other/state operations, environmental conservation special
 19 revenue fund-301, utility environmental regulation account shall be
 20 subject to the provisions of this section. Notwithstanding any other
 21 provision of law to the contrary, direct and indirect expenses relating
 22 to the department of environmental conservation's participation in state
 23 energy policy proceedings, or certification proceedings pursuant to
 24 article 7 or 10 of the public service law, shall be deemed expenses of
 25 the department of public service within the meaning of section 18-a of
 26 the public service law. No later than August 15, 2023, the commissioner
 27 of the department of environmental conservation shall submit an account-
 28 ing of such expenses, including, but not limited to, expenses in the
 29 2022--2023 state fiscal year for personal and non-personal services and
 30 fringe benefits, to the chair of the public service commission for the
 31 chair's review pursuant to the provisions of section 18-a of the public
 32 service law.

33 § 5. Notwithstanding any other law, rule or regulation to the contra-
 34 ry, expenses of the department of health public service education
 35 program incurred pursuant to appropriations from the cable television
 36 account of the state miscellaneous special revenue funds shall be deemed
 37 expenses of the department of public service. No later than August 15,
 38 2023, the commissioner of the department of health shall submit an
 39 accounting of expenses in the 2022--2023 state fiscal year to the chair
 40 of the public service commission for the chair's review pursuant to the
 41 provisions of section 217 of the public service law.

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

46 § 7. This act shall take effect immediately and shall be deemed to
 47 have been in full force and effect on and after April 1, 2022 and shall
 48 expire and be deemed repealed April 1, 2023.

49 PART CCC

50 Intentionally Omitted

51 PART DDD

1

Intentionally Omitted

2

PART EEE

3

Intentionally Omitted

4

PART FFF

5 Section 1. Section 1005 of the public authorities law is amended by
6 adding a new subdivision 29 to read as follows:

7 29. (a) Notwithstanding any other provision of law, the authority is
8 authorized, as deemed feasible and advisable by the trustees, to enter
9 into lease agreements with other state instrumentalities and municipal
10 entities for the use of excess capacity in the authority's fiber optic
11 communications infrastructure to provide affordable, high-speed broad-
12 band in unserved and underserved communities in the state.

13 (b) Any excess fiber optic communication infrastructure leased out by
14 the authority to a state instrumentality or municipal entity pursuant to
15 paragraph (a) of this subdivision shall be at a rate that is no greater
16 than necessary to cover the cost of maintenance of such fiber optic
17 communications infrastructure, provided that this paragraph shall not
18 limit the authority from recovering other costs it incurs to make such
19 excess capacity available in unserved and underserved communities in the
20 state.

21 (c) Lease agreements authorized pursuant to paragraph (a) of this
22 subdivision shall allow for further sublease agreements between state
23 instrumentalities and municipal entities and internet service providers
24 for the use of such fiber optic communications infrastructure for the
25 purpose of providing affordable, high-speed broadband in unserved and
26 underserved communities in the state.

27 (d) Lease agreements authorized pursuant to paragraph (a) of this
28 subdivision, and sublease agreements authorized pursuant to paragraph
29 (c) of this subdivision, shall be subject to review and comment by the
30 division of broadband access within the empire state development corpo-
31 ration in consultation with the public service commission.

32 (e) Nothing in this subdivision is intended to limit, impair, or
33 affect the legal authority of the authority that existed as of the
34 effective date of this subdivision.

35 § 2. This act shall take effect immediately and shall be deemed to
36 have been in full force and effect on and after April 1, 2022.

37

PART GGG

38 Section 1. Paragraph (d) of subdivision 5 of section 502 of the vehi-
39 cle and traffic law, as added by chapter 618 of the laws of 2021, is
40 amended to read as follows:

41 (d) (i) The commissioner shall not issue a class A commercial driver's
42 license to a person who is eighteen, nineteen or twenty years old
43 unless, in addition to meeting the requirements of this chapter with
44 respect to the issuance of commercial driver's licenses, such person
45 submits [acceptable], in a form prescribed by the commissioner, proof of
46 successful completion of the commercial driver's license (CDL) class A
47 young adult training program established [by the commissioner of trans-
48 portation pursuant to subdivision thirty-six of section fourteen of the

1 transportation law,] pursuant to subparagraph (ii) of this paragraph and
2 proof of completion of the minimum hours of supervised driving required
3 by such [subdivision] subparagraph. The commissioner shall place an
4 "intrastate only" restriction on any class A commercial driver's license
5 issued to a person who is eighteen, nineteen or twenty years old and
6 such restriction shall remain until such person turns twenty-one years
7 of age.

8 (ii) The commissioner, in consultation with the commissioner of trans-
9 portation, shall establish and implement a commercial driver's license
10 (CDL) class A young adult training program for young adult class A
11 commercial driver's license applicants. The commissioner shall provide
12 for the requirements and criteria of such training program which shall
13 include the entry-level driver training requirements prescribed by the
14 federal motor carrier safety administration under appendices A, C, D and
15 E of part 380 of title 49 of the code of federal regulations, as may be
16 amended from time to time, and include no less than three hundred hours
17 of behind-the-wheel training under the immediate supervision and control
18 of an experienced driver. For purposes of this paragraph, the following
19 terms shall have the following meanings:

20 (A) "Young adult" shall mean an individual who is eighteen, nineteen
21 or twenty years old.

22 (B) "Experienced driver" shall mean an individual who:

23 (1) is not less than twenty-one years of age;

24 (2) holds a valid class A commercial driver's license which is not
25 suspended, revoked or cancelled pursuant to the provisions of this chap-
26 ter or rules and regulations promulgated thereunder and has held such
27 commercial driver's license for at least two years;

28 (3) has not, for at least a one-year period: been the operator of a
29 motor vehicle involved in an accident reportable to the federal motor
30 carrier safety administration, or been the operator of a commercial
31 motor vehicle involved in an accident reportable to the commissioner, or
32 been convicted of a serious traffic violation, or been convicted of any
33 violation of title VII of this chapter for which the commissioner
34 assesses points, or been disqualified from operating a commercial motor
35 vehicle pursuant to this chapter or rules and regulations promulgated
36 thereunder; and

37 (4) has a minimum of one year of experience driving, in commerce, a
38 commercial motor vehicle which can only be operated with a class A
39 commercial driver's license.

40 (C) "Serious traffic violation" shall have the same meaning as such
41 term is defined in subdivision four of section five hundred ten-a of
42 this chapter.

43 § 2. Subdivision 36 of section 14 of the transportation law, as added
44 by chapter 618 of the laws of 2021, is REPEALED.

45 § 3. This act shall be deemed repealed if any federal agency deter-
46 mines in writing that this act would render New York state ineligible
47 for the receipt of federal funds or any court of competent jurisdiction
48 finally determines that this act would render New York state out of
49 compliance with federal law or regulation.

50 § 4. Severability. If any clause, sentence, subdivision, paragraph,
51 section or part of this act be adjudged by any court of competent juris-
52 diction to be invalid, such judgment shall not affect, impair or invali-
53 date the remainder thereof, but shall be confined in its operation to
54 the clause, sentence, subdivision, paragraph, section or part thereof
55 directly involved in the controversy in which such judgment shall have
56 been rendered.

1 § 5. This act shall take effect on the same date and in the same
2 manner as chapter 618 of the laws of 2021 takes effect; provided that
3 the commissioner of motor vehicles shall notify the legislative bill
4 drafting commission upon the occurrence of the repeal of this act
5 provided for in section three of this act in order that the commission
6 may maintain an accurate and timely effective data base of the official
7 text of the laws of the state of New York in furtherance of effectuating
8 the provisions of section 44 of the legislative law and section 70-b of
9 the public officers law.

10

PART HHH

11 Section 1. Paragraph (a) of subdivision 1 of section 16-n of section 1
12 of chapter 174 of the laws of 1968 constituting the New York state urban
13 development corporation act, as added by section 2 of part C-2 of chap-
14 ter 109 of the laws of 2006, is amended and three new paragraphs (d),
15 (e) and (f) are added to read as follows:

16 (a) For the purposes of this section "deconstruction" shall mean the
17 careful disassembly of buildings of architectural or historic signif-
18 icance with the intent to rehabilitate, reconstruct the building or
19 salvage the material disassembled from the building[;].

20 (d) For the purposes of this section "municipality" shall mean any
21 county, city, town or village within the state of New York, except a
22 city having a population of one million or more, unless such area is in
23 a distressed community as defined in paragraph (c) of subdivision six of
24 this section.

25 (e) For the purposes of this section "residential apartment unit"
26 shall mean a multiple dwelling consisting of one or more rooms contain-
27 ing at least one bathroom, which room or rooms are separated and set
28 apart from all other rooms within a multiple dwelling.

29 (f) For the purposes of this section "affordable housing units" shall
30 mean permanent housing that is affordable to low- and moderate-income
31 households, such that the new housing achieves income averaging at or
32 below fifty percent of the area median income, with residents' eligibil-
33 ity capped at a maximum of eighty percent of the area median income at
34 the start of their lease.

35 § 2. Subdivisions 3, 4 and 5 of section 16-n of section 1 of chapter
36 174 of the laws of 1968 constituting the New York state urban develop-
37 ment corporation act, as added by section 2 of part C-2 of chapter 109
38 of the laws of 2006, are amended to read as follows:

39 3. Property assessment list. To be eligible for the demolition and
40 deconstruction program or rehabilitation and reconstruction program
41 assistance, as established in subdivisions four and five of this
42 section, municipalities shall conduct an assessment of vacant, aban-
43 doned, surplus or condemned buildings in communities within their juris-
44 diction. Such real property may include [both] residential real proper-
45 ty, residential apartment units and commercial real properties. Such
46 properties shall be selected for the purpose of revitalizing urban
47 centers or rural areas, encouraging commercial investment [and], adding
48 value to the municipal housing stock, and increasing the amount of
49 affordable housing units available to low- and moderate-income house-
50 holds. The property assessment list shall be organized to indicate the
51 location, size, whether the building is residential or commercial and
52 whether the building will be demolished, deconstructed, rehabilitated or
53 reconstructed. Such properties shall be published in a local daily
54 newspaper for no less than three consecutive days. Additionally, the

1 municipality shall conduct public hearings in the communities where the
2 buildings are identified.

3 4. Demolition and deconstruction program. Real property in need of
4 demolition or deconstruction on the property assessment list may receive
5 grants of up to [twenty] thirty thousand dollars per residential real
6 property. The corporation shall determine the cost of demolition and
7 deconstruction of commercial properties on a per-square foot basis and
8 establish maximum grant awards accordingly. The corporation shall also
9 consider geographic differences in the cost of demolition and decon-
10 struction in the establishment of maximum grant awards.

11 5. Rehabilitation and reconstruction program. (a) Real property in
12 need of rehabilitation or reconstruction on the property assessment list
13 may receive grants of up to one hundred fifty thousand dollars per resi-
14 dential real property. Exclusive of such grant of up to one hundred
15 fifty thousand dollars for residential real property, individual resi-
16 dential apartment units on the property assessment list may receive
17 grants of up to seventy thousand dollars per unit. Nothing contained in
18 this paragraph shall be construed to authorize grants for real property
19 and residential apartment units to be combined.

20 (b) Provided, further, that a project for the rehabilitation or recon-
21 struction of real property pursuant to this subdivision for the purpose
22 of creating affordable housing units shall be eligible to receive a
23 grant of up to one hundred fifty thousand dollars plus up to seventy
24 thousand dollars per residential apartment unit.

25 (c) The corporation shall determine the cost of rehabilitation and
26 reconstruction of commercial properties on a per-square foot basis and
27 establish maximum grant awards accordingly. The corporation shall also
28 consider geographic differences in the cost of rehabilitation and recon-
29 struction in the establishment of maximum grant awards. Provided,
30 however, to the extent possible, all such rehabilitation and recon-
31 struction program real property shall be architecturally consistent with
32 nearby and adjacent properties or in a manner consistent with a local
33 revitalization or urban development plan. Provided, further, such grant
34 may be used for site development needs including but not limited to
35 water, sewer and parking.

36 § 3. Paragraphs (b) and (d) of subdivision 6 of section 16-n of
37 section 1 of chapter 174 of the laws of 1968 constituting the New York
38 state urban development corporation act, as added by section 2 of part
39 C-2 of chapter 109 of the laws of 2006, are amended to read as follows:

40 (b) Priority in granting such assistance shall be given to properties
41 eligible under this section that have approved applications or are
42 receiving grants pursuant to other state or federal redevelopment, reme-
43 diation or planning programs including, but not limited to, to the
44 brownfield opportunity areas program adopted pursuant to section 970-r
45 of the general municipal law or [empire zone development plans pursuant
46 to article 18-B] an investment zone designated pursuant to paragraph (i)
47 of subdivision (a) or subdivision (d) of section 958 of the general
48 municipal law.

49 (d) A municipality that is granted an award or awards under this
50 section shall provide a matching contribution of no less than ten
51 percent of the aggregated award or awards amount. Such matching contrib-
52 ution may be in the form of a financial and/or in kind contribution.
53 Financial contributions may include grants from federal, state and local
54 entities. In kind contributions may include but shall not be limited to
55 the efforts of municipalities to conduct an inventory and assessment of
56 vacant, abandoned, surplus, condemned, and deteriorated properties and

1 to manage and administer grants pursuant to subdivisions four and five
2 of this section. A municipality that is granted an award or awards under
3 this section shall make best efforts to ensure that minority-owned and
4 women-owned business enterprises certified pursuant to article fifteen-A
5 of the executive law are given the opportunity for maximum feasible
6 participation in any municipal contracting opportunities.

7 § 4. This act shall take effect immediately.

8

PART III

9 Section 1. Subsection (a) of section 206 of the financial services law
10 is amended to read as follows:

11 (a) For each fiscal year commencing on or after April first, two thou-
12 sand twelve, assessments to defray operating expenses, including all
13 direct and indirect costs, of the department, except expenses incurred
14 in the liquidation of banking organizations, shall be assessed by the
15 superintendent in accordance with this subsection. Persons regulated
16 under the insurance law shall be assessed by the superintendent for the
17 operating expenses of the department that are solely attributable to
18 regulating persons under the insurance law, which shall include any
19 expenses that were permissible to be assessed in fiscal year two thou-
20 sand nine-two thousand ten, with the assessments allocated pro rata upon
21 all domestic insurers and all licensed United States branches of alien
22 insurers domiciled in this state within the meaning of paragraph four of
23 subsection (b) of section seven thousand four hundred eight of the
24 insurance law, in proportion to the gross direct premiums and other
25 considerations, written or received by them in this state during the
26 calendar year ending December thirty-first immediately preceding the end
27 of the fiscal year for which the assessment is made (less return premi-
28 ums and considerations thereon) for policies or contracts of insurance
29 covering property or risks resident or located in this state the issu-
30 ance of which policies or contracts requires a license from the super-
31 intendent. Persons regulated under the banking law shall be assessed by
32 the superintendent for the operating expenses of the department that are
33 solely attributable to regulating persons under the banking law in such
34 proportions as the superintendent shall deem just and reasonable.
35 Persons regulated under this chapter that engage in "virtual currency
36 business activity," as that term is defined by the department, shall be
37 assessed by the superintendent for the operating expenses of the depart-
38 ment that are solely attributable to regulating such persons in such
39 proportions as the superintendent shall deem just and reasonable. Oper-
40 ating expenses of the department not covered by the assessments set
41 forth above shall be assessed by the superintendent in such proportions
42 as the superintendent shall deem just and reasonable upon all domestic
43 insurers and all licensed United States branches of alien insurers domi-
44 ciled in this state within the meaning of paragraph four of subsection
45 (b) of section seven thousand four hundred eight of the insurance law,
46 and upon any regulated person under the banking law, other than mortgage
47 loan originators, and upon persons regulated under this chapter that
48 engage in virtual currency business activity, except as otherwise
49 provided by sections one hundred fifty-one and two hundred twenty-eight
50 of the workers' compensation law and by section sixty of the volunteer
51 firefighters' benefit law. The provisions of this subsection shall not
52 be applicable to a bank holding company, as that term is defined in
53 article three-A of the banking law. Persons regulated under the banking
54 law will not be assessed for expenses that the superintendent deems to



1 benefit solely persons regulated under the insurance law or under this
2 chapter that engage in virtual currency business activity, and persons
3 regulated under the insurance law will not be assessed for expenses that
4 the superintendent deems to benefit solely persons regulated under the
5 banking law or under this chapter that engage in virtual currency busi-
6 ness activity. Persons regulated under this chapter that engage in
7 virtual currency business activity will not be assessed for expenses
8 that the superintendent deems to benefit solely persons regulated under
9 the insurance law or under the banking law.

10 § 2. Section 206 of the financial services law is amended by adding a
11 new subsection (d-1) to read as follows:

12 (d-1) The expenses of every examination of the affairs of any person
13 regulated pursuant to this chapter that engages in virtual currency
14 business activity shall be borne and paid by the regulated person so
15 examined, but the superintendent, with the approval of the comptroller,
16 may in the superintendent's discretion for good cause shown remit such
17 charges.

18 § 3. This act shall take effect on the sixtieth day after it shall
19 have become a law. Effective immediately, the addition, amendment and/or
20 repeal of any rule or regulation necessary for the implementation of
21 this act on its effective date are authorized to be made on or before
22 such date.

23 PART JJJ

24 Section 1. The tax law is amended by adding a new section 180 to read
25 as follows:

26 § 180. Independent analysis. 1. The department shall contract with an
27 economic impact firm for the provision of an independent, comprehensive,
28 analysis of each tax credit, tax deduction, and tax incentive estab-
29 lished in this chapter or any other chapter of the law which relates to
30 increasing economic development including, but not necessarily limited
31 to, increasing employment, developing the state's workforce, and
32 increasing business activity. Such analysis shall include the relevant
33 programs run at the state agency level, including relevant programs
34 administered by executive agencies, authorities, commissions, and other
35 government run entities, and shall not include an analysis of individual
36 private entities or individual taxpayers. Such analysis shall include,
37 but need not be limited to, a complete and thorough evaluation of the
38 return on investment for each tax credit, tax deduction, and tax incen-
39 tive, the economic impact of each relevant program, including direct and
40 indirect benefits, including the creation of temporary project hires,
41 the fiscal impact of each relevant program, including revenues received
42 and forgone by municipalities and New York state, as applicable. For the
43 purposes of this section, "return on investment" shall mean: (a) total
44 job creation, including temporary project hires resulting from each
45 project supported by each relevant program, and retained jobs; (b)
46 whether the expenditures by the state on each tax credit, tax deduction
47 or tax incentive result in an increase or decrease in tax revenues for
48 New York state municipalities, and New York state; (c) other estimated
49 quantifiable economic benefits, including but not necessarily limited to
50 personal income; indirect, induced, long term, and temporary job
51 creation; and private investment for each tax credit, tax deduction and
52 tax incentive; (d) whether similar job creation or private investment
53 would have occurred without the existence of a state tax incentive; and
54 (e) other qualitative economic benefits that improve the economy, and

1 provide opportunities for advancement for New York residents, including:
2 (i) global media exposure; (ii) increased tourism attraction and posi-
3 tioning of New York as a destination, providing quality of life amen-
4 ities to assist with community development, placemaking, positioning
5 communities for add-on private sector investment, making New York
6 competitive on the basis of cost and other attraction amenities; and
7 (iii) contributing to the positive perception of the state and its
8 regions to assist with business attraction and creating economic oppor-
9 tunity for New Yorkers.

10 2. Prior to the analysis pursuant to subdivision one of this section,
11 the economic impact firm that the department contracts with may solicit
12 input from leaders in the business community, organized labor and
13 economic development stakeholders, including, but not necessarily limit-
14 ed to representatives from nonprofits, academic institutions, and lead-
15 ing New York state community development experts.

16 3. Such analysis shall be completed and submitted to the department no
17 later than January first, two thousand twenty-four and shall be posted
18 publicly on the department's website within thirty days of submission to
19 the department. The analysis shall also be submitted to the governor,
20 the temporary president of the senate, the speaker of the assembly, and
21 the chair of the senate finance committee and the chair of the assembly
22 ways and means committee.

23 4. The economic impact firm providing the department's comprehensive
24 analysis shall adhere to the requirements in this subdivision. Notwith-
25 standing this subdivision, the department may contract with a firm upon
26 a written determination by the commissioner which shall detail that such
27 firm was awarded such contract on the basis that no firm meets the
28 requirements set forth in this subdivision.

29 (a) Such economic impact firm shall be prohibited from providing anal-
30 ysis services to the department if the analysis partner having primary
31 responsibility for the analysis, or the analysis partner responsible for
32 reviewing the analysis, has performed analysis services for the depart-
33 ment in the past three fiscal years.

34 (b) Such economic impact firm shall be prohibited from performing any
35 non-analysis services to the department contemporaneously with the anal-
36 ysis, including: (i) bookkeeping or other services related to the
37 accounting records or financial statements of such department; (ii)
38 financial information systems design and implementation; (iii) appraisal
39 or valuation services, fairness opinions, or contribution-in-kind
40 reports; (iv) actuarial services; (v) internal analysis outsourcing
41 services; (vi) management functions or human services; (vii) broker or
42 dealer, investment advisor, or investment banking services; and (viii)
43 legal services and expert services unrelated to the analysis.

44 (c) Such economic impact firm shall be prohibited from providing anal-
45 ysis services to the department if an employee assigned to the analysis
46 has performed analysis services for the department or has been employed
47 by the department in the past three fiscal years.

48 § 2. This act shall take effect immediately.

49 PART KKK

50 Section 1. Section 54-1523 of the environmental conservation law, as
51 added by section 5 of part U of chapter 58 of the laws of 2016, para-
52 graphs f and g of subdivision 1 as amended and paragraph h of subdivi-
53 sion 1 as added by chapter 106 of the laws of 2019, is amended to read
54 as follows:

1 § 54-1523. Climate adaptation and mitigation projects.

2 1. The commissioner is authorized to provide on a competitive basis,
3 within amounts appropriated, state assistance payments to a municipality
4 toward the cost of any climate adaptation or mitigation projects. Such
5 projects shall include:

6 a. the construction of natural resiliency measures, conservation or
7 restoration of riparian areas and tidal marsh migration areas;

8 b. nature-based solutions such as wetland protections to address phys-
9 ical climate risk due to sea level rise, and/or storm surges and/or
10 flooding, based on available data predicting the likelihood of future
11 extreme weather events, including hazard risk analysis data if applica-
12 ble;

13 c. relocation or retrofit of facilities to address physical climate
14 risk due to sea level rise, and/or storm surges and/or flooding based on
15 available data predicting the likelihood of future extreme weather
16 events, including hazard risk analysis data if applicable;

17 d. flood risk reduction;

18 e. greenhouse gas emission reductions outside the power sector;

19 f. enabling communities to become certified under the climate smart
20 communities program, including by developing natural resources invento-
21 ries, right sizing of municipal fleets and developing climate adaptation
22 strategies;

23 g. climate change adaptation planning and supporting studies, includ-
24 ing but not limited to vulnerability assessment and risk analysis of
25 municipal drinking water, wastewater, and transportation infrastructure;
26 [and]

27 h. to establish and implement easily-replicated renewable energy
28 projects, including solar arrays, heat pumps and wind turbines in public
29 low-income housing in suburban, urban and rural areas; and

30 i. land acquisition, including but not limited to flood mitigation and
31 coastal riparian resiliency; provided, however, no monies shall be
32 expended for acquisition by eminent domain.

33 2. To the fullest extent practicable, it is the policy of the state to
34 promote an equitable regional distribution of climate adaptation and
35 mitigation projects, consistent with the purpose of this title, taking
36 into account regional differences in climate change risks, socioeconomic
37 conditions and ecological resources.

38 [3. No monies shall be expended for land acquisition.]

39 § 2. The environmental conservation law is amended by adding a new
40 section 54-1525 to read as follows:

41 § 54-1525. Restriction on alienation.

42 Real property acquired, developed, improved, restored or rehabilitated
43 by a municipality pursuant to paragraph (i) of subdivision one of
44 section 54-1523 of this title with funds made available pursuant to this
45 title shall not be sold or disposed of or used for other than public
46 purposes without the express authority of an act of the legislature,
47 which shall provide for the substitution of other lands of equal envi-
48 ronmental and fair market value and reasonably equivalent usefulness and
49 location to those to be discontinued, sold or disposed of, and such
50 other requirements as shall be approved by the commissioner.

51 § 3. Subdivision 6 of section 15-3303 of the environmental conserva-
52 tion law, as added by section 2 of part T of chapter 57 of the laws of
53 2017, is amended to read as follows:

54 6. Real property acquired, developed, improved, restored or rehabili-
55 tated by or through a municipality, county soil and water conservation
56 district or not-for-profit corporation with funds made available pursu-

1 ant to this title shall not be sold, leased, exchanged, donated or
2 otherwise disposed of or used for other than the public purposes of this
3 title without the express authority of an act of the legislature, which
4 shall provide for the substitution of other lands of equal environmental
5 value and fair market value and reasonably equivalent usefulness and
6 location to those to be discontinued, sold or disposed of, and such
7 other requirements as shall be approved by the commissioner.

8 § 4. This act shall take effect immediately.

9

PART LLL

10 Section 1. Subdivision 2-a of section 1269-b of the public authorities
11 law is amended by adding three new paragraphs (c), (d) and (e) to read
12 as follows:

13 (c) The authority shall publish data pertaining to capital programs of
14 the authority and any amendments to such programs as required by this
15 section on the authority's website in a common, machine readable format,
16 as defined by executive order number ninety-five of two thousand thir-
17 teen, "Using Technology to Promote Transparency, Improve Government
18 Performance and Enhance Citizen Engagement" or any successor order. Such
19 data shall include, but not be limited to:

20 (i) all data required by paragraph (c) of subdivision one of this
21 section, including estimates of capital budget required by element for
22 an approved capital program and expected sources of such funding for the
23 entire capital program; and

24 (ii) all data required by subdivision two of this section, including
25 proposed annual commitments for individual capital elements required.

26 (d) At a minimum, individual capital project data for projects that
27 are committed for construction shall be included in a capital program
28 dashboard maintained by the authority on its website. Any summary views
29 provided on the website shall include the original budgets at the time
30 of project commitment when scope and budget are defined, project scopes,
31 and schedules, in addition to current or amended budgets, project
32 scopes, and schedules. Data pertaining to individual projects shall
33 include, but not be limited to:

34 (i) the capital project identification number delineated by agency,
35 category, element and project as used in the capital program;

36 (ii) the capital plan years;

37 (iii) the agency or authority undertaking the project;

38 (iv) a project description;

39 (v) the project location where appropriate;

40 (vi) the capital needs code of the project, such as state of good
41 repair, normal replacement, system improvement, system expansion or
42 other category;

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

46 (viii) a schedule for project delivery including original, amended and
47 current start and completion dates as projects develop at each phase.

48 The status of projects shall be provided and state the current phase
49 of the project, such as planning, design, construction or completion,
50 and shall state how far the project has progressed as measured in
51 percentage by expenditure. The dashboard shall measure progress based on
52 original budgets at the time of project commitment when scope and budget
53 are defined. At a minimum, all changes to planned budgets of greater
54 than ten percent, significant project scope or a three month or more

1 change in schedule shall be provided in narrative form and describe the
2 reason for each change or amendment. The dashboard shall include a glos-
3 sary or data dictionary which contains plain language descriptions of
4 the data and information provided on the dashboard. The dashboard shall
5 be updated, at a minimum, on a quarterly basis, and all data fields
6 available on the dashboard shall be made available for download on the
7 authority's website in a single tabular data file in a common, machine
8 readable format. Capital dashboard data shall also be made available on
9 the data.ny.gov website or such other successor website maintained by,
10 or on behalf of, the state, as deemed appropriate by the New York state
11 office of information technology services under executive order number
12 ninety-five of two thousand thirteen, or any successor agency or order.

13 (e) The data required to be published pursuant to this subdivision
14 shall be made in a single tabular data file in a common, machine read-
15 able format and shall be accessible on the authority's website and the
16 website data.ny.gov or such other successor website maintained by, or on
17 behalf of, the state, as deemed appropriate by the New York state office
18 of information technology services under executive order number ninety-
19 five of two thousand thirteen, or any successor agency or order.

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

22

PART MMM

23 Section 1. Short title. This act shall be known and may be cited as
24 the "working to implement reliable and equitable deployment of broadband
25 act (WIRED broadband act)".

26 § 2. Section 1 of chapter 174 of the laws of 1968, constituting the
27 New York state urban development corporation act, is amended by adding a
28 new section 16-gg to read as follows:

29 § 16-gg. Division of Broadband Access. 1. Statement of Legislative
30 findings and purpose. The legislature hereby finds and declares that:
31 access to high-speed, reliable, and affordable broadband is essential
32 for education, economic growth, and full participation in civic life;
33 the persistence of the digital divide is a key barrier to improving the
34 general welfare; the digital divide disproportionately affects communi-
35 ties of color, lower-income areas, rural areas, and other vulnerable
36 populations, and the benefits of broadband access should be available to
37 all; a robust and competitive internet marketplace in New York supports
38 general economic development and benefits New Yorkers with improved
39 internet service and affordability; the state has a responsibility to
40 assist in ending the digital divide, supporting a more robust and
41 competitive internet marketplace, and carrying out other actions to
42 ensure universal access to high-speed, reliable, and affordable broad-
43 band.

44 2. Definitions. The following definitions shall apply throughout this
45 section unless the context clearly requires otherwise:

46 (a) "Advisory committee" or "committee" shall mean the broadband
47 development advisory committee created by this section.

48 (b) "Broadband", "broadband service", or "broadband internet" means a
49 mass-market retail service by wire or radio that provides the capability
50 to transmit data to and receive data from all or substantially all
51 internet endpoints, including any capabilities that are incidental to
52 and enable the operation of the communications service, but excluding
53 dial-up internet access service.

1 (c) "Commissioner" shall mean the commissioner of economic develop-
2 ment.

3 (d) "Director" shall mean the director of the division of broadband
4 access.

5 (e) "Division" means the division of broadband access created by this
6 section.

7 (f) "Unserved location" means a broadband-serviceable location, as
8 determined by the division, that has no access to broadband service or
9 lacks access to reliable broadband service at 25 megabits per second for
10 downloads and 3 megabits per second upload speed.

11 (g) "Underserved location" means a broadband-serviceable location, as
12 determined by the division, that only has access to broadband service of
13 at least 25 megabits per second but less than 100 megabits per second
14 download speed and at least 3 megabits per second but less than 20 mega-
15 bits per second upload speed.

16 (h) Should the division determine that the definitions under para-
17 graphs (f) and (g) of this subdivision concerning download and upload
18 speeds be outdated as a result of advancements in broadband technolog-
19 ical capabilities or standards, such download and upload speeds estab-
20 lished under this section shall be superseded by guidelines, rules, or
21 regulations established by the division; provided that the download and
22 upload speeds included in the definitions shall not be reduced.

23 3. Division of broadband access; director; employees. There is hereby
24 created within the department of economic development a division of
25 broadband access. The head of such office shall hold the title of direc-
26 tor and be appointed by the commissioner, and shall hold office at the
27 pleasure of the commissioner.

28 4. Powers and duties of the division of broadband development. The
29 division shall have the power to:

30 (a) Coordinate the activities of all state agencies performing func-
31 tions affecting access to high-speed, reliable, and affordable broad-
32 band.

33 (b) Conduct research and analyses of matters affecting access to high-
34 speed, reliable, and affordable broadband.

35 (c) Advise and make recommendations to the commissioner on matters
36 affecting access to high-speed, reliable, and affordable broadband.

37 (d) Provide advisory assistance to municipalities, state and local
38 authorities, and other entities to expand access to high-speed, reli-
39 able, and affordable broadband.

40 (e) Establish and implement programs, including grant programs, to
41 expand access to high-speed, reliable, and affordable broadband, includ-
42 ing but not limited to: programs to improve broadband access at unserved
43 and underserved locations; programs to deploy broadband infrastructure
44 owned or managed by municipalities, state and local authorities, enti-
45 ties established pursuant to section 99-y of the general municipal law,
46 or not-for-profit entities; programs to deploy innovative broadband
47 technologies and means to improve broadband access; including in low-in-
48 come areas; programs to improve digital equity, digital inclusion, and
49 digital literacy.

50 (f) Take additional actions the division deems necessary to expand
51 access to high-speed, reliable, and affordable broadband.

52 5. Rules and regulations. The commissioner may adopt any necessary
53 rules, regulations, or guidelines to effectuate the purposes of the
54 division. Notwithstanding any conflicting provision of this article,
55 the commissioner may adopt any necessary rules, regulations, or guide-
56 lines for state participation in federal broadband programs consistent

1 with the requirements set forth under the Infrastructure Investment and
2 Jobs Act, American Rescue Plan Act, Digital Equity Act, or any other
3 federal program determined as directly relevant to increasing access to
4 high-speed, reliable, and affordable broadband by the commissioner.

5 6. Broadband access advisory committee. (a) There is hereby created in
6 the division of broadband access a broadband development advisory
7 committee. The committee shall consist of 16 members, four of which are
8 to be appointed by the governor, one of which is to be appointed by the
9 speaker of the assembly, and one of which is to be appointed by the
10 temporary president of the senate. The commissioners, or designees ther-
11 eof, of the department of public service, department of labor, depart-
12 ment of transportation, office of general services, department of
13 economic development, department of homeland security and emergency
14 services, division of housing and community renewal, and education
15 department, the president of the New York power authority, and the
16 director of the division of the budget shall serve as ex-officio
17 members. The governor shall designate a chairperson from the members of
18 the advisory committee, to serve as such at the pleasure of the gover-
19 nor. In appointing the members of the advisory committee the governor
20 shall ensure that at least one member is an individual representing a
21 telecommunications union, at least one member is an individual with
22 substantial expertise in tribal affairs, and two of the members are
23 individuals who have substantial expertise in telecommunications policy,
24 broadband development, grant-making, or internet regulation, of which
25 one shall have expertise on service providers with over 100,000
26 subscribers in New York state and one shall have expertise on service
27 providers with less than 100,000 subscribers in New York state.

28 (b) All members of the advisory committee, other than the ex-officio
29 members, shall serve for terms of three years, such term shall commence
30 on the first day the committee is convened. Any vacancies occurring
31 otherwise than by expiration of term shall be filled in the same manner
32 as original appointments for the balance of the unexpired term.

33 (c) The advisory committee shall meet at least twice in each calendar
34 year. Special meetings may be called by its chairperson and shall be
35 called by the chairperson at the request of the director of the division
36 of broadband access.

37 (d) No member of the advisory committee shall be disqualified from
38 holding any other public office, nor forfeit any such office by reason
39 of appointment hereunder, notwithstanding the provisions of any general,
40 special or local law, ordinance or city charter, provided however that
41 members appointed by the governor, speaker of the assembly, or temporary
42 president of the senate shall be considered state officers and subject
43 to the provisions of paragraph (a) of subdivision 8 of section 73 of the
44 public officers law.

45 (e) The members of the advisory committee shall receive no compen-
46 sation for their services but shall be allowed their actual and neces-
47 sary expenses incurred in the performance of their duties hereunder.

48 (f) The committee shall:

49 (i) advise the director in carrying out the functions, powers and
50 duties of the division, as set forth in this article.

51 (ii) advise the director, the governor, and the legislature concerning
52 policy changes necessary to promote expansion and development of access
53 to high-speed, reliable, and affordable broadband.

54 (iii) advise the director, the governor, and the legislature concern-
55 ing existing policies of state agencies which may be counter-productive

1 or inimical to promote expansion and deployment of high-speed, reliable,
2 and affordable broadband.

3 (iv) advise the director, the governor, and the legislature concerning
4 the development of inter-governmental cooperation among agencies of the
5 federal, state, and local governments and cooperation between private
6 industry and government so as to promote expansion, deployment and
7 continued provision of high-speed, reliable, and affordable broadband.

8 (v) advise the director, the governor, and the legislature on issues
9 related to fostering consumer choice, increasing competition in the
10 broadband industry, and promoting open-access infrastructure.

11 (vi) advise the director, in consultation with the division of broad-
12 band access, on potential guidelines or regulations for implementation
13 of broadband-related programs.

14 (vii) advise the director, the governor, and the legislature on poli-
15 cies related to the deployment of wireless and cellular services,
16 including deployment of small cell networks for access to 5G services.

17 (viii) advise the director on policies to reduce regulatory obstacles
18 and streamline regulations to promote access to high-speed, reliable,
19 and affordable broadband.

20 (ix) advise the director on policies to maximize access to high-speed,
21 reliable, and affordable broadband in affordable housing projects.

22 (x) advise the director on policies relevant to ensuring that senior
23 citizens have access to high-speed, reliable, and affordable broadband.

24 (xi) make periodic recommendations as to updates to the broadband
25 report required by the Comprehensive Broadband Connectivity Act.

26 7. ConnectAll deployment program. The ConnectAll deployment program is
27 hereby established to provide grant funding to construct infrastructure
28 necessary to provide broadband services to unserved and underserved
29 locations in the state. Grants issued pursuant to this program shall
30 facilitate projects that, at a minimum, provide reliable internet
31 service with consistent speeds of at least 100 megabits per second for
32 download and at least 20 megabits per second for upload, unless this
33 requirement is waived for a specific project or location and a different
34 speed level is approved by the division, but under no circumstances less
35 than 25 megabits per second download and 3 megabits per second upload;
36 provided further that applicants for grant funding under this section
37 may include incorporated organizations, Native American tribes or tribal
38 organizations, local units of government, or a group of any of the above
39 entities; provided further that an applicant for grant funding under
40 this section shall demonstrate suitable fiscal, technical, operational,
41 and management capabilities as determined by the division; provided
42 further that an applicant for grant funding under this section shall
43 provide certifications as to compliance with relevant safety standards
44 as determined by the division, including the National Electrical Safety
45 Code; provided further that an applicant for grant funding under this
46 section shall provide certifications as to compliance with relevant
47 workplace protections as determined by the division including the Occu-
48 pational Safety and Health Act, the Fair Labor Standards Act, Title VII
49 of the Civil Rights Act of 1964, and New York State labor and employment
50 laws; provided further that an applicant for grant funding under this
51 section shall submit to the division a workforce plan in a format deter-
52 mined by the division which, to the extent practicable, shall include:

- 53 (a) information relating to whether the construction workforce will be
54 directly employed or subcontracted; (b) the anticipated size of the
55 workforce required to carry out the proposed work; (c) a description of
56 plans to maximize use of local or regional workforce; and (d) a

1 description of the expected workforce safety standards and training to
2 ensure the project is completed at a high standard. The division shall
3 establish the procedures to solicit, receive and evaluate applications
4 for the program consistent with rules, regulations, or guidelines estab-
5 lished by the commissioner; provided that preference shall be given to
6 applications that: (a) are capable of delivering speeds of 1 gigabit per
7 second download and 1 gigabit per second upload to the end user; (b)
8 provide service to locations in unserved areas as determined by the
9 division; (c) commit not to impose caps on data usage on the service
10 provided to the end-user or to block, throttle, or prioritize internet
11 content in the general course of business; and (d) have and commit to
12 maintaining high standards of workplace safety practices, training,
13 certification or licensure for all relevant workers, and compliance with
14 state and federal workplace protections.

15 8. ConnectAll municipal assistance program. The ConnectAll municipal
16 assistance program is hereby established to provide grant funding to
17 municipalities, state and local authorities, and entities established
18 pursuant to section 99-y of the general municipal law to plan and
19 construct infrastructure necessary to provide broadband services,
20 support the adoption of broadband services, or other purposes for maxi-
21 mizing the effectiveness of municipal broadband programs as determined
22 by the division. For the purposes of broadband infrastructure, such
23 grants issued pursuant to this program shall facilitate projects that,
24 at a minimum, provide reliable internet service with consistent speeds
25 of at least 100 megabits per second for download and at least 20 mega-
26 bits per second for upload, unless this requirement is waived for a
27 specific project or location and a different speed level is approved by
28 the division, but under no circumstances less than 25 megabits per
29 second download and 3 megabits per second upload; provided further that
30 an applicant for grant funding under this section shall demonstrate
31 suitable fiscal, technical, operational, and management capabilities as
32 determined by the division; provided further that an applicant for grant
33 funding under this section shall provide certifications as to compliance
34 with relevant safety standards as determined by the division, including
35 the National Electrical Safety Code; provided further that an applicant
36 for grant funding under this section shall provide certifications as to
37 compliance with relevant workplace protections as determined by the
38 division including the Occupational Safety and Health Act, the Fair
39 Labor Standards Act, Title VII of the Civil Rights Act of 1964, and New
40 York state labor and employment laws; provided further that an applicant
41 for grant funding under this section shall submit to the division a
42 workforce plan in a format determined by the division which, to the
43 extent practicable, shall include: (a) information relating to whether
44 the construction workforce will be directly employed or subcontracted;
45 (b) the anticipated size of the workforce required to carry out the
46 proposed work; (c) a description of plans to maximize use of local or
47 regional workforce; and (d) a description of the expected workforce
48 safety standards and training to ensure the project is completed at a
49 high standard. The division shall establish the procedures to solicit,
50 receive and evaluate proposals for the program consistent with, rules,
51 regulations, or guidelines established by the commissioner; provided
52 that preference shall be given to applications that: (a) are capable of
53 delivering speeds of 1 gigabit per second download and 1 gigabit per
54 second upload to the end user; (b) provide service to locations in
55 unserved areas as determined by the division; (c) commit not to impose
56 caps on data usage on the service provided to the end-user or to block,



1 throttle, or prioritize internet content in the general course of busi-
2 ness; and (d) have and commit to maintaining high standards of workplace
3 safety practices, training, certification or licensure for all relevant
4 workers, and compliance with state and federal workplace protections.

5 9. ConnectAll innovation grant program. The ConnectAll innovation
6 grant program is hereby established to develop, pilot, and deploy inno-
7 vative models and technologies for the delivery of broadband services.
8 Grants issued pursuant to this program shall: (a) benefit the develop-
9 ment of innovative and new broadband solutions and technologies; (b)
10 deploy innovative broadband technology to rural, low-income, or other
11 areas that would be unlikely to otherwise see such deployment; (c)
12 promote critical private sector investment in such technologies; (d)
13 provide seed funding for the development of such technologies and
14 products; or (e) foster collaboration between the academic research
15 community and the business sector for such purposes. The division shall
16 establish the procedures to solicit, receive and evaluate proposals for
17 the program consistent with rules, regulations, or guidelines estab-
18 lished by the commissioner.

19 10. ConnectAll digital equity grant program. The ConnectAll digital
20 equity grant program is hereby established to support individuals to
21 have the information technology capacity needed for full participation
22 in society and the economy, including the effective implementation of a
23 State Digital Equity Plan or any successor plan. Grants issued pursuant
24 to this program shall be awarded in a manner and form as determined by
25 the division consistent with all relevant federal laws, codes, rules,
26 and regulations associated with the federal Digital Equity Act as estab-
27 lished under the Infrastructure Investment and Jobs Act. The division
28 shall establish such State Digital Equity Plan and the procedures to
29 solicit, receive and evaluate proposals for the program consistent with
30 rules, regulations, or guidelines established by the commissioner.

31 11. Assistance of other agencies. To effectuate the purposes of this
32 article, the director may request from any department, division, board,
33 bureau, commission or other agency of the state or from any public
34 corporation or district, and the same are authorized to provide, such
35 assistance, services and data as will enable the office properly to
36 carry out its functions, powers and duties hereunder.

37 12. New NY Broadband Program; transfer. All the functions and powers
38 possessed by and all the obligations and duties of the state broadband
39 program office and the New NY Broadband Program are hereby transferred
40 and assigned to and assumed by the division.

41 13. Reporting. The division shall: (a) in a form and manner prescribed
42 in accordance with the Infrastructure Investment and Jobs Act or Ameri-
43 can Rescue Plan Act, make publicly available information relevant to
44 long term plans for the use of broadband expansion funds, the mechanisms
45 by which the division will award such funds, the entities that will
46 receive such funds from the division, progress reports on the use and
47 disbursement of such funds by the division, and a comprehensive final
48 report on the activities of the division; and

49 (b) every six months, beginning twelve months after the first
50 disbursement to a grant awardee under any program established under this
51 section, until such a time that all funds associated with all programs
52 established under this section have been fully expended, submit a report
53 to the governor, the temporary president of the senate, and the speaker
54 of the assembly setting forth the activities undertaken by the program.
55 Such reports shall include, but need not be limited to, the details of
56 the grants and recipients, locations of the projects, and such other

1 information as the division deems necessary and appropriate, to the
2 extent that the production such reporting is not duplicative of federal
3 reporting requirements associated with broadband expansion in New York
4 state under the Infrastructure Investment and Jobs Act or American
5 Rescue Plan Act. Such reports shall be included on the department's
6 website and any other publicly accessible state database that list
7 economic development programs as determined by the director.

8 § 3. The general municipal law is amended by adding a new section 99-y
9 to read as follows:

10 § 99-y. Internet access and communications. The governing body of any
11 county, city, town or village is hereby authorized and empowered to
12 establish, construct, and maintain broadband and related telecommuni-
13 cations infrastructure, or to contract for the construction and mainte-
14 nance of such services with a corporation or nonprofit organization, and
15 for the maintenance, care, and replacement of infrastructure in
16 connection therewith, if such governing body finds that such facilities
17 are necessary. For the purposes of this section, "nonprofit organiza-
18 tion" shall mean a corporation having tax exempt status under section
19 501 (c) (3) of the United States internal revenue code, or any organiza-
20 tion incorporated under the not-for-profit corporation law.

21 § 4. The labor law is amended by adding a new section 224-e to read as
22 follows:

23 § 224-e. Wage requirements for certain broadband projects. 1. For
24 purposes of this section, a "covered broadband project" means a broad-
25 band project funded by programs established pursuant to subdivisions
26 seven and eight of section sixteen-gg of the New York state urban devel-
27 opment corporation act.

28 2. Notwithstanding the provisions of section two hundred twenty-four-a
29 of this article, a covered broadband project shall be subject to
30 prevailing wage requirements in accordance with sections two hundred
31 twenty and two hundred twenty-b of this article, provided that a covered
32 broadband project may still otherwise be considered a covered project
33 pursuant to section two hundred twenty-four-a of this article if it
34 meets the definition therein.

35 3. For purposes of this section, the "fiscal officer" shall be deemed
36 to be the commissioner. The enforcement of any covered broadband project
37 under this section shall be subject to the requirements of sections two
38 hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred
39 twenty-three, two hundred twenty-four-b of this article, and section two
40 hundred twenty-seven of this chapter and within the jurisdiction of the
41 fiscal officer; provided, however, nothing contained in this section
42 shall be deemed to construe any covered broadband project as otherwise
43 being considered public work pursuant to this article.

44 4. The fiscal officer may issue rules and regulations governing the
45 provisions of this section. Violations of this section shall be grounds
46 for determinations and orders pursuant to section two hundred twenty-b
47 of this article.

48 5. Each owner and developer subject to the requirements of this
49 section shall comply with the objectives and goals of certified minority
50 and women-owned business enterprises pursuant to article fifteen-A of
51 the executive law and certified service-disabled veteran-owned busi-
52 nesses pursuant to article seventeen-B of the executive law. The depart-
53 ment in consultation with the directors of the division of minority and
54 women's business development and of the division of service-disabled
55 veterans' business development shall make training and resources avail-
56 able to assist minority and women-owned business enterprises and

1 service-disabled veteran-owned business enterprises undertaking covered
2 broadband projects to achieve and maintain compliance with prevailing
3 wage requirements. The department shall make such training and
4 resources available online and shall afford minority and women-owned
5 business enterprises and service-disabled veteran-owned business enter-
6 prises an opportunity to submit comments on such training.

7 6. (a) The fiscal officer shall report to the governor, the temporary
8 president of the senate, and the speaker of the assembly by July first,
9 two thousand twenty-three and annually thereafter, on the participation
10 of minority and women-owned business enterprises undertaking covered
11 broadband projects subject to the provisions of this section as well as
12 the diversity practices of contractors and subcontractors employing
13 workers on such projects.

14 (b) Such reports shall include aggregated data on the utilization and
15 participation of minority and women-owned business enterprises, the
16 employment of minorities and women in construction-related jobs on such
17 projects, and the commitment of contractors and subcontractors on such
18 projects to adopting practices and policies that promote diversity with-
19 in the workforce. The reports shall also examine the compliance of
20 contractors and subcontractors with other equal employment opportunity
21 requirements and anti-discrimination laws, in addition to any other
22 employment practices deemed pertinent by the commissioner.

23 (c) The fiscal officer may require any owner or developer to disclose
24 information on the participation of minority and women-owned business
25 enterprises and the diversity practices of contractors and subcontrac-
26 tors involved in the performance of any covered broadband project. It
27 shall be the duty of the fiscal officer to consult and to share such
28 information in order to effectuate the requirements of this section.

29 § 5. This act shall take effect immediately.

30 PART NNN

31 Section 1. Section 1 of chapter 174 of the laws of 1968, constituting
32 the New York state urban development corporation act, is amended by
33 adding a new section 58 to read as follows:

34 § 58. Reporting. 1. Definitions. For the purposes of this section, the
35 following terms shall have the following meanings:

36 (a) "Economic development benefits" shall mean:

37 (i) available state funds including, but not limited to, state grants,
38 loans, loan guarantees, loan interest subsidies, and subsidies; and

39 (ii) tax credits, tax exemptions, reduced tax rates or other tax
40 incentives which are applied for and preapproved or certified by a state
41 agency.

42 (a-1) "Empire state economic development benefits" shall mean those
43 economic development benefits made available to the urban development
44 corporation or the department of economic development to award such
45 benefits to qualified recipients.

46 (a-2) "Additional state benefits for empire state development
47 projects" shall mean those benefits provided by other state agencies for
48 the same project receiving empire state economic development benefits.

49 (a-3) "Other state agency economic development benefits" shall mean
50 those economic development benefits made available to a state agency to
51 award such benefits to qualified recipients for economic development
52 projects, provided such information regarding such awards is required to
53 be submitted to the urban development corporation or the department of
54 economic development per subdivision 6 of this section.



1 (a-4) "Aggregate economic development benefits" shall mean those bene-
2 fits provided for in paragraphs (a-1), (a-2) and (a-3) of this subdivi-
3 sion and displayed separately in the database created pursuant to subdi-
4 vision 2 of this section.

5 (b) "Qualified participant" shall mean an individual, business, limit-
6 ed liability corporation or any other entity that has applied for and
7 received benefits as defined in paragraphs (a-1) through (a-4) of this
8 subdivision.

9 (c) "State agency" shall mean any state department, board, bureau,
10 division, commission, committee, state authority, public corporation,
11 council, office or other state governmental entity performing a govern-
12 mental or proprietary function for the state, as well as entities
13 created by any of the preceding or that are governed by a board of
14 directors or similar body with a majority of members designated by one
15 or more state officials;

16 (d) "Full-time equivalent" shall mean a unit of measure which is equal
17 to one filled, full-time, annual-salaried position.

18 (e) "Project hires" shall mean a job in which an individual is hired
19 for a season or for a limited period of time.

20 (f) "Part-time job" shall mean a job in which an individual is
21 employed by a qualified participant for less than thirty-five hours a
22 week.

23 2. Notwithstanding any laws to the contrary, the corporation, in coop-
24 eration with the department of economic development, shall create a
25 searchable database, or modify an existing one, displaying empire state
26 economic development benefits that a qualified participant has been
27 awarded. Such database shall also display additional state agency bene-
28 fits that a qualified participant has been awarded in connection with an
29 empire state development project such qualified participant has
30 received. Such database shall also display other state agency economic
31 development benefits that a qualified participant has been awarded, to
32 the extent that such data has been made available to and is received by
33 the corporation in the form and manner prescribed by the corporation.

34 3. Data related to paragraphs (a-2) and (a-3) of subdivision 1 of this
35 section shall be analyzed for quality and accuracy by the agency or
36 authority providing such funding to qualified recipients and managing
37 the contracts related thereto. Upon submission of such other state agen-
38 cy economic development benefit data to the corporation for inclusion in
39 the database, all awarding agencies and authorities shall certify to the
40 corporation that each field of project data accurately summarizes
41 economic development project investments made by the other agency or
42 authority. Such searchable database shall include, at a minimum, the
43 following features and functionality to the extent practicable:

44 (a) the ability to search the database by each of the reported infor-
45 mation fields;

46 (b) the ability to be searchable, downloadable, and updated quarterly,
47 and posted on a New York state maintained website as well as referenced
48 on the empire state development website, with a direct link to the data-
49 base;

50 (c) for projects started on or after January 1, 2018, the following
51 information shall be included:

52 (i) a qualified participant's name and project, project location, the
53 project's complete address, including the postal code in a separate and
54 searchable field, and the economic region of the state;

55 (ii) the time span over which a qualified participant is to receive or
56 has received aggregate economic development benefits;

1 (iii) the type of such aggregate economic development benefits
2 provided to a qualified participant, including the name of the program
3 or programs through which aggregate economic development benefits are
4 provided, and details as to whether such programs are grants or tax
5 credit programs as a separate and searchable field. Such data shall be
6 provided for other state agency benefits, to the extent practicable, and
7 such requirement shall be applied to contracts initiated six months
8 after the effective date of this section;

9 (iv) the total number of employees at all sites utilizing such aggre-
10 gate economic development benefits at the time of the agreement, includ-
11 ing the number of full-time equivalents, provided that any project hires
12 or part-time jobs converted to full-time equivalents shall be displayed
13 in separate fields and denoted as such, to the extent practicable, and
14 such requirements shall be applied to contracts initiated six months
15 after the effective date of this section;

16 (v) for any aggregate economic development benefit that provides for
17 job retention or job creation that a qualified participant is receiving,
18 the total job creation commitments, job retention commitments, job
19 creation actual number, and the job retention actual number, displayed
20 in terms of full-time equivalents and part-time jobs, shall each be
21 displayed as separate and searchable fields;

22 (vi) the amount of aggregate economic development benefits received by
23 a qualified participant to date;

24 (vii) for all projects associated with utilization goals related to
25 minority and women-owned businesses, per article 15-A of the executive
26 law, such goals and progress towards such goals shall be included to the
27 extent practicable, and such requirement shall be applied to contracts
28 initiated twelve months after the effective date of this section;

29 (viii) the total public-private investment made to the project, total
30 state funding received by a project, and project status;

31 (ix) details related to individual project compliance indicating
32 whether, during the current reporting quarter, the corporation or other
33 entity managing the award has reduced, cancelled, or recaptured aggre-
34 gate economic development benefits from a qualified participant, and, if
35 so, the total amount of the reduction, cancellation, or recapture. Sepa-
36 rately, a notation of penalties assessed shall be displayed in a sepa-
37 rate and searchable field, as well as the reasons therefor in another
38 separate and searchable field;

39 (x) the ability to digitally select defined individual fields corre-
40 sponding to any of the reported information from qualified participants
41 to create unique database views;

42 (xi) the ability to download the database in its entirety, or in part,
43 in a common machine readable format;

44 (xii) a definition or description of terms for fields in the database;

45 (xiii) a summary of each aggregate economic development benefit
46 awarded to qualified participants;

47 (xiv) a user-friendly guide to outline the features and functionality
48 of the database; and

49 (xv) a dedicated email account for the public to direct questions
50 related to the database.

51 4. Upon request the corporation shall provide, or direct to a source
52 providing, in an electronically accessible and downloadable form, any
53 contracts or award agreements for projects included in paragraphs (a-1),
54 (a-2), or (a-3) of subdivision 1 of this section, to the extent such
55 contracts or award agreements are available to the public pursuant to
56 article 6 of the public officers law. Provided however that only

1 contract documents and award agreements related to projects defined in
2 paragraph (a-1) of subdivision 1 of this section shall be shared by the
3 corporation, and all contract documents and award agreements related to
4 projects defined in paragraphs (a-2) and (a-3) of subdivision 1 of this
5 section shall be shared, upon request, by the agency or authority hold-
6 ing and managing such contract;

7 5. The corporation may request any data from qualified participants
8 which is necessary and required in developing, updating, and maintaining
9 the searchable database. Such qualified participants shall provide any
10 such information requested by the corporation.

11 6. The corporation shall prescribe the form and manner in which a
12 state agency or authority awarding other state agency economic develop-
13 ment benefits shall submit information and data regarding other state
14 agency benefits as required for developing, updating, and maintaining
15 the database and publish guidelines as needed to facilitate receipt of
16 such data to comply with the provisions of this section, including the
17 submission provisions included in subdivision 3 of this section. The
18 corporation, to the extent practicable, shall note on the database where
19 a state agency or authority failed to submit the required data.

20 § 2. Section 100 of the economic development law is amended by adding
21 a new subdivision 18-j to read as follows:

22 18-j. to assist the urban development corporation to establish a
23 searchable database pursuant to section fifty-eight of section one of
24 chapter one hundred seventy-four of the laws of nineteen hundred sixty-
25 eight, constituting the New York state urban development corporation
26 act.

27 § 3. The public authorities law is amended by adding a new section
28 2807 to read as follows:

29 § 2807. Reporting for searchable state subsidy and aggregate economic
30 development benefits database. Notwithstanding any other provision of
31 law to the contrary, every state authority shall submit to the urban
32 development corporation, and update quarterly, in the form and manner
33 prescribed by the urban development corporation, any and all data and
34 information as necessary for developing, updating, and maintaining the
35 database established in section fifty-eight of section one of chapter
36 one hundred seventy-four of the laws of nineteen hundred sixty-eight,
37 constituting the New York state urban development corporation act,
38 regarding economic development benefits, as such term is defined in such
39 section, awarded by such state authority. A state authority may request
40 and shall receive any data from an individual, business, limited liabil-
41 ity corporation or any other entity that has applied for and received
42 approval for, or is the beneficiary of, any such economic development
43 benefits, as is necessary and required to comply with this section.

44 § 4. This act shall take effect immediately

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

54 § 3. This act shall take effect immediately provided, however, that
55 the applicable effective date of Parts A through NNN of this act shall
56 be as specifically set forth in the last section of such Parts.