

ANNUAL REPORT 2021



CARL E. HEASTIE, SPEAKER
AMY R. PAULIN, CHAIR

NEW YORK STATE ASSEMBLY

COMMITTEE ON CORPORATIONS, AUTHORITIES & COMMISSIONS



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ASSEMBLYWOMAN 88TH
DISTRICT
WESTCHESTER COUNTY

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
COMMITTEE ON
CORPORATIONS, AUTHORITIES
AND COMMISSIONS

COMMITTEES
EDUCATION
HEALTH
RULES

December 15, 2021

The Honorable Carl Heastie, Speaker
New York State Assembly
State Capitol, Room 349
Albany, New York 12248

Dear Speaker Heastie:

As Chair of the Assembly Standing Committee on Corporations, Authorities and Commissions, I am pleased to submit the Committee's 2021 Annual Report.

During the 2021 legislative session, the Committee addressed many issues related to the ongoing COVID-19 pandemic, including the impacts on mass transit ridership and finances, meetings of officers of corporations and non-profits, access to affordable broadband, and utility shut-offs. The Committee also focused on improving utilities' response to storms and developed legislation, which was signed into law, to increase climate resiliency and reduce power outages caused by major storms. Finally, the Committee continued to exercise its oversight responsibility of public authorities through legislation and holding legislative hearings, and advanced legislation relating to Local Development Corporations (LDCs) and cemeteries.

Before the pandemic, nearly nine million riders relied on the MTA every day for subways, buses, and railroad service. However, at the height of the pandemic, the MTA saw ridership plummet by 90%, resulting in immense financial loss to the Authority's operating budget. In response to this reduction in revenue, the federal government has provided the MTA with a total of \$14.5 billion to help cover projected deficits in its operating funding over the course of the next five years. The Committee monitored the MTA's operating budget and continued to oversee the implementation of the Authority's 2020-24 Capital Plan. In November, the Committee held a hearing where it received testimony from the Authority on how its operating budget has been impacted by the pandemic and receipt of federal funds, and an update on the progress of the 2020-2024 Capital Program.

Since many corporations, not-for-profit corporations, and religious institutions conducted business remotely throughout 2021, the Committee advanced legislation, which was signed into law, to extend and make permanent the ability to hold meetings remotely.

Employees throughout New York State continued to work from home, highlighting the need for accessible and affordable broadband in all parts of the State. The Committee considered several pieces of legislation to expand broadband to underserved areas and populations, including a study of broadband coverage in New York and an affordable broadband program for low-income individuals.

As many residents experienced ongoing financial hardships, legislation was enacted to extend the moratorium on utility shut-offs to ensure services such as electricity, heat, and water were not disconnected. The Committee advanced, and the Governor signed, Chapter 106 of the Laws of 2021 which extended the moratorium on utility terminations to July 1, 2022, after the COVID-19 state of emergency expired.

The Committee reported several bills pertaining to electric utility resiliency and storm response. This included a study of the costs of undergrounding utility wires and equipment and requirements for utilities to prioritize the reconnection of service to customers who utilize life-sustaining electrical medical equipment. In recognition of the impact of climate change and increasing frequency of severe storms, the Committee advanced Chapter 786 of 2021 which requires electric utilities to submit to the PSC for review and approval "climate resiliency plans," detailing the investments the utility will make to mitigate the effects of climate change on their infrastructure and reduce future restoration costs and outage times associated with extreme weather events. It also requires utilities to offer rebates and reimbursement for ratepayers who lost food and medicine due to prolonged outages.

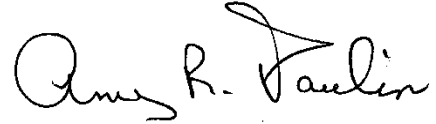
As part of its oversight function, the Committee convened a hearing on the progress of the Gateway Program, which consists of rail infrastructure projects between New York City and New Jersey along the Northeast Corridor, including construction of a new tunnel under the Hudson River and the rehabilitation of the existing tunnel which was damaged in Tropical Storm Sandy. In 2019, the Committee advanced legislation, which was signed into law, to create the bi-state Gateway Development Commission with New Jersey to oversee and deliver the Gateway Program. The Committee received testimony from the officers of the Gateway Development Commission, Amtrak and other interested parties regarding the progress of the projects, how the costs and funding of such projects will be allocated between New York, New Jersey and other parties, including Amtrak, and how the funding will be dispersed among Gateway's various projects.

Finally, the Committee advanced, and the governor signed, bills requiring the disclosure and posting of information to cemetery consumers, as well as legislation that reformed the process by which cemeteries may merge or consolidate, and the circumstances under which cemeteries may lease their property.

This Committee looks forward to meeting the challenges of the upcoming 2022 Legislative Session as we continue to navigate the pandemic. It has been a privilege to serve as Chair of the

Corporations, Authorities and Commissions Committee. I look forward to our further collaboration in the coming year.

Sincerely,

A handwritten signature in black ink that reads "Amy R. Paulin". The signature is written in a cursive style with a large, looped initial "A".

Amy Paulin, Chair
Assembly Standing Committee on
Corporations, Authorities and
Commissions

2021 Annual Report

New York State Assembly Standing Committee On Corporations, Authorities and Commissions

Amy Paulin, Chair

Committee Members

Majority

Vivian E. Cook
Sandra R. Galef
Robert J. Rodriguez
Daniel Quart
Steven Otis
Nily Rozic
Ron Kim
Rebecca A. Seawright
Erik Martin Dilan
Diana C. Richardson
Carmen De La Rosa
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Clyde Vanel
Robert C. Carroll
Yuh-Line Niou
Charles D. Fall
Kimberly Jean-Pierre
Jessica Gonzalez-Rojas

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Christopher S. Friend
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Kieran M. Lalor
Joe Angelino
Josh Jenson
John Lemondes

Staff

Dallas Trombley, Assistant Secretary for Program and Policy
Corey Reisman, Associate Counsel
Matt Henning, Legislative Analyst
Stephanie Amann, Legislative Director
Anais Vasquez, Committee Clerk
Sheila Maddox, Program and Counsel Executive Secretary

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I. INTRODUCTION

The Committee on Corporations, Authorities and Commissions has jurisdiction over the laws concerning private, not-for-profit, and public corporations in New York State. Much of the committee's focus is on the organizational framework and activities of the state's public corporations, often referred to as public authorities. Public authorities are created by state law, operate at the state and local government levels, and provide services such as mass transit, development and operation of infrastructure, power generation, and capital construction. While these entities perform vital public services, it is imperative that they act with transparency and are held accountable through public oversight. Consequently, the committee devotes significant time to considering legislation that promotes accountability and transparency of public authorities.

During the annual state budget process, the Committee reviews funding for transportation authorities and works to ensure that funds are appropriated wisely. New York has a mass transit system in nearly every major population center across the state with a public authority operating most of these systems. The Committee has a particular interest in the Metropolitan Transportation Authority (MTA), which runs the largest mass transit system in the nation and has extensive capital requirements.

In addition, the Committee monitors the operations and policies of the New York State Public Service Commission (PSC) and considers legislation that amends Public Service Law. The Commission's five commissioners and the Department of Public Service are required by Public Service Law to ensure that investor-owned electric, gas, telephone, water, and cable utilities in the state provide adequate service at reasonable rates. The Committee takes an active role in protecting consumers and reports significant legislation that modernizes and amends Public Service Law.

The Committee also examines legislation affecting the governance of for-profit and not-for-profit corporations in the state. This includes cemetery corporations, which are a special type of not-for-profit corporation, which perform a vital public service for the state. Through legislation, the Committee ensures laws affecting corporations remain up-to-date and serve the public interest.

II. BUDGET

During the annual state budget process, the Committee reviews funding for transportation authorities with a vested interest in the Metropolitan Transportation Authority (MTA), which runs the largest mass transit system in the nation, as well as funding for the various authorities across New York.

The enacted budget included \$3.1 billion in funding for the MTA and \$368.17 million for non-MTA downstate transit systems to address essential transportation needs, as we continued to deal with the economic and social impact of the COVID-19 pandemic and moved towards getting people back to work and school in person.

Despite the challenges of the continuing COVID-19 pandemic, several important initiatives were advanced within the budget and through stand-alone legislation. The enacted 2021-2022 budget included the following items of relevance to the Corporations Committee:

- A requirement that the Public Service Commission study the availability, reliability, and cost of high-speed internet and broadband services in New York State (Chapter 56, Part MM);
- A requirement that broadband service providers in New York offer to low-income New Yorkers a high-speed broadband plan capped at \$15 per month (Chapter 56, Part NN);
- An extension of the Dormitory Authority of the State of New York's authorization to provide design and construction services for the Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation for an additional three years (Chapter 58, Part II); and
- A renaming of the Newkirk Avenue subway station to the Newkirk Avenue - Little Haiti station (Chapter 59, Part YY).

The Committee is ready to address any budget challenges presented in the year ahead, as authorities, businesses, and New York's utility rate payers attempt to recover from the financial effects of the pandemic.

III. COMMITTEE LEGISLATION OF 2021

A. Public Authorities

The following bills were signed into law:

A.1021 (Bronson)

Chapter 217 of the Laws of 2021

This law authorizes the Dormitory Authority to provide financing to Mary Cariola Children's Center, Inc.

A.3370-B (McDonald)

Chapter 244 of the Laws of 2021

This law provides limited authorization to the Albany Parking Authority to finance certain economic development projects, provide compensation to board members, and raise their bond cap.

A.5434 (Reilly)

Chapter 218 of the Laws of 2021

This law authorizes DASNY to provide financing and construction services to the Sandy Ground Historical Museum.

A.6158-A (Wallace)

Chapter 196 of the Laws of 2021

This law authorizes the Dormitory Authority to provide financing and construction services to The Arc: Erie County, New York.

A.6449-B (Buttenschon)

Chapter 139 of the Laws of 2021

This law authorizes the Dormitory Authority to provide financing and construction services to the Masonic Medical Research Institute in Utica.

A.7688 (Paulin)

Chapter 166 of the Laws of 2021

This law increases the authorization of the Dormitory Authority of the State of New York ("DASNY") to issue hospital and nursing home project bonds and notes from \$16.6 billion to \$17.4 billion.

A.7237 (McDonald)

Chapter 330 of the Laws of 2021

This law allows for the early termination of the municipal assistance corporation for the city of Troy and transfer the excess funds of such authority to the city.

The following bill passed the Assembly:

A.477 (Rozić)

Passed the Assembly

This bill would establish a program promoting women to state and local authority boards. Under the program, preference would be given by an appointing authority to women candidates in the appointment or reappointment process, provided that the weight of the preference is based on the number of women currently on the board and such preference shall not be dispositive.

A.3600-A (Paulin)

Passed the Assembly

This bill would amend the "Port Authority of New York and New Jersey Transparency and Accountability Act of 2015" in order to implement various reforms which were not included in the 2015 legislation, including adding four new non-voting commissioners to the board, requiring Commissioners to have practical experience in specified areas related to Port Authority operations, replacing the positions of "chairperson" and "vice-chairperson" with two "co-chairperson" positions, requiring the Port Authority's officers to appear before the New York and New Jersey legislatures upon request, requiring the Port Authority to retain an independent engineering consultant to monitor their major capital projects, requiring the Port Authority to conduct status update public hearings every three years on the implementation of their latest capital plans, and establishing a Port Authority Transportation Advisory Committee.

The following bill was reported from Committee:

A.2631-A (Thiele)

Reported to Codes

This bill would increase the oversight powers of the Authorities Budget Office by allowing them to commence an action or special proceeding to annul or dissolve a corporation that has acted beyond its capacity or carried on unauthorized activities.

A.7098-A (Paulin)

Reported to Ways and Means

This bill would establish a uniform policy for the MTA's no-fare programs for police officers on the Long Island Railroad and Metro-North.

B. Mass Transit Operations and Finance

The following bills were signed into law:

A.935-A (Carroll)

Chapter 776 of the laws of 2021

This law requires the NYC Transit Authority Advisory Council to investigate, make recommendations and report on signage related to instructing the public on how to react when an individual falls onto authority facility tracks.

A.1259 (Dinowitz)

Chapter 35 of the laws of 2021

The purpose of this law is to make technical a change to Chapter 309 of the Laws of 2020, which required the MTA to develop and make public criteria in its capital plans on how to best prioritize subway stations for accessibility.

A.1442-B (Carroll)

Chapter 482 of the laws of 2021

This law establishes requirements for the MTA to publish its data in open data formats that can be easily accessed, downloaded and manipulated by the public.

A.6235-B (Gonzalez-Rojas)

Chapter 802 of the laws of 2021

This law requires the MTA to develop a strategic action plan to improve bicycle and pedestrian access at its bridges and passenger stations, and adds new members representing bicycle and pedestrian interests to the three existing commuter councils.

A.6265 (Frontus)

Chapter 488 of the laws of 2021

This law mandates that the New York City Transit Authority produce annual reports concerning actions taken to reduce subway noise.

A.7707-A (Paulin)

Chapter 267 of the laws of 2021

This law allows the MTA to use electronic bidding for public work contracts.

A.7578-A (Paulin)

Chapter 261 of the laws of 2021

This law ensures that the MTA can effectively check the criminal records of job applicants for bus operators and other safety sensitive positions, as required by law, by authorizing the MTA to submit to the Division of Criminal Justice Services (DCJS) fingerprints of job applicants in order to obtain state and national criminal history record information.

The following bill passed the Assembly:

A.724 (Rosenthal D)

Veto 74 of 2021

This would require certain provisions to be included in any procurement or agreement prior to disposing of any asset owned, leased or otherwise controlled on or in the immediate vicinity of the Lefferts Boulevard Bridge.

A.5095 (Reilly)

Passed the Assembly

This bill would direct the Port Authority to conduct a study to explore the alignment of the Outerbridge Crossing on Staten Island in order to examine the feasibility of physically widening such bridge.

The following bills were reported from Committee:

A.147 (Rosenthal L)

Reported to Ways and Means

This bill would require the MTA to post signage indicating that any mass transit seat should be given up for the elderly, pregnant and disabled passengers.

A.774 (Dinowitz)

Reported to Ways and Means

This bill would require the MTA to establish a half-fare rate program for veterans provided the MTA shall not pay for such program and may only implement it with funds appropriated from the state.

A.7709 (Paulin)

Reported to Ways and Means

This bill would make several amendments to the MTA's procurement process, streamlining the process in certain areas such as advertisement of bids, e-bidding, shared contracts and review of the Qualified Products List.

C. Corporations Law

The following bills were signed into law:

A.213 (Paulin)

Chapter 321 of the Laws of 2021

In the event of a merger or consolidation of not-for-profit corporations, this law requires such actions to be adopted by a vote of two-thirds of present board members of each corporation involved, and require a vote of two-thirds of present board members in order to dissolve a charitable corporation.

A.969 (Paulin)

Chapter 8 of the Laws of 2021

This law is a Chapter Amendment to Chapter 359 of the Laws of 2020, which requires the consent of the state board of cemeteries prior to the merger or consolidation of cemetery corporations, or the acquisition of certain land by such corporations.

A.975 (Dilan)

Chapter 20 of the Laws of 2021

This law is a chapter amendment to Chapter 336 of the Laws of 2020, in relation to the posting/distribution of cemetery disclosure forms. This chapter amendment makes technical changes to the Chapter by outlining in greater specificity what should be included on the form, where it shall be displayed, and when it shall be distributed to customers.

A.1025 (Paulin)

Chapter 98 of the Laws of 2021

This law extended the existing statutory authorization for business corporations, not-for-profit corporations, religious institutions, and cooperatives to hold meetings of shareholders, members or trustees, partially or solely via electronic communications until 12/31/21 or the end of the COVID-19 state disaster emergency, whichever is later. This law was superseded by Chapter 588 of 2021, below.

A.1237 (Paulin)

Chapter 588 of the Laws of 2021

This law makes permanent the statutory authorization for business corporations, not-for-profits, and religious corporations to hold board and member meetings partially or solely via electronic communications.

A.6508-A (Stirpe)

Chapter 642 of the Laws of 2021

This law directs the department of state to provide contact information to new businesses regarding the relevant regional NYS Small Business Development Center, the relevant regional NYS Entrepreneurship Assistance Center, Business Mentor NY, and Empire State Development.

A.6971 (Paulin)

Chapter 200 of the Laws of 2021

This law standardizes the review process and requirements for the state Cemetery Board to approve temporary leases of regulated cemetery land.

A.7045 (Buttenschon)

Chapter 671 of the Laws of 2021

This law makes statutorily mandated quarterly meetings of the NYS Erie Canal Recreationway Commission not subject to the call of the chairperson.

A.7301 (Otis)

Chapter 222 of the Laws of 2021

This law authorizes the use of electronic signatures on funeral and cemetery services authorization documents.

A.7697 (Magnarelli)

Chapter 640 of the Laws of 2021

This law repeals parts of Chapter 160 of the Laws of 2013 to allow the Office of General Services to transfer land in the Syracuse Inner Harbor to the City of Syracuse.

The following bills were reported from Committee:

A.129 (Paulin)

Reported to the floor

This bill would require gas corporations to file an annual gas safety report with the Department of Public Service (DPS).

A.382 (Paulin)

Reported to the floor

This bill provides for the creation, operation, and duties of natural organic reduction facilities as cemetery corporations.

A.4575 (Paulin)

Reported to Rules

This bill would impose greater transparency and accountability on those not-for-profit corporations that engage in municipal economic development and function as an instrument and subsidiary of local government. It would: require the Department of State to transmit to the Authorities Budget Office (ABO) a copy of any filed certificate of incorporation filed on behalf or at the behest of a municipal corporation, public authority, or district; require people or municipalities forming new not-for-profits that do municipal economic development, or would be controlled by a municipality, to receive the consent of the ABO; expand the definition of "local authority" to include certain not-for-profit corporations, such as those corporations where a majority of board members are appointed by elected officials of any municipal corporation, or those which pay staff of a local or state government to provide administrative support; and require certain not-for-profit corporations to follow the open meetings law and freedom of information law.

D. Telecommunications and Utilities

The following bills were signed into law:

A.476 (Rozic)

Chapter 584 of the Laws of 2021

This law requires that all public service commissioners appointed after 7/1/22 have education, training and three or more years' experience in one or more of the following fields: economics, engineering, law, accounting, business management, utility regulation, public policy, consumer advocacy or environmental management.

A.585-A (Paulin)

Chapter 585 of the Laws of 2021

This law requires the Public Service Commission to implement rules and regulations requiring telephone providers to implement STIR/SHAKEN anti-robocall technology.

A.949 (Zebrowski)

Chapter 191 of the Laws of 2021

This law authorizes the public service commission to require water-works corporations to provide certain residents with non-billing related information regarding the delivery of their water, service updates, water quality notices. These residents receive their water through a master meter and are not considered customers by the water-works corporation. As a result, they do not directly receive any notifications regarding water quality or service interruptions.

A.2330-A (Jacobson)

Chapter 805 of the laws of 2021

This law requires the Public Service Commission to study the feasibility and costs of burying all or most of the electrical, telephone, and internet transmission lines in the State.

A.2396-A (Woerner)

Chapter 723 of the Laws of 2021

This law mandates that when a contract for attachments to a utility poles is created, all such poles, ducts, trenches and conduits located within a given village, city or town, pursuant to a negotiated site license, are included; equitably and fairly distributing the costs of pole replacements among the pole owner and the prospective attacher when a pole replacement is required to accommodate an attachment request; and allows the pole owner to recover such incurred pole replacement costs in a rider apart from their base rates.

A.3359 (Paulin)

Chapter 590 of the Laws of 2021

The law prohibits electric utilities from engaging in abusive and unscrupulous conduct toward a residential customer. A utility corporation or municipality, or energy services companies shall not engage in any conduct that would harass, oppress or abuse a residential customer in connection with handling a complaint, negotiating a deferred payment agreement or the collection of an unpaid balance.

A.3360-A (Paulin)

Chapter 786 of the laws of 2021

This law provides compensation to residential customers of gas and electric corporations and authorities experiencing prolonged service outages lasting longer than 48 hours via service credits. This law also requires electric utilities to submit to the PSC for review and approval "climate resiliency plans", detailing the investments the utility will make over the next 10 and 20 year periods to mitigate the effects of climate change on their infrastructure and reduce future restoration costs and outage times associated with extreme weather events.

A.3427 (Rosenthal L)

Chapter 636 of the laws of 2021

This law prohibits telephone, cable and utility companies from charging a fee to customers who request copies of previous bill statements or statements verifying that they are a customer.

A.4403 (Thiele)

Chapter 826 of the laws of 2021

This law allows the public to review executive compensation of utility corporations by requiring Gas, Electric and Water utilities to annually, and for five years prior, disclose executive compensation of all executive officers and other officers "who perform a policy making function" that make in excess of \$125K, and the amount of ratepayer bill goes towards such compensation.

A.4496 (De La Rosa)

Chapter 517 of the laws of 2021

This law requires a utility corporation to allow a customer under a shared contract, who has been a victim of domestic violence, to opt out of the contract without charge when such customer provides certain required documentation of their status as a domestic violence victim.

A.4635 (Thiele)

Chapter 765 of the laws of 2021

This bill requires the Long Island Power Authority and its service provider to prepare a semi-annual advertising expenditure and lobbying report.

A.5838 (Cruz)

Chapter 594 of the laws of 2021

This law requires the Public Service Commission to have at least one commissioner with experience in utility consumer advocacy on the Commission.

A.6193 (Gonzalez-Rojas)

Chapter 630 of the laws of 2021

This law requires every electric, gas and private water utility, and telephone service provider, to provide residential customers with the option to have all written or oral communications customer use the customer's preferred name and/or pronouns.

A.6255-A (Richardson)

Chapter 106 of the laws of 2021

This law extended a moratorium on utility termination of services until July 1st, 2022.

A.6436 (Paulin)

Chapter 592 of the laws of 2021

This law directs the Public Service Commission to establish certain standards and safeguards in regard to approval as an eligible telecommunications carrier for purposes of providing lifeline service.

A.6871 (Cahill)

Chapter 394 of the laws of 2021

This law prevents utility companies from charging customers the cost of membership dues for belonging to any trade association, organization, institution, corporation, or other entity that engages in legislative lobbying.

A.7205 (Buttenschon)

Chapter 220 of the laws of 2021

This law allows meetings of members of a rural electric cooperative to be held partially or solely by means of electronic communication.

A.7214-A (De La Rosa)

Chapter 748 of the Laws of 2021

This law facilitates multiple-occupancy building access for fiber optic providers for the purpose of providing telephone, broadband, cable or other video service.

A.7552 (Paulin)

Chapter 455 of the laws of 2021

This law makes permanent provisions relating to the one-call notification system.

A.7577 (Stirpe)

Chapter 164 of the laws of 2021

This law extends the effectiveness of the Upstate Flood Mitigation Task Force.

The following bills passed the Assembly:

A.815 (Jean-Pierre)

Passed the Assembly

This bill would require utility corporations to include on customer bills advance notice of public hearings, including but not limited to those concerning proposed rate increases.

A.1008-A (Paulin)

Passed the Assembly

This bill would require New York's combination gas and electrical utilities to create and implement 10-year storm hardening and system resiliency plans. The provisions of the bill were ultimately included within chapter 590 of the laws of 2021.

A.5438 (Zebrowski)

Passed the Assembly

This bill would require cable television companies to give customers who cancel or downgrade service a prorated refund or billing credit for the days of the monthly billing period remaining after the downgrade or disconnection when such customer has paid in advance for that month's service.

A.7236-A (Thiele)

Passed the Assembly

This bill would require the Long Island Power Authority and its service provider to conduct, and successfully complete, annual stress tests of all systems that support outage and restoration management and communications, and report such results to LIPA.

A.7279 (Lavine)

Passed the Assembly

This bill would establish in Long Island the North and South Shore Water Authority and cap the rate that a water-works corporation may increase its rates and charges.

A.7541 (Otis)

Passed the Assembly

This bill relates to emergency response plans filed by electric corporations by requiring electric corps to include certain information in emergency response plans including details of staffing, equipment, and a performance schedule for the goal of restoring service based upon a time-based restoration schedule established by the PSC.

The following bills were reported from Committee:

A.338 (Paulin)

Reported to the floor

This bill requires regulated telephone corporations to provide customers with an annual notice detailing the need to replace back-up battery units for their non-line powered, residential telephone service.

A.563 (Paulin)

Reported to the floor

This bill would require telephone corporations to provide notice to customers at least 45 days before such corporation intends to change a customer's telephone service from copper-based lines to fiber optic-based lines.

A.2047-A (Niou)

Reported to Codes

This bill would limit robocalls to state residents and to require telephone service providers to offer free call blocking technology to telephone customers.

A.2464-A (Dinowitz)

Reported to Ways and Means

This bill would require electric corporations to set minimum requirements for customers with life-saving equipment during an electric service disruption, and also require these corporations to establish a unique priority phone number, operated at all times, in order to provide customers with life-saving equipment information regarding electric service disruptions.

A.3144-A (Pretlow)

Reported to Ways and Means

This bill would create an additional funding mechanism to allow the National Federation for the Blind (NFB) to provide NFB-NEWSLINE services to visually-impaired and disabled New Yorkers.

A.3166 (Dinowitz)

Reported to Ways and Means

This bill would require the registration of energy brokers and consultants and energy consultants, set penalties for violations by such brokers and consultants, and establish customer disclosure requirements to notify customers of how brokers and consultants set their prices.

A.3247-A (Sayegh)

Reported to Ways and Means

This bill would require utility companies to maintain a toll-free number for consumers to call to report service outages which shall be made available at all hours every day.

A.3318 (Sayegh)

Reported to Ways and Means

This bill would require electric corporations to prioritize restoring services to police departments, fire departments, and ambulance services when such services are interrupted by a power outage.

A.6207-A (Rosenthal L)

Reported to Codes

This bill would authorize survivors of domestic violence to be removed from phone, cable and satellite TV contracts with self-attestation.

A.6259 (Paulin)

Reported to the floor

This bill would ensure that affordable broadband service is available to New Yorkers who are eligible for the National School Lunch Program or whose gross annual household income is not in excess of 185% of the federal poverty guidelines by requiring broadband service providers to offer low-cost broadband service plans to low-income customers in New York.

A.6706 (Paulin)

Reported to the floor

This bill would reinstate and make permanent the “public interest review standard” used by the Public Service Commission for reviewing cable corporation mergers or acquisitions.

A.7412 (Rozić)

Reported to Ways and Means

This bill would enact the “NY Broadband Resiliency, Public Safety and Quality Act,” requiring the PSC to begin regulating broadband and Voice Over Internet Protocols providers in areas that are not expressly preempted by federal law.

IV. PUBLIC HEARINGS OF 2021

A. Metropolitan Transportation Authority (MTA) Capital Program Update

November 23rd, 2021

The Committee held a hearing on the impacts of the COVID-19 pandemic and receipt of federal funds on the MTA's operating budget and progress on the 2020-2024 Capital Program. Testimony was received from the MTA, the Permanent Citizen's Advisory Committee to the MTA, the Association of Commuter Rail Employees, the Tristate Transportation Campaign, and Reinvent Albany.

Prior to the pandemic, nearly nine million riders relied on the MTA every day for subways, buses, and railroad service. However, at the height of the pandemic, the MTA saw ridership plummet by 90%, resulting in immense financial loss to the Authority's operating budget. In response to this reduction in revenue, the federal government provided the MTA a total of \$14.5 billion in aid. The Committee learned that the receipt of these funds will help cover projected deficits in the MTA's operating budget over the course of the next five years and allow the authority to operate without raising fares in the very near future.

The COVID-19 pandemic also caused construction delays and created supply-chain challenges for the MTA's \$51.5 billion 2020-2024 Capital Program. The Committee received updates regarding the 2020-2024 Capital Program's goals and construction projections, and learned that the Capital Program was delayed in only minor ways by the pandemic.

B. Gateway Program Update

December 13th, 2021

The Committee convened a hearing on the progress of the Gateway Program, which consists of rail infrastructure projects between New York City and New Jersey along the Northeast Corridor, including construction of a new tunnel under the Hudson River and the rehabilitation of the existing tunnel which was damaged in Tropical Storm Sandy. In 2019, the Committee advanced legislation, which was signed into law, to create the bi-state Gateway Development Commission with New Jersey to oversee and deliver the Gateway Program. The Gateway enacting statute stipulated that either state may hold up to two hearings on the progress of the Gateway projects per year.

The Committee received testimony from the officers of the Gateway Development Commission, Amtrak, the Build Gateway Now Coalition, the Tristate Transportation Campaign, and other interested parties regarding the progress of the projects, how the costs and funding of such projects will be allocated between New York, New Jersey and other parties, including Amtrak, and how the funding will be dispersed among Gateway's various projects. The Committee also learned how significant funding included in the federal Infrastructure Investment and Jobs Act could be used for Gateway Program projects in New York and New Jersey.

V. OUTLOOK FOR 2022

In 2022, the Committee on Corporations, Authorities, and Commissions will continue to actively oversee the country's largest mass transportation system, the Metropolitan Transportation Authority (MTA); address broadband access; seek to increase State oversight of local development corporations; monitor implementation of storm hardening measures by utilities; and advance legislation to increase transparency of corporations' employee demographic data.

The COVID-19 health emergency resulted in a staggering decrease in ridership on subways, trains and buses. Federal and state aid became imperative to keeping the largest mass transit system in the country running. Throughout 2022, the Committee will monitor the MTA's 2020-24 Capital Program which includes \$54.8 billion of investments in the region's subways, buses, commuter railroads, bridges and tunnels. The Committee will also monitor the progress of the Central Business District Tolling Project (CBTP), which will provide dedicated capital funding to the MTA once it is fully implemented. In the fall of 2021, the MTA held a series of public hearings on the CBTP and is awaiting completion of a federal environmental assessment.

During the COVID-19 pandemic, as employees and students shifted to working from home, broadband internet service became more of a necessity than ever before. However, some areas still suffer inadequate speeds due to multiple users within the same household or area and affordability continues to be an issue. Never before has it been more apparent that high-speed internet is a utility that should be accessible to all residents. In 2022, the Committee will continue to search for ways to expand broadband access.

Another lesson learned from the COVID-19 pandemic is that virtual meetings of businesses, not-for-profit corporations, and religious institutions have resulted in increased participation. Expanding on Chapter 122 of the Laws of 2020, which allowed such entities and cooperatives to hold meetings of shareholders, trustees, and members through electronic communication during the pandemic, the Committee advanced legislation to allow virtual meetings permanently. The Committee will continue to monitor the use of remote meetings to ensure that shareholders, trustees and members of such corporations are able to actively participate.

Over the past two sessions, the Committee worked with other Assembly committees to develop legislation related to the proliferation of relatively unregulated local development corporations ("LDCs"). Over the last decade, their economic development counterparts, Industrial Development Agencies (IDA), have been increasingly regulated but LDCs have not. Beginning with the IDA hearing sponsored by the Committee in conjunction with the Local Government Committee in 2019, the Committee has worked with reform advocates to ensure LDCs are not used merely as a mechanism to avoid taxes and government oversight. The Committee drafted and reported legislation to meet those public policy goals. In 2022, the Committee will continue to advance the regulation of LDCs simultaneously with any IDA reform, in order to provide consistent oversight of local development entities.

In August of 2020, Hurricane Isaias pummeled much of the east coast including parts of Long Island, New York City, Westchester and Rockland counties. High winds and downed trees resulted in some customers losing power for more than a week. In recent years, the rise in storm intensity demonstrated the need for New York's utility companies to upgrade and improve their

infrastructure to increase resiliency and reliability during weather events. The Committee advanced legislation, which was signed into law, that requires utilities to develop and implement dedicated climate resilience programs to mitigate the impact of climate change and reduce damage, restoration times, and costs from future weather events. The climate resilience plan will be addressed by the Public Service Commission in a separate proceeding from the utility's rate case and the costs for projects included in the plan will be recovered in a separate surcharge. The Committee will monitor the implementation of the climate resilience programs in the year ahead.

Finally, the Committee will advance new legislation to require certain corporations and companies to report employee data regarding gender, race, and ethnicity to the Secretary of State, who must publish the data on its official website within 90 days of receipt. While some companies advertise that they are committed to diversity, equity & inclusion (DEI), there is scant publicly available data to verify these claims. Making this data public will hold companies accountable and provide the public with the information needed to make decisions about employment and whether to support or invest in certain companies.

Through the budget process and legislation, the Committee will continue its attention to increasing transparency and accountability of public authorities. The Committee will also continue to examine New York's corporation laws to ensure they are modernized, and to ensure that utilities and the telecommunications industry serve ratepayers.

APPENDIX A

2021 SUMMARY SHEET

Summary of Action on All Bills Referred to the New York State Assembly S Committee on Corporations, Authorities, and Commissions

Total Number of Committee Meetings Held: 4

| | Assembly Bills | Senate Bills | Total Bills |
|-------------------------------------|---------------------------|-------------------------|------------------------|
| Bills Reported Favorable To: | | | |
| Codes | 26 | 0 | 26 |
| Judiciary | 0 | 0 | 0 |
| Ways and Means | 20 | 0 | 20 |
| Rules | 13 | 0 | 13 |
| Floor | 15 | 0 | 15 |
| TOTAL | 74 | 0 | 74 |
| | | | |
| Committee Action | | | |
| Held for Consideration | 0 | 0 | 0 |
| Defeated | 0 | 0 | 0 |
| Enacting Clause Stricken | 5 | 0 | 5 |
| | | | |
| Remaining in Committee | 229 | 30 | 259 |
| | | | |
| Bills Reference Changed To: | | | |
| Codes | 2 | 0 | 0 |
| Consumer Affairs and Protection | 1 | 0 | 0 |
| Ways and Means | 4 | 0 | 0 |
| TOTAL | 7 | 0 | 7 |

APPENDIX B

BILLS THAT BECAME LAW

| CHAPTER NUMBER | ASSEMBLY BILL (SPONSOR) | DESCRIPTION |
|----------------|----------------------------|--|
| (chap am) | A.6235 (Gonzalez-Rojas) | This law requires the MTA to develop a strategic action plan to improve bicycle and pedestrian access at its bridges and passenger stations, and add new members representing bicycle and pedestrian interests on the three existing commuter councils. |
| (chap am) | A.2330-A (Jacobson) | This law requires the Public Service Commission (PSC) to study the feasibility and costs of burying all or most of the electrical, telephone, and internet transmission lines in the State. |
| (chap am) | A.4403 (Thiele) | This law allows the public to review executive compensation of utility corporations. |
| 8 | A.969 (Paulin) | This law is a Chapter Amendment to Chapter 359 of the Laws of 2020, which requires the consent of the state board of cemeteries prior to the merger or consolidation of cemetery corporations, or the acquisition of certain land by such corporations. |
| 20 | A975 (Dilan) | This law is a chapter amendment to Chapter 336 of the Laws of 2020, in relation to the posting/distribution of cemetery disclosure forms. This chapter amendment makes technical changes to the Chapter by outlining in greater specificity what should be included on the form, where it shall be displayed, and when it shall be distributed to customers. |
| 35 | A.1259 (Dinowitz) | The purpose of this law is to make technical a change to Chapter 309 of the Laws of 2020, which required the MTA to develop and make public criteria in its capital plans on how to best prioritize subway stations for accessibility. |

| CHAPTER NUMBER | ASSEMBLY BILL (SPONSOR) | DESCRIPTION |
|-------------------|-------------------------------|---|
| 98 | A.1025 (Paulin) | This law extends the existing statutory authorization for business corporations, not-for-profit corporations, religious institutions, and cooperatives to hold meetings of shareholders, members, trustees, etc., partially or solely via electronic communications until 12/31/21 or the end of the COVID-19 state disaster emergency, whichever is later. |
| 106 | A6255-A (Richardson) | This law extends a moratorium on utility termination of services after the COVID-19 state of emergency is lifted or expires. |
| 139 | A.6449-B (Buttenschon) | This law authorizes the Dormitory Authority to provide financing and construction services to the Masonic Medical Research Institute in Utica. |
| 164 | A.7577 (Stirpe) | This law extends the effectiveness of the Upstate Flood Mitigation Task Force. |
| 166 | A.7688 (Paulin) | This law increases the authorization of the Dormitory Authority of the State of New York ("DASNY") to issue hospital and nursing home project bonds and notes from \$16.6 billion to \$17.4 billion. |
| 191 | A.949 (Zebrowski) | This law authorizes the public service commission to require water-works corporations to provide certain residents with non-billing related information. |
| 196 | A.6158-A (Wallace) | This law authorizes the Dormitory Authority to provide financing and construction services to The Arc: Erie County, New York. |
| 200 | A.6971 (Paulin) | This law standardizes the review process and requirements for the state Cemetery Board to approve temporary leases of regulated cemetery land. |

| CHAPTER NUMBER | ASSEMBLY BILL (SPONSOR) | DESCRIPTION |
|-----------------------|--------------------------------|---|
| 217 | A.1021 (Bronson) | This law authorizes the Dormitory Authority to provide financing to Mary Cariola Children's Center, Inc. |
| 218 | A.5434 (Reilly) | This law authorizes DASNY to provide financing and construction services to the Sandy Ground Historical Museum. |
| 220 | A.7205 (Buttenschon) | This law allows meetings of members of a rural electric cooperative to be held partially or solely by means of electronic communication. |
| 222 | A.7301 (Otis) | This law authorizes the use of electronic signatures on funeral and cemetery services authorization documents. |
| 244 | A.3370-B (McDonald) | This law provides limited authorization to the Albany Parking Authority to finance certain economic development projects, provide compensation to board members, and raise their bond cap. |
| 261 | A.7578-A (Paulin) | This law ensures that the MTA can effectively check the criminal records of job applicants for bus operators and other safety sensitive positions, as required by law, by authorizing the MTA to submit to the Division of Criminal Justice Services (DCJS) fingerprints of job applicants in order to obtain state and national criminal history record information. |
| 267 | A.7707-A (Paulin) | This law allows the MTA to use electronic bidding for public work contracts. |
| 321 | A.213 (Paulin) | In the event of a merger or consolidation of not-for-profit corporations, this law requires such actions to be adopted by a vote of two-thirds of present board members of each corporation involved, and require a vote of two-thirds of present board members in order to dissolve a charitable corporation. |

| CHAPTER NUMBER | ASSEMBLY BILL (SPONSOR) | DESCRIPTION |
|-----------------------|--------------------------------|---|
| 330 | A.7237 (McDonald) | This law allows for the early termination of the municipal assistance corporation for the city of Troy and transfer the excess funds of such authority to the city. |
| 394 | A.6871 (Cahill) | This law prevents utility companies from charging customers the cost of membership dues for belonging to any trade association, organization, institution, corporation, or other entity that engages in legislative lobbying. |
| 455 | A.7552 (Paulin) | This law makes permanent provisions relating to the one-call notification system. |
| 482 | A.1442-B (Carroll) | This law establishes requirements for the MTA to publish its data in open data formats that can be easily accessed, downloaded and manipulated by the public. |
| 488 | A.6265 (Frontus) | This law mandates the New York City Transit Authority to produce annual reports concerning actions taken to reduce subway noise. |
| 517 | A.4496 (De La Rosa) | This law requires a utility corporation to allow a customer under a shared contract, who has been a victim of domestic violence to opt out of the contract without charge when such customer provides certain required documentation of their status as a DV victim. |
| 584 | A.476 (Rozic) | This law requires that all public service commissioners appointed after 7/1/22 have education, training and 3 or more years' experience in one or more of the following fields: economics, engineering, law, accounting, business management, utility regulation, public policy, consumer advocacy or environmental management. |
| 585 | A.585-A (Paulin) | This law requires the PSC to implement rules and regulations requiring telephone providers to implement STIR/SHAKEN anti-robocall technology. |

| CHAPTER NUMBER | ASSEMBLY BILL (SPONSOR) | DESCRIPTION |
|-----------------------|--------------------------------|---|
| 588 | A.1237 (Paulin) | This law makes permanent the statutory authorization for business corporations, not-for-profits, and religious corporations to hold board and member meetings partially or solely via electronic communications. |
| 590 | A.3359 (Paulin) | The law protects customers' rights when negotiating with a utility company over a complaint or unpaid balance. |
| 592 | A.6436 (Paulin) | This law directs the Public Service Commission to establish certain standards and safeguards in regard to approval as an eligible telecommunications carrier for purposes of providing lifeline service. |
| 594 | A.5838 (Cruz) | This law requires the Public Service Commission to have at least one commissioner have experience in utility consumer advocacy. |
| 630 | A.6193 (Gonzalez-Rojas) | This law requires every electric, gas and private water utility, and telephone service provider, to provide residential customers with the option to have all written or oral communications with said customer use said customer's preferred name and/or pronouns. |
| 636 | A.3427 (Rosenthal L) | This law prohibits telephone, cable and utility companies from charging a fee to customers who request copies of previous bill statements or statements verifying that they are a customer. |
| 640 | A.7697 (Magnarelli) | This law repeals parts of Chapter 160 of the Laws of 2013 to allow the Office of General Services to transfer land in the Syracuse Inner Harbor to the City of Syracuse. |
| 642 | A.6508-A (Stirpe) | This law directs the department of state to provide certain information to new businesses. |

| CHAPTER NUMBER | ASSEMBLY BILL (SPONSOR) | DESCRIPTION |
|-----------------------|--------------------------------|---|
| 671 | A.7045 (Buttenschon) | This law makes statutorily mandated quarterly meetings of the NYS Erie Canal Recreationway Commission not subject to the call of the chairperson. |
| 723 | A.2396-A (Woerner) | This law institutes new standards for certain contracts for attachments to utility poles and the use of utility ducts, trenches and conduits. |
| 748 | A.7214 (De La Rosa) | This law facilitates building access for providers to replace existing facilities placed previously by the provider with fiber optic facilities for the purpose of providing any telephone, broadband, cable or other video service that the provider needs to service consumers. |
| 765 | A.4635 (Thiele) | This bill requires the Long Island Power Authority and its service providers (PSEG-LI) to prepare a semi-annual advertising expenditure and lobbying report. |
| 776 | A.935-A (Carroll) | This law requires the NYC Transit Authority Advisory Council to investigate, make recommendations and report on signage related to instructing the public on how to react when an individual falls onto authority facility tracks. |
| 786 | A.3360-A (Paulin) | This law provides compensation to residential customers of gas and electric corporations and authorities experiencing prolonged service outages lasting longer than 48 hours. |
| 802 | A6235-B (Gonzalez-Rojas) | This law requires the MTA to develop strategic plan to promote cycling and pedestrian access on MTA bridges, bike parking at MTA subway and commuter rail stations, and bike access on board MTA equipment. |
| 805 | A2330-A (Jacobson) | This law requires the PSC to study and report on the feasibility and the costs of burying all or most of the electrical, telephone, and internet transmission lines in New York State. |

| CHAPTER NUMBER | ASSEMBLY BILL (SPONSOR) | DESCRIPTION |
|---------------------------|--|---|
| 826 | A4403 (Thiele) | This law allow the public to review executive compensation of public utilities in New York State. |