

# STATE OF NEW YORK

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S. 2008--C

A. 3008--C

## SENATE - ASSEMBLY

January 23, 2017

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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 to amend 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 disposition of revenues (Part A); to amend the vehicle and traffic law, in relation to divisible load permits (Part B); intentionally omitted (Part C); to amend the vehicle and traffic law, in relation to compliance with new federal regulations (Part D); to amend the vehicle and traffic law, in relation to reciprocal agreements concerning suspension or revocation of registration of a motor vehicle for violations of toll collection regulations (Part E); intentionally omitted (Part F); intentionally omitted (Part G); to amend the vehicle and traffic law, in relation to the waiver of non-driver identification card fees for crime victims (Part H); to amend the vehicle and traffic law, in relation to the reinstatement fee for non-residents (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part M); 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

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

LBD12573-07-7

corporation to make loans, in relation to the effectiveness thereof (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Part Q); intentionally omitted (Part R); to amend the real property law, in relation to streamlining the licensing process for real estate professionals (Part S); to amend the environmental conservation law and the executive law, in relation to local waterfront revitalization (Part T); intentionally omitted (Part U); authorizing utility and cable television assessments to provide funds to the department of health from cable television assessment revenues and to the departments of agriculture and markets, environmental conservation, office of parks, recreation and historic preservation, and state from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part V); to amend chapter 58 of the laws of 2012 amending the public authorities law relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to extending the effectiveness of such authorization (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); to amend the real property actions and proceedings law and the civil practice law and rules, in relation to reverse mortgages (Part FF); intentionally omitted (Part GG); to amend the navigation law, in relation to establishing the New York environmental protection and spill remediation account (Part HH); intentionally omitted (Part II); to amend the state finance law and the environmental conservation law, in relation to environmental protection fund deposits and transfers; and to amend part F of chapter 58 of the laws of 2013 amending the environmental conservation law and the state finance law relating to the "Cleaner, Greener NY Act of 2013", in relation to extending the effectiveness thereof (Part JJ); intentionally omitted (Part KK); to amend the public authorities law and the public officers law, in relation to the sharing of employees, services and resources by the power authority of the state of New York, canal corporation and department of transportation (Part LL); to authorize the energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY programs, as well as the department of environmental conservation's climate change program and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part MM); 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 NN); to amend the agriculture and markets law, in relation to increasing the number of sites authorized for the growing or cultivating of industrial hemp as part of agricultural pilot programs (Part OO); to amend the public authorities law, in relation to the definition of transportation purpose (Part PP); to amend subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, in relation to funding to local government entities



from the urban development corporation (Part QQ); establishing the Indian Point closure task force and providing for the repeal of such provisions upon expiration thereof (Part RR); to amend the environmental conservation law, in relation to pesticide registration time frames and fees; and to amend chapter 67 of the laws of 1992, amending the environmental conservation law relating to pesticide product registration timetables and fees, in relation to the effectiveness thereof (Part SS); to amend the New York state urban development corporation act, in relation to the life sciences initiatives program (Part TT); and to amend the environmental conservation law, in relation to retrofit technology for diesel-fueled vehicles (Part UU)

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 which are necessary to implement the state fiscal plan for the 2017-2018  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through UU. The effective date for each particular  
5 provision contained within such Part is set forth in the last section of  
6 such Part. Any provision in any section contained within a Part, includ-  
7 ing the effective date of the Part, which makes a reference to a section  
8 "of this act", when used in connection with that particular component,  
9 shall be deemed to mean and refer to the corresponding section of the  
10 Part in which it is found. Section three of this act sets forth the  
11 general effective date of this act.

12 PART A

13 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003  
14 amending the vehicle and traffic law and other laws relating to increas-  
15 ing certain motor vehicle transaction fees, as amended by section 1 of  
16 part A of chapter 58 of the laws of 2015, is amended to read as follows:

17 § 13. This act shall take effect immediately; provided however that  
18 sections one through seven of this act, the amendments to subdivision 2  
19 of section 205 of the tax law made by section eight of this act, and  
20 section nine of this act shall expire and be deemed repealed on April 1,  
21 2020; [provided further, however, that the amendments to subdivision 3  
22 of section 205 of the tax law made by section eight of this act shall  
23 expire and be deemed repealed on March 31, 2018;] provided further,  
24 however, that the provisions of section eleven of this act shall take  
25 effect April 1, 2004 and shall expire and be deemed repealed on April 1,  
26 2020.

27 § 2. This act shall take effect immediately and shall be deemed to  
28 have been in full force and effect on and after April 1, 2017.

29 PART B

30 Section 1. The sixth undesignated paragraph of paragraph (f) of subdi-  
31 vision 15 of section 385 of the vehicle and traffic law, as amended by  
32 section 4 of part C of chapter 59 of the laws of 2004, is amended to  
33 read as follows:

34 Until June thirtieth, nineteen hundred ninety-four, no more than  
35 sixteen thousand power units shall be issued annual permits by the  
36 department for any twelve-month period in accordance with this para-

1 graph. After June thirtieth, nineteen hundred ninety-four, no more than  
2 sixteen thousand five hundred power units shall be issued annual permits  
3 by the department for any twelve-month period. After December thirty-  
4 first, nineteen hundred ninety-five, no more than seventeen thousand  
5 power units shall be issued annual permits by the department for any  
6 twelve-month period. After December thirty-first, two thousand three, no  
7 more than twenty-one thousand power units shall be issued annual permits  
8 by the department for any twelve-month period. After December thirty-  
9 first, two thousand five, no more than twenty-two thousand power units  
10 shall be issued annual permits by the department for any twelve-month  
11 period. After December thirty-first, two thousand six, no more than  
12 twenty-three thousand power units shall be issued annual permits by the  
13 department for any twelve-month period. After December thirty-first, two  
14 thousand seven, no more than twenty-four thousand power units shall be  
15 issued annual permits by the department for any twelve-month period.  
16 After December thirty-first, two thousand eight, no more than twenty-  
17 five thousand power units shall be issued annual permits by the depart-  
18 ment for any twelve-month period. After December thirty-first, two thou-  
19 sand sixteen, no more than twenty-seven thousand power units shall be  
20 issued annual permits by the department for any twelve-month period.  
21 § 2. This act shall take effect immediately.

22

## PART C

23

Intentionally Omitted

24

## PART D

25 Section 1. Intentionally omitted.

26 § 2. Subparagraphs 5 and 6 of paragraph (b) of subdivision 4 of  
27 section 385 of the vehicle and traffic law, subparagraph 5 as amended by  
28 chapter 669 of the laws of 2005, and subparagraph 6 as amended by chap-  
29 ter 26 of the laws of 2002, are amended and a new subparagraph 7 is  
30 added to read as follows:

31 5. A vehicle or combination of vehicles which is disabled and unable  
32 to proceed under its own power and is being towed for a distance not in  
33 excess of ten miles for the purpose of repairs or removal from the high-  
34 way, except that the distance to the nearest exit of a controlled-access  
35 highway shall not be considered in determining such ten mile distance;  
36 [and]

37 6. Stinger-steered automobile transporters or stinger-steered boat  
38 transporters, while operating on qualifying and access highways. [Such  
39 vehicles] Stinger-steered boat transporters shall not, however, exceed  
40 seventy-five feet exclusive of an overhang of not more than three feet  
41 on the front and four feet on the rear of the vehicle[.] and stinger-  
42 steered automobile transporters shall not exceed eighty feet exclusive  
43 of an overhang of not more than four feet on the front and six feet on  
44 the rear of the vehicle; and

45 7. A combination of vehicles operating on any qualifying or access  
46 highways consisting of a power unit and two trailers or semitrailers  
47 with a total weight that shall not exceed twenty-six thousand pounds  
48 when the overall length is greater than sixty-five feet but shall not  
49 exceed eighty-two feet in which the trailers or semitrailers carry no  
50 property and constitute inventory property of a manufacturer, distribu-  
51 tor, or dealer of such trailers or semitrailers.



1 § 3. Paragraph (c) of subdivision 4 of section 385 of the vehicle and  
2 traffic law, as amended by chapter 26 of the laws of 2002, is amended to  
3 read as follows:

4 (c) Notwithstanding the provisions of paragraph (a) of this subdivi-  
5 sion, an overhang of not more than three feet on the front and four feet  
6 on the rear of an automobile transporter or an overhang of not more than  
7 four feet on the front and six feet on the rear of a stinger-steered  
8 automobile transporter or an overhang of not more than three feet on the  
9 front and four feet on the rear of a boat transporter or stinger-steered  
10 boat transporter shall be permitted.

11 § 4. Subdivision 10 of section 385 of the vehicle and traffic law, as  
12 amended by chapter 1008 of the laws of 1983, is amended to read as  
13 follows:

14 10. A single vehicle or a combination of vehicles having three axles  
15 or more and equipped with pneumatic tires, when loaded, may have a total  
16 weight on all axles not to exceed thirty-four thousand pounds, plus one  
17 thousand pounds for each foot and major fraction of a foot of the  
18 distance from the center of the foremost axle to the center of the rear-  
19 most axle. Axles to be counted as provided in subdivision five of this  
20 section. In no case, however, shall the total weight exceed eighty thou-  
21 sand pounds except for a vehicle if operated by an engine fueled prima-  
22 rily by natural gas which may have a maximum gross weight of up to  
23 eighty-two thousand pounds. For any vehicle or combination of vehicles  
24 having a total gross weight less than seventy-one thousand pounds, the  
25 higher of the following shall apply:

26 (a) the total weight on all axles shall not exceed thirty-four thou-  
27 sand pounds plus one thousand pounds for each foot and major fraction of  
28 a foot of the distance from the center of the foremost axle to the  
29 center of the rearmost axle, or

30 (b) the overall gross weight on a group of two or more consecutive  
31 axles shall not exceed the weight produced by application of the follow-  
32 ing formula:

33 
$$W = 500 ((L \times N) / (N - 1) + (12 \times N) + 36)$$

34 where W equals overall gross weight on any group of two or more consec-  
35 utive axles to the nearest five hundred pounds, L equals distance in  
36 feet from the center of the foremost axle to the center of the rearmost  
37 axle of any group of two or more consecutive axles, and N equals number  
38 of axles in group under consideration, except that two consecutive sets  
39 of tandem axles may carry a gross load of thirty-four thousand pounds  
40 each providing the overall distance between the first and last axles of  
41 such consecutive sets of tandem axles is thirty-six feet or more.

42 For any vehicle or combination of vehicles having a total gross weight  
43 of seventy-one thousand pounds or greater, paragraph (b) shall apply to  
44 determine maximum gross weight which is permitted hereunder.

45 § 5. Section 385 of the vehicle and traffic law is amended by adding a  
46 new subdivision 24 to read as follows:

47 24. The provisions of subdivisions six, seven, eight, nine, ten, elev-  
48 en and twelve of this section shall not apply to any tow truck that is  
49 transporting a disabled vehicle from the place where such vehicle became  
50 disabled to the nearest appropriate repair facility and has a gross  
51 vehicle weight that is equal to or exceeds the gross vehicle weight of  
52 the disabled vehicle being transported.

53 § 6. Intentionally omitted.

54 § 7. This act shall take effect immediately.

55

PART E

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 518 to read as follows:

3 § 518. Reciprocal agreements concerning suspension or revocation of  
4 registration of a motor vehicle for violations of toll collection regu-  
5 lations. a. The commissioner may execute a reciprocal compact or agree-  
6 ment regarding toll collection violations with the motor vehicle admin-  
7 istrator or other authorized official of another state not inconsistent  
8 with the provisions of this chapter. Such compact or agreement shall  
9 provide that if a registration of a motor vehicle would be suspended or  
10 revoked pursuant to paragraph d of subdivision three of section five  
11 hundred ten of this chapter, or pursuant to a comparable law or regu-  
12 lation of another state, because a registrant of such motor vehicle  
13 failed to pay tolls and related fees, or have such tolls or fees  
14 dismissed or transferred, then the state issuing the registration shall  
15 likewise suspend or revoke the registration or bar renewal of such  
16 registration, until such registrant has paid such tolls and fees or  
17 complied with the rules and regulations of the tolling authority that  
18 imposed such tolls and fees. Such compact or agreement shall also  
19 provide that no such action by a state against a motor vehicle registra-  
20 tion shall be taken pursuant to such compact or agreement unless the  
21 tolling authority in the other state provides notice, due process, an  
22 opportunity to be heard and appeal protections for registrants of motor  
23 vehicles, and allows motor vehicle registrants in this state to present  
24 evidence by mail, telephone, electronic means or other means to invoke  
25 rights of due process without having to appear personally in the juris-  
26 isdiction where the violations occurred.

27 b. Such compact or agreement shall also provide such terms and proce-  
28 dures as are necessary and proper to facilitate its administration. Any  
29 such compact or agreement shall specify the violations subject to the  
30 compact or agreement, and shall include a determination of comparable  
31 violations in each state if any such violations are of a substantially  
32 similar nature but are not denominated or described in precisely the  
33 same words in each party state.

34 c. The word "state" when used in this section shall mean any state,  
35 territory, a possession of the United States, the District of Columbia  
36 or any province of Canada.

37 § 2. (a) The commissioner of motor vehicles shall, in consultation  
38 with the thruway authority, the triborough bridge and tunnel authority,  
39 the port authority of New York and New Jersey, and every other public  
40 authority which operates a toll highway, bridge and/or tunnel facility  
41 in the state of New York, submit a report to the governor, the temporary  
42 president of the senate, the speaker of the assembly, the chairs of the  
43 senate and assembly transportation committees, and the chairs of the  
44 senate and assembly corporations, authorities and commissions committee  
45 on reciprocal compacts and agreements entered into pursuant to section  
46 518 of the vehicle and traffic law. Such report shall identify each  
47 state with which the commissioner has entered such a reciprocal compact  
48 or agreement. Such report shall also include, but not be limited to, the  
49 following information:

50 I. The total number of registration suspensions requested, on a quar-  
51 terly basis, by other states for registrants of the state of New York,  
52 and the total number of registration suspensions requested and imposed,  
53 on a quarterly basis, by the state of New York for non-New York regis-  
54 trants;

55 II. The number of releases of New York state registrants for toll  
56 violations in other states;



1 III. The total number of active registration suspensions, on a quar-  
2 terly basis, on registrants of the state of New York by other states,  
3 and the total number of registration suspensions, on a quarterly basis,  
4 on non-residents by the state of New York;

5 IV. The number of suspensions requested due to tolls and related fees  
6 imposed by each tolling authority;

7 V. The total number of hearings requested, the total number of hear-  
8 ings sustained and the total number not sustained; and,

9 VI. For each tolling authority within the state of New York, the total  
10 amount of tolls, and the total amount of related fees, both imposed upon  
11 and collected from non-residents.

12 (b) For purposes of this section, the term "state" shall have the same  
13 meaning as such term is defined in subdivision c of section 518 of the  
14 vehicle and traffic law.

15 § 3. This act shall take effect immediately.

16 PART F

17 Intentionally Omitted

18 PART G

19 Intentionally Omitted

20 PART H

21 Section 1. Section 491 of the vehicle and traffic law is amended by  
22 adding a new subdivision 3 to read as follows:

23 3. Waiver of fee. The commissioner may waive the payment of fees  
24 required by subdivision two of this section if the applicant is a victim  
25 of a crime and the identification card applied for is a replacement for  
26 one that was lost or destroyed as a result of the crime.

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

29 PART I

30 Section 1. Paragraph (i) of subdivision 2 of section 503 of the vehi-  
31 cle and traffic law, as amended by chapter 55 of the laws of 1992, is  
32 amended to read as follows:

33 (i) A non-resident whose driving privileges have been revoked pursuant  
34 to sections five hundred ten, eleven hundred ninety-three and eleven  
35 hundred ninety-four of this chapter shall, upon application for rein-  
36 statement of such driving privileges, pay to the commissioner of motor  
37 vehicles a fee of [twenty-five] one hundred dollars. When the basis for  
38 the revocation is a finding of driving after having consumed alcohol  
39 pursuant to the provisions of section eleven hundred ninety-two-a of  
40 this chapter, the fee to be paid to the commissioner shall be one  
41 hundred dollars. Such fee is not refundable and shall not be returned to  
42 the applicant regardless of the action the commissioner may take on such  
43 person's application for reinstatement of such driving privileges.

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

46 PART J

1 Intentionally Omitted

2 PART K

3 Intentionally Omitted

4 PART L

5 Intentionally Omitted

6 PART M

7 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174  
8 of the laws of 1968 constituting the New York state urban development  
9 corporation act, as amended by section 1 of part F of chapter 58 of the  
10 laws of 2016, is amended to read as follows:

11 3. The provisions of this section shall expire, notwithstanding any  
12 inconsistent provision of subdivision 4 of section 469 of chapter 309 of  
13 the laws of 1996 or of any other law, on July 1, [2017] 2018.

14 § 2. This act shall take effect immediately and shall be deemed to  
15 have been in full force and effect on and after July 1, 2017.

16 PART N

17 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the  
18 New York state urban development corporation act, relating to the powers  
19 of the New York state urban development corporation to make loans, as  
20 amended by section 1 of part G of chapter 58 of the laws of 2016, is  
21 amended to read as follows:

22 § 2. This act shall take effect immediately provided, however, that  
23 section one of this act shall expire on July 1, [2017] 2018, at which  
24 time the provisions of subdivision 26 of section 5 of the New York state  
25 urban development corporation act shall be deemed repealed; provided,  
26 however, that neither the expiration nor the repeal of such subdivision  
27 as provided for herein shall be deemed to affect or impair in any manner  
28 any loan made pursuant to the authority of such subdivision prior to  
29 such expiration and repeal.

30 § 2. This act shall take effect immediately and shall be deemed to  
31 have been in full force and effect on and after April 1, 2017.

32 PART O

33 Intentionally Omitted

34 PART P

35 Intentionally Omitted

36 PART Q

37 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the  
38 executive law relating to permitting the secretary of state to provide  
39 special handling for all documents filed or issued by the division of  
40 corporations and to permit additional levels of such expedited service,  
41 as amended by section 1 of part M of chapter 58 of the laws of 2016, is  
42 amended to read as follows:



1 § 2. This act shall take effect immediately, provided however, that  
2 section one of this act shall be deemed to have been in full force and  
3 effect on and after April 1, 2003 and shall expire March 31, [2017]  
4 2018.

5 § 2. This act shall take effect immediately and shall be deemed to  
6 have been in full force and effect on and after March 31, 2017.

7 PART R

8 Intentionally Omitted

9 PART S

10 Section 1. Subdivision 1 of section 441-b of the real property law, as  
11 amended by chapter 324 of the laws of 1998, is amended to read as  
12 follows:

13 1. The fee for a license issued or reissued under the provisions of  
14 this article entitling a person, co-partnership, limited liability  
15 company or corporation to act as a real estate broker shall be [one  
16 hundred fifty] one hundred fifty-five dollars. The fee for a license  
17 issued or reissued under the provisions of this article entitling a  
18 person to act as a real estate salesman shall be [fifty] fifty-five  
19 dollars. Notwithstanding the provisions of subdivision seven of section  
20 four hundred forty-one-a of this article, after January first, nineteen  
21 hundred eighty-six, the secretary of state shall assign staggered expi-  
22 ration dates for outstanding licenses that have been previously renewed  
23 on October thirty-first of each year from the assigned date unless  
24 renewed. If the assigned date results in a term that exceeds twenty-four  
25 months, the applicant shall pay an additional prorated adjustment  
26 together with the regular renewal fee. The secretary of state shall  
27 assign dates to existing licenses in a manner which shall result in a  
28 term of not less than two years.

29 § 2. This act shall take effect immediately.

30 PART T

31 Section 1. Subdivision 2 of section 54-1101 of the environmental  
32 conservation law, as amended by section 4 of part U of chapter 58 of the  
33 laws of 2016, is amended to read as follows:

34 2. State assistance payments and/or technical assistance, as defined  
35 in section nine hundred seventeen of the executive law, shall not exceed  
36 [fifty] seventy-five percent of the cost of the program provided, howev-  
37 er, in environmental justice communities, such assistance payments  
38 and/or technical assistance shall not exceed eighty-five percent of the  
39 cost of the program. For the purpose of determining the amount of state  
40 assistance payments, costs shall not be more than the amount set forth  
41 in the application for state assistance payments approved by the secre-  
42 tary. The state assistance payments shall be paid on audit and warrant  
43 of the state comptroller on a certificate of availability of the direc-  
44 tor of the budget.

45 § 2. The opening paragraph and paragraph a of subdivision 1 of section  
46 918 of the executive law, as added by chapter 840 of the laws of 1981,  
47 are amended to read as follows:

48 The secretary may enter into a contract or contracts for grants or  
49 payments to be made, within the limits of any appropriations therefor,  
50 for the following:

1 a. To any local governments, or to two or more local governments, for  
 2 projects approved by the secretary which lead to preparation of a water-  
 3 front revitalization program; provided, however, that such grants or  
 4 payments shall not exceed [fifty] seventy-five percent of the approved  
 5 cost of such projects provided, however, in environmental justice commu-  
 6 nities, such assistance payments and/or technical assistance shall not  
 7 exceed eighty-five percent of the cost of the program;

8 § 3. This act shall take effect immediately.

9 PART U

10 Intentionally Omitted

11 PART V

12 Section 1. Expenditures of moneys appropriated in a chapter of the  
 13 laws of 2017 to the department of agriculture and markets from the  
 14 special revenue funds-other/state operations, miscellaneous special  
 15 revenue fund-339, public service account shall be subject to the  
 16 provisions of this section. Notwithstanding any other provision of law  
 17 to the contrary, direct and indirect expenses relating to the department  
 18 of agriculture and markets' participation in general ratemaking  
 19 proceedings pursuant to section 65 of the public service law or certif-  
 20 ication proceedings pursuant to article 7 or 10 of the public service  
 21 law, shall be deemed expenses of the department of public service within  
 22 the meaning of section 18-a of the public service law. No later than  
 23 August 15, 2018, the commissioner of the department of agriculture and  
 24 markets shall submit an accounting of such expenses, including, but not  
 25 limited to, expenses in the 2017 -- 2018 fiscal year for personal and  
 26 non-personal services and fringe benefits, to the chair of the public  
 27 service commission for the chair's review pursuant to the provisions of  
 28 section 18-a of the public service law.

29 § 2. Expenditures of moneys appropriated in a chapter of the laws of  
 30 2017 to the department of state from the special revenue funds-  
 31 other/state operations, miscellaneous special revenue fund-339, public  
 32 service account shall be subject to the provisions of this section.  
 33 Notwithstanding any other provision of law to the contrary, direct and  
 34 indirect expenses relating to the activities of the department of  
 35 state's utility intervention unit pursuant to subdivision 4 of section  
 36 94-a of the executive law, including, but not limited to participation  
 37 in general ratemaking proceedings pursuant to section 65 of the public  
 38 service law or certification proceedings pursuant to article 7 or 10 of  
 39 the public service law, shall be deemed expenses of the department of  
 40 public service within the meaning of section 18-a of the public service  
 41 law. No later than August 15, 2018, the secretary of state shall submit  
 42 an accounting of such expenses, including, but not limited to, expenses  
 43 in the 2017 -- 2018 fiscal year for personal and non-personal services  
 44 and fringe benefits, to the chair of the public service commission for  
 45 the chair's review pursuant to the provisions of section 18-a of the  
 46 public service law.

47 § 3. Expenditures of moneys appropriated in a chapter of the laws of  
 48 2017 to the office of parks, recreation and historic preservation from  
 49 the special revenue funds-other/state operations, miscellaneous special  
 50 revenue fund-339, public service account shall be subject to the  
 51 provisions of this section. Notwithstanding any other provision of law  
 52 to the contrary, direct and indirect expenses relating to the office of

1 parks, recreation and historic preservation's participation in general  
2 ratemaking proceedings pursuant to section 65 of the public service law  
3 or certification proceedings pursuant to article 7 or 10 of the public  
4 service law, shall be deemed expenses of the department of public  
5 service within the meaning of section 18-a of the public service law. No  
6 later than August 15, 2018, the commissioner of the office of parks,  
7 recreation and historic preservation shall submit an accounting of such  
8 expenses, including, but not limited to, expenses in the 2017 -- 2018  
9 fiscal year for personal and non-personal services and fringe benefits,  
10 to the chair of the public service commission for the chair's review  
11 pursuant to the provisions of section 18-a of the public service law.

12 § 4. Expenditures of moneys appropriated in a chapter of the laws of  
13 2017 to the department of environmental conservation from the special  
14 revenue funds-other/state operations, environmental conservation special  
15 revenue fund-301, utility environmental regulation account shall be  
16 subject to the provisions of this section. Notwithstanding any other  
17 provision of law to the contrary, direct and indirect expenses relating  
18 to the department of environmental conservation's participation in state  
19 energy policy proceedings, or certification proceedings pursuant to  
20 article 7 or 10 of the public service law, shall be deemed expenses of  
21 the department of public service within the meaning of section 18-a of  
22 the public service law. No later than August 15, 2018, the commissioner  
23 of the department of environmental conservation shall submit an account-  
24 ing of such expenses, including, but not limited to, expenses in the  
25 2017 -- 2018 fiscal year for personal and non-personal services and  
26 fringe benefits, to the chair of the public service commission for the  
27 chair's review pursuant to the provisions of section 18-a of the public  
28 service law.

29 § 5. Notwithstanding any other law, rule or regulation to the contra-  
30 ry, expenses of the department of health public service education  
31 program incurred pursuant to appropriations from the cable television  
32 account of the state miscellaneous special revenue funds shall be deemed  
33 expenses of the department of public service. No later than August 15,  
34 2018, the commissioner of the department of health shall submit an  
35 accounting of expenses in the 2017 -- 2018 fiscal year to the chair of  
36 the public service commission for the chair's review pursuant to the  
37 provisions of section 217 of the public service law.

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

42 § 7. This act shall take effect immediately and shall be deemed to  
43 have been in full force and effect on and after April 1, 2017 and shall  
44 be deemed repealed April 1, 2018.

45

## PART W

46 Section 1. Section 2 of Part BB of chapter 58 of the laws of 2012,  
47 amending the public authorities law relating to authorizing the dormito-  
48 ry authority to enter into certain design and construction management  
49 agreements, as amended by section 1 of part S of chapter 58 of the laws  
50 of 2015, is amended to read as follows:

51 § 2. This act shall take effect immediately and shall expire and be  
52 deemed repealed April 1, [2017] 2019.

53 § 2. Within 90 days of the effective date of this act, the dormitory  
54 authority of the state of New York shall provide a report providing

1 information regarding any project undertaken pursuant to a design and  
 2 construction management agreement, as authorized by part BB of chapter  
 3 58 of the laws of 2012, between the dormitory authority of the state of  
 4 New York and the department of environmental conservation and/or the  
 5 office of parks, recreation and historic preservation to the governor,  
 6 the temporary president of the senate and speaker of the assembly. Such  
 7 report shall include but not be limited to a description of each such  
 8 project, the project identification number of each such project, if  
 9 applicable, the projected date of completion, the status of the project,  
 10 the total cost or projected cost of each such project, and the location,  
 11 including the names of any county, town, village or city, where each  
 12 such project is located or proposed. In addition, such a report shall be  
 13 provided to the aforementioned parties by the first day of March of each  
 14 year that the authority to enter into such agreements pursuant to part  
 15 BB of chapter 58 of the laws of 2012 is in effect.

16 § 3. This act shall take effect immediately and shall be deemed to  
 17 have been in effect on and after April 1, 2017.

18 PART X  
 19 Intentionally Omitted

20 PART Y  
 21 Intentionally Omitted

22 PART Z  
 23 Intentionally Omitted

24 PART AA  
 25 Intentionally Omitted

26 PART BB  
 27 Intentionally Omitted

28 PART CC  
 29 Intentionally Omitted

30 PART DD  
 31 Intentionally Omitted

32 PART EE  
 33 Intentionally Omitted

34 PART FF

35 Section 1. Paragraph (b) of subdivision 6 of section 1304 of the real  
 36 property actions and proceedings law, as amended by section 7 of part Q  
 37 of chapter 73 of the laws of 2016, is amended to read as follows:

1 (b) (1) "Home loan" means a home loan, including an open-end credit  
2 plan, [other than a reverse mortgage transaction,] in which:

3 (i) The principal amount of the loan at origination did not exceed the  
4 conforming loan size that was in existence at the time of origination  
5 for a comparable dwelling as established by the federal housing adminis-  
6 tration or federal national mortgage association;

7 (ii) The borrower is a natural person;

8 (iii) The debt is incurred by the borrower primarily for personal,  
9 family, or household purposes;

10 (iv) The loan is secured by a mortgage or deed of trust on real estate  
11 upon which there is located or there is to be located a structure or  
12 structures intended principally for occupancy of from one to four fami-  
13 lies which is or will be occupied by the borrower as the borrower's  
14 principal dwelling; and

15 (v) The property is located in this state.

16 (2) A home loan shall include a loan secured by a reverse mortgage  
17 that meets the requirements of clauses (i) through (v) of subparagraph  
18 one of this paragraph.

19 § 2. Subdivision (a) of rule 3408 of the civil practice law and rules,  
20 as amended by section 2 of part Q of chapter 73 of the laws of 2016, is  
21 amended to read as follows:

22 (a) [In] 1. Except as provided in paragraph two of this subdivision,  
23 in any residential foreclosure action involving a home loan as such term  
24 is defined in section thirteen hundred four of the real property actions  
25 and proceedings law, in which the defendant is a resident of the proper-  
26 ty subject to foreclosure, plaintiff shall file proof of service within  
27 twenty days of such service, however service is made, and the court  
28 shall hold a mandatory conference within sixty days after the date when  
29 proof of service upon such defendant is filed with the county clerk, or  
30 on such adjourned date as has been agreed to by the parties, for the  
31 purpose of holding settlement discussions pertaining to the relative  
32 rights and obligations of the parties under the mortgage loan documents,  
33 including, but not limited to: [1.] (i) determining whether the parties  
34 can reach a mutually agreeable resolution to help the defendant avoid  
35 losing his or her home, and evaluating the potential for a resolution in  
36 which payment schedules or amounts may be modified or other workout  
37 options may be agreed to, including, but not limited to, a loan modifi-  
38 cation, short sale, deed in lieu of foreclosure, or any other loss miti-  
39 gation option; or [2.] (ii) whatever other purposes the court deems  
40 appropriate.

41 2. (i) Paragraph one of this subdivision shall not apply to a home  
42 loan secured by a reverse mortgage where the default was triggered by  
43 the death of the last surviving borrower unless:

44 (A) the last surviving borrower's spouse, if any, is a resident of the  
45 property subject to foreclosure; or

46 (B) the last surviving borrower's successor in interest, who, by  
47 bequest or through intestacy, owns, or has a claim to the ownership of  
48 the property subject to foreclosure, and who was a resident of such  
49 property at the time of the death of such last surviving borrower.

50 (ii) The superintendent of financial services may promulgate such  
51 rules and regulations as he or she shall deem necessary to implement the  
52 provisions of this paragraph.

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

54 (a) the amendments to paragraph (b) of subdivision 6 of section 1304  
55 of the real property actions and proceedings law, made by section one of

1 this act, shall take effect on the same date and in the same manner as  
2 section 7 of part Q of chapter 73 of the laws of 2016 takes effect; and  
3 (b) the amendments to subdivision (a) of rule 3408 of the civil prac-  
4 tice law and rules, made by section two of this act, shall be subject to  
5 the expiration and reversion of such subdivision pursuant to subdivision  
6 e of section 25 of chapter 507 of the laws of 2009, as amended.

7 PART GG

8 Intentionally Omitted

9 PART HH

10 Section 1. Paragraph (a) of subdivision 2 of section 179 of the navi-  
11 gation law, as amended by section 2 of part X of chapter 58 of the laws  
12 of 2015, is amended to read as follows:

13 (a) An account which shall be credited with all license fees and  
14 penalties collected pursuant to paragraph (b) of subdivision one and  
15 paragraph (a) of subdivision four of section one hundred seventy-four of  
16 this article except as provided in section one hundred seventy-nine-a of  
17 this article, the portion of the surcharge collected pursuant to para-  
18 graph (d) of subdivision four of section one hundred seventy-four of  
19 this article, penalties collected pursuant to paragraph (b) of subdivi-  
20 sion four of section one hundred seventy-four-a of this article, money  
21 collected pursuant to section one hundred eighty-seven of this article,  
22 all penalties collected pursuant to section one hundred ninety-two of  
23 this article, and registration fees collected pursuant to subdivision  
24 two of section 17-1009 of the environmental conservation law.

25 § 2. The navigation law is amended by adding a new section 179-a to  
26 read as follows:

27 § 179-a. New York environmental protection and spill remediation  
28 account. 1. There is hereby created an account within the miscellaneous  
29 capital projects fund, the New York environmental protection and spill  
30 remediation account. The New York environmental protection and spill  
31 remediation account shall consist of license fees received by the state  
32 pursuant to section one hundred seventy-four of this article, in an  
33 amount equal to expenditures made from this account.

34 2. These moneys, after appropriation by the legislature, and within  
35 the amounts set forth and for the several purposes specified, shall be  
36 available to reimburse the department of environmental conservation for  
37 expenditures associated with the purposes of costs incurred under this  
38 article, including cleanup and removal of petroleum spills, and other  
39 capital, investigation, maintenance and remediation costs.

40 3. All payments made from the New York environmental protection and  
41 spill remediation account shall be made by the administrator upon  
42 certification by the commissioner.

43 4. Spending pursuant to this section shall be included in the annual  
44 report required by section one hundred ninety-six of this article.

45 § 3. Subdivision 3 of section 176 of the navigation law, as added by  
46 chapter 845 of the laws of 1977, is amended to read as follows:

47 3. Any unexplained discharge of petroleum within state jurisdiction or  
48 discharge of petroleum occurring in waters beyond state jurisdiction  
49 that for any reason penetrates within state jurisdiction shall be  
50 removed by or under the direction of the department. Except for those  
51 expenses incurred by the party causing such discharge, any expenses  
52 incurred in the removal of discharges shall be paid promptly from the

1 New York environmental protection and spill compensation fund pursuant  
2 to [section] sections one hundred and eighty-six and one hundred seven-  
3 ty-nine-a of this article and any reimbursements due such fund shall be  
4 collected in accordance with the provisions of section one hundred and  
5 eighty-seven of this article.

6 § 4. This act shall take effect immediately and shall be deemed to  
7 have been in full force and effect on and after April 1, 2017.

8 PART II

9 Intentionally Omitted

10 PART JJ

11 Section 1. Paragraph (a) of subdivision 6 of section 92-s of the state  
12 finance law, as amended by chapter 432 of the laws of 1997, is amended  
13 to read as follows:

14 (a) All moneys heretofore and hereafter deposited in the environmental  
15 protection transfer account shall be transferred by the comptroller to  
16 the solid waste account, the parks, recreation and historic preservation  
17 account, the climate change mitigation and adaptation account or the  
18 open space account upon the request of the director of the budget.

19 § 2. Subdivision 5 of section 27-1012 of the environmental conserva-  
20 tion law, as amended by section 6 of part F of chapter 58 of the laws of  
21 2013, is amended to read as follows:

22 5. All [monies] moneys collected or received by the department of  
23 taxation and finance pursuant to this title shall be deposited to the  
24 credit of the comptroller with such responsible banks, banking houses or  
25 trust companies as may be designated by the comptroller. Such deposits  
26 shall be kept separate and apart from all other moneys in the possession  
27 of the comptroller. The comptroller shall require adequate security from  
28 all such depositories. Of the total revenue collected, the comptroller  
29 shall retain the amount determined by the commissioner of taxation and  
30 finance to be necessary for refunds out of which the comptroller must  
31 pay any refunds to which a deposit initiator may be entitled. After  
32 reserving the amount to pay refunds, the comptroller must, by the tenth  
33 day of each month, pay into the state treasury to the credit of the  
34 general fund the revenue deposited under this subdivision during the  
35 preceding calendar month and remaining to the comptroller's credit on  
36 the last day of that preceding month; provided, however, that, beginning  
37 April first, two thousand thirteen, nineteen million dollars, and all  
38 fiscal years thereafter, [fifteen] twenty-three million dollars plus all  
39 funds received from the payments due each fiscal year pursuant to subdi-  
40 vision four of this section in excess of the greater of the amount  
41 received from April first, two thousand twelve through March thirty-  
42 first, two thousand thirteen or one hundred twenty-two million two  
43 hundred thousand dollars, shall be deposited to the credit of the envi-  
44 ronmental protection fund established pursuant to section ninety-two-s  
45 of the state finance law.

46 § 2-a. Subdivision 3 of section 92-s of the state finance law, as  
47 amended by section 11 of part F of chapter 58 of the laws of 2013, is  
48 amended to read as follows:

49 3. Such fund shall consist of the amount of revenue collected within  
50 the state from the amount of revenue, interest and penalties deposited  
51 pursuant to section fourteen hundred twenty-one of the tax law, the  
52 amount of fees and penalties received from easements or leases pursuant

1 to subdivision fourteen of section seventy-five of the public lands law  
2 and the money received as annual service charges pursuant to section  
3 four hundred [four-1] four-n of the vehicle and traffic law, all moneys  
4 required to be deposited therein from the contingency reserve fund  
5 pursuant to section two hundred ninety-four of chapter fifty-seven of  
6 the laws of nineteen hundred ninety-three, all moneys required to be  
7 deposited pursuant to section thirteen of chapter six hundred ten of the  
8 laws of nineteen hundred ninety-three, repayments of loans made pursuant  
9 to section 54-0511 of the environmental conservation law, all moneys to  
10 be deposited from the Northville settlement pursuant to section one  
11 hundred twenty-four of chapter three hundred nine of the laws of nine-  
12 teen hundred ninety-six, provided however, that such moneys shall only  
13 be used for the cost of the purchase of private lands in the core area  
14 of the central Suffolk pine barrens pursuant to a consent order with the  
15 Northville industries signed on October thirteenth, nineteen hundred  
16 ninety-four and the related resource restoration and replacement plan,  
17 the amount of penalties required to be deposited therein by section  
18 71-2724 of the environmental conservation law, all moneys required to be  
19 deposited pursuant to article thirty-three of the environmental conser-  
20 vation law, all fees collected pursuant to subdivision eight of section  
21 70-0117 of the environmental conservation law, all moneys collected  
22 pursuant to title thirty-three of article fifteen of the environmental  
23 conservation law, beginning with the fiscal year commencing on April  
24 first, two thousand thirteen, nineteen million dollars, and all fiscal  
25 years thereafter, [fifteen] twenty-three million dollars plus all funds  
26 received by the state each fiscal year in excess of the greater of the  
27 amount received from April first, two thousand twelve through March  
28 thirty-first, two thousand thirteen or one hundred twenty-two million  
29 two hundred thousand dollars, from the payments collected pursuant to  
30 subdivision four of section 27-1012 of the environmental conservation  
31 law and all funds collected pursuant to section 27-1015 of the environ-  
32 mental conservation law, provided such funds shall not be less than four  
33 million dollars for the fiscal year commencing April first, two thousand  
34 thirteen, and not less than eight million dollars for all fiscal years  
35 thereafter and all other moneys credited or transferred thereto from any  
36 other fund or source pursuant to law. All such revenue shall be initial-  
37 ly deposited into the environmental protection fund, for application as  
38 provided in subdivision five of this section.

39 § 2-b. Section 12 of part F of chapter 58 of the laws of 2013 amending  
40 the environmental conservation law and the state finance law relating to  
41 the "Cleaner, Greener NY Act of 2013", as amended by section 1 of part  
42 DD of chapter 58 of the laws of 2015, is amended to read as follows:

43 § 12. This act shall take effect immediately and shall be deemed to  
44 have been in full force and effect on and after April 1, 2013; provided,  
45 however, that the amendments to subdivision 5-a of section 27-1015 of  
46 the environmental conservation law, as added by section nine of this  
47 act, shall expire and be deemed repealed on April 1, [2017] 2019.

48 § 3. This act shall take effect immediately and shall be deemed to  
49 have been in full force and effect on and after April 1, 2017.

50 PART KK

51 Intentionally Omitted

52 PART LL



1 Section 1. The public authorities law is amended by adding a new  
2 section 1005-d to read as follows:

3 § 1005-d. Sharing employees, services and resources; indemnity and  
4 defense. 1. For the purposes of this section, the following words and  
5 terms shall have the following meanings unless the context indicates  
6 another meaning or intent:

7 (a) "Department" means the department of transportation.

8 2. A shared services agreement may be executed between the department  
9 and the authority, canal corporation, or both of them, only for an emer-  
10 gency situation or extreme weather conditions, to share employees,  
11 services or resources as deemed appropriate including, but not limited  
12 to, for the performance of work and activities by the department on the  
13 facilities and property under the jurisdiction of the authority or canal  
14 corporation, and for the performance of work and activities by the  
15 authority or canal corporation on the facilities and property under the  
16 jurisdiction of the department. Such agreement or any project undertaken  
17 pursuant to such an agreement shall not be deemed to impair the rights  
18 of bondholders and may provide for, but not be limited to, the manage-  
19 ment, supervision and direction of such employees' performance of such  
20 services. Such agreement shall provide that the term shall not be long-  
21 er than ten days. All shared employees shall remain employees of their  
22 respective employers and all applicable collectively bargained agree-  
23 ments shall remain in effect for the entire length of the shared  
24 services agreement. Further, such shared services agreement shall not  
25 amend, repeal or replace the terms of any agreement that is collectively  
26 negotiated between an employer and an employee organization, including  
27 an agreement or interest arbitration award made pursuant to article  
28 fourteen of the civil service law.

29 3. The authority shall defend any unit, entity, officer or employee of  
30 the department, using the forces of the department of law pursuant to  
31 subdivision eleven of this section in any action, proceeding, claim,  
32 demand or the prosecution of any appeal arising from or occasioned by  
33 the acts or omissions to act in the performance of the functions of the  
34 authority or canal corporation pursuant to a shared services agreement.

35 4. Defense pursuant to subdivision three of this section shall be  
36 conditioned upon the full cooperation of the department.

37 5. The authority shall indemnify and hold harmless any unit, entity,  
38 officer or employee of the department in the amount of any judgment  
39 obtained against the department or in the amount of any settlement the  
40 department enters into with the consent of the authority for any and all  
41 claims, damages or liabilities arising from or occasioned by the acts or  
42 omissions to act of the authority or canal corporation pursuant to a  
43 shared services agreement; provided, however, that the act or omission  
44 from which such judgment or settlement arose occurred while the authori-  
45 ty or canal corporation was acting within the scope of its functions  
46 pursuant to a shared services agreement. No such settlement of any such  
47 action, proceeding, claim or demand shall be made without the approval  
48 of the authority's board of trustees or its designee.

49 6. Any claim or proceeding commenced against any unit, entity, officer  
50 or employee of the authority or canal corporation that arises pursuant  
51 to any shared services agreement shall not be construed in any way to  
52 impair, alter, limit, modify, abrogate or restrict any immunity avail-  
53 able to or conferred upon any unit, entity, officer or employee of the  
54 authority or canal corporation, or to impair, alter, limit, modify,  
55 abrogate or restrict any right to defense and indemnification provided  
56 for any governmental officer or employee by, in accordance with, or by

1 reason of, any other provision of state or federal statutory or common  
2 law.

3 7. (a) The state shall defend any unit, entity, officer or employee of  
4 the authority and canal corporation using the forces of the department  
5 of law in any action, proceeding, claim, demand or the prosecution of  
6 any appeal arising from or occasioned by the acts or omissions to act in  
7 the performance of the functions of the department pursuant to a shared  
8 services agreement.

9 (b) Defense pursuant to paragraph (a) of this subdivision shall be  
10 conditioned upon the full cooperation of the authority and canal corpo-  
11 ration.

12 (c) The state shall indemnify and hold harmless any unit, entity,  
13 officer or employee of the authority or canal corporation in the amount  
14 of any judgment obtained against the authority or canal corporation in  
15 the amount of any settlement the authority or canal corporation enters  
16 into with the consent of the state for any and all claims, damages or  
17 liabilities arising from or occasioned by the acts or omissions to act  
18 on behalf of the department pursuant to a shared services agreement,  
19 provided, however, that the act or omission from which such judgment or  
20 settlement arose occurred while the department was acting within the  
21 scope of its functions pursuant to a shared services agreement. Any such  
22 settlement shall be executed pursuant to section twenty-a of the court  
23 of claims act.

24 (d) Any claim or proceeding commenced against any unit, entity, offi-  
25 cer or employee of the department pursuant to any shared services agree-  
26 ment shall not be construed in any way to impair, alter, limit, modify,  
27 abrogate or restrict any immunity available to or conferred upon any  
28 unit, entity, officer or employee of the department, or to impair,  
29 alter, limit, modify, abrogate or restrict any right to defense and  
30 indemnification provided for any governmental officer or employee by, in  
31 accordance with, or by reason of, any other provision of state or feder-  
32 al statutory or common law.

33 (e) Any payment made pursuant to this subdivision or any monies paid  
34 for a claim against or settlement with the department, authority or  
35 canal corporation pursuant to this subdivision and pursuant to a shared  
36 services agreement shall be paid from appropriations for payment by the  
37 state pursuant to the court of claims act.

38 8. This section shall not in any way affect the obligation of any  
39 claimant to give notice to the state, authority, or canal corporation  
40 under section ten and section eleven of the court of claims act or any  
41 other provision of law provided, however, that notice served upon the  
42 state, authority, or canal corporation who is a party to the shared  
43 services agreement shall be valid notice on all parties to the agree-  
44 ment, when such claim arises out of such shared services agreement. The  
45 state, authority and canal corporation shall notify each other when they  
46 receive a notice of claim, notice of intention to make a claim or a  
47 claim arising out of such agreement.

48 9. The provisions of this section shall not be construed to impair,  
49 alter, limit or modify the rights and obligations of any insurer under  
50 any insurance agreement.

51 10. Notwithstanding any other provision of law, when employed pursuant  
52 to a shared services agreement, employees of the authority, canal corpo-  
53 ration and department shall be deemed employees of all such entities and  
54 the state for purposes of the workers' compensation law.

55 11. At the request of the authority or canal corporation, services and  
56 assistance and legal services for the authority or canal corporation

1 shall be performed by forces or officers of the department and the  
2 department of law respectively, and all other state officers, depart-  
3 ments, boards, divisions and commissions shall render services within  
4 their respective functions.

5 § 2. Subdivision 1 of section 17 of the public officers law is amended  
6 by adding a new paragraph (z) to read as follows:

7 (z) For purposes of this section, the term "employee" shall include  
8 members of the governing board, officers and employees of the New York  
9 state canal corporation.

10 § 3. This act, being necessary for the prosperity of the state and its  
11 inhabitants, shall be liberally construed to effect the purposes and  
12 secure the beneficial intents hereof.

13 § 4. If any provision of any section of this act or the application  
14 thereof to any person or circumstance shall be adjudged invalid by a  
15 court of competent jurisdiction, such order or judgment shall be  
16 confined in its operation to the controversy in which it was rendered,  
17 and shall not affect or invalidate the remainder of any provision of any  
18 section of this act or the application thereof to any other person or  
19 circumstance and to this end the provisions of each section of this act  
20 are hereby declared to be severable.

21 § 5. This act shall take effect immediately.

22

PART MM

23 Section 1. Expenditures of moneys by the New York state energy  
24 research and development authority for services and expenses of the  
25 energy research, development and demonstration program, including  
26 grants, the energy policy and planning program, the zero emissions vehi-  
27 cle and electric vehicle rebate program, and the Fuel NY program shall  
28 be subject to the provisions of this section. Notwithstanding the  
29 provisions of subdivision 4-a of section 18-a of the public service law,  
30 all moneys committed or expended in an amount not to exceed \$19,700,000  
31 shall be reimbursed by assessment against gas corporations, as defined  
32 in subdivision 11 of section 2 of the public service law and electric  
33 corporations as defined in subdivision 13 of section 2 of the public  
34 service law, where such gas corporations and electric corporations have  
35 gross revenues from intrastate utility operations in excess of \$500,000  
36 in the preceding calendar year, and the total amount which may be  
37 charged to any gas corporation and any electric corporation shall not  
38 exceed one cent per one thousand cubic feet of gas sold and .010 cent  
39 per kilowatt-hour of electricity sold by such corporations in their  
40 intrastate utility operations in calendar year 2015. Such amounts shall  
41 be excluded from the general assessment provisions of subdivision 2 of  
42 section 18-a of the public service law. The chair of the public service  
43 commission shall bill such gas and/or electric corporations for such  
44 amounts on or before August 10, 2017 and such amounts shall be paid to  
45 the New York state energy research and development authority on or  
46 before September 10, 2017. Upon receipt, the New York state energy  
47 research and development authority shall deposit such funds in the ener-  
48 gy research and development operating fund established pursuant to  
49 section 1859 of the public authorities law. The New York state energy  
50 research and development authority is authorized and directed to: (1)  
51 transfer \$1 million to the state general fund for services and expenses  
52 of the department of environmental conservation, \$150,000 to the state  
53 general fund for services and expenses of the department of agriculture  
54 and markets, and \$825,000 to the University of Rochester laboratory for



1 laser energetics from the funds received; and (2) commencing in 2016,  
2 provide to the chair of the public service commission and the director  
3 of the budget and the chairs and secretaries of the legislative fiscal  
4 committees, on or before August first of each year, an itemized record,  
5 certified by the president and chief executive officer of the authority,  
6 or his or her designee, detailing any and all expenditures and commit-  
7 ments ascribable to moneys received as a result of this assessment by  
8 the chair of the department of public service pursuant to section 18-a  
9 of the public service law. This itemized record shall include an item-  
10 ized breakdown of the programs being funded by this section and the  
11 amount committed to each program. The authority shall not commit for  
12 any expenditure, any moneys derived from the assessment provided for in  
13 this section, until the chair of such authority shall have submitted,  
14 and the director of the budget shall have approved, a comprehensive  
15 financial plan encompassing all moneys available to and all anticipated  
16 commitments and expenditures by such authority from any source for the  
17 operations of such authority. Copies of the approved comprehensive  
18 financial plan shall be immediately submitted by the chair to the chairs  
19 and secretaries of the legislative fiscal committees. Any such amount  
20 not committed by such authority to contracts or contracts to be awarded  
21 or otherwise expended by the authority during the fiscal year shall be  
22 refunded by such authority on a pro-rata basis to such gas and/or elec-  
23 tric corporations, in a manner to be determined by the department of  
24 public service, and any refund amounts must be explicitly lined out in  
25 the itemized record described above.  
26 § 2. This act shall take effect immediately and shall be deemed to  
27 have been in full force and effect on and after April 1, 2017.

28

## PART NN

29 Section 1. Section 4 of chapter 495 of the laws of 2004, amending the  
30 insurance law and the public health law relating to the New York state  
31 health insurance continuation assistance demonstration project, as  
32 amended by section 1 of part AA of chapter 54 of the laws of 2016, is  
33 amended to read as follows:

34 § 4. This act shall take effect on the sixtieth day after it shall  
35 have become a law; provided, however, that this act shall remain in  
36 effect until July 1, [2017] 2018 when upon such date the provisions of  
37 this act shall expire and be deemed repealed; provided, further, that a  
38 displaced worker shall be eligible for continuation assistance retroac-  
39 tive to July 1, 2004.

40 § 2. This act shall take effect immediately.

41

## PART OO

42 Section 1. Section 506 of the agriculture and markets law, as amended  
43 by chapter 256 of the laws of 2016, is amended to read as follows:

44 § 506. Growth, sale, distribution, transportation and processing of  
45 industrial hemp and products derived from such hemp permitted. Notwith-  
46 standing any provision of law to the contrary, industrial hemp and  
47 products derived from such hemp are agricultural products which may be  
48 grown, produced and possessed in the state, and sold, distributed,  
49 transported or processed either in or out of state as part of agricul-  
50 tural pilot programs pursuant to authorization under federal law and the  
51 provisions of this article.



1 Notwithstanding any provision of law to the contrary restricting the  
2 growing or cultivating, sale, distribution, transportation or processing  
3 of industrial hemp and products derived from such hemp, and subject to  
4 authorization under federal law, the commissioner may authorize [no more  
5 than ten sites for] the growing or cultivating of industrial hemp as  
6 part of agricultural pilot programs conducted by the department and/or  
7 an institution of higher education to study the growth and cultivation,  
8 sale, distribution, transportation and processing of such hemp and  
9 products derived from such hemp provided that the sites and programs  
10 used for growing or cultivating industrial hemp are certified by, and  
11 registered with, the department.

12 § 2. This act shall take effect on the thirtieth day after it shall  
13 have become a law.

14

## PART PP

15 Section 1. Subdivision 18-a of section 1261 of the public authorities  
16 law, as added by section 1 of part PP of chapter 54 of the laws of 2016,  
17 is amended to read as follows:

18 18-a. "Transportation purpose" shall mean a purpose that directly [or  
19 indirectly] supports [all or any of] the missions or purposes of the  
20 authority, any of its subsidiaries, New York city transit authority or  
21 its subsidiary, including the realization of revenues [available for the  
22 costs and expenses of all or any transportation facilities] derived from  
23 property that is, or is to be used as, a transportation facility.

24 § 2. This act shall take effect immediately.

25

## PART QQ

26 Section 1. Sections 1 and 2 of subpart H of part C of chapter 20 of  
27 the laws of 2015, appropriating money for certain municipal corporations  
28 and school districts, as added by section 1 of part BB of chapter 58 of  
29 the laws of 2016, is amended to read as follows:

30 Section 1. Contingent upon available funding, and not to exceed  
31 [\\$30,000,000] \\$45,000,000 moneys from the urban development corporation  
32 shall be available for a local government entity, which for the purposes  
33 of this section shall mean a county, city, town, village, school  
34 district or special district, where (i) on or after June 25, 2015, an  
35 electric generating facility located within such local government entity  
36 has ceased operations, and (ii) the closing of such facility has caused  
37 a reduction in the real property tax collections or payments in lieu of  
38 taxes of at least twenty percent owed by such electric generating facil-  
39 ity. Such moneys attributable to the cessation of operations, shall be  
40 paid annually on a first come, first served basis by the urban develop-  
41 ment corporation to such local government entity within a reasonable  
42 time upon confirmation from the state office of real property tax  
43 services or the local industrial development authority established  
44 pursuant to titles eleven and fifteen of article eight of the public  
45 authorities law, or the local industrial development agency established  
46 pursuant to article eighteen-A of the general municipal law that such  
47 cessation has resulted in a reduction in the real property tax  
48 collections or payments in lieu of taxes, provided, however, that the  
49 urban development corporation shall not provide assistance to such local  
50 government entity for more than [five] seven years, and shall [not]  
51 award [in the first year more than eighty percent of] payments reflect-



1 ing the loss of revenues due to the cessation of operations[.] as  
2 follows:

<u>Award Year</u>	<u>Maximum Potential Award</u>
3 <u>1</u>	<u>no more than eighty percent of loss of revenues</u>
4 <u>2</u>	<u>no more than seventy percent of loss of revenues</u>
5 <u>3</u>	<u>no more than sixty percent of loss of revenues</u>
6 <u>4</u>	<u>no more than fifty percent of loss of revenues</u>
7 <u>5</u>	<u>no more than forty percent of loss of revenues</u>
8 <u>6</u>	<u>no more than thirty percent of loss of revenues</u>
9 <u>7</u>	<u>no more than twenty percent of loss of revenues</u>

11     A local government entity shall be eligible for only one payment of  
12 funds hereunder per year. A local government entity may seek assistance  
13 under the electric generation facility cessation mitigation fund once a  
14 generator has submitted its notice to the federally designated electric  
15 bulk system operator (BSO) serving the state of New York of its intent  
16 to retire the facility or of its intent to voluntarily remove the facil-  
17 ity from service subject to any return-to-service provisions of any  
18 tariff, and that the facility also is ineligible to participate in the  
19 markets operated by the BSO. The date of submission of a local govern-  
20 ment entity's application for assistance shall establish the order in  
21 which assistance is paid to program applicants, except that in no event  
22 shall assistance be paid to a local government entity until such time  
23 that an electric generating facility has retired or become ineligible to  
24 participate in the markets operated by the BSO. For purposes of this  
25 section, any local government entity seeking assistance under the elec-  
26 tric generation facility cessation mitigation fund must submit an attes-  
27 tation to the department of public service that a facility is no longer  
28 producing electricity and is no longer participating in markets operated  
29 by the BSO. After receipt of such attestation, the department of public  
30 service shall confirm such information with the BSO. In the case that  
31 the BSO confirms to the department of public service that the facility  
32 is no longer producing electricity and participating in markets operated  
33 by such BSO, it shall be deemed that the electric generating facility  
34 located within the local government entity has ceased operation. The  
35 department of public service shall provide such confirmation to the  
36 urban development corporation upon receipt. The determination of the  
37 amount of such annual payment shall be determined by the president of  
38 the urban development corporation based on the amount of the differen-  
39 tial between the annual real property taxes and payments in lieu of  
40 taxes imposed upon the facility, exclusive of interest and penalties,  
41 during the last year of operations and the current real property taxes  
42 and payments in lieu of taxes imposed upon the facility, exclusive of  
43 interest and penalties. The total amount awarded from this program shall  
44 not exceed [~~\$30,000,000~~] \$45,000,000.

45     § 2. Notwithstanding any provision of law, rule, or regulation to the  
46 contrary the New York state energy research and development authority  
47 (authority) is authorized and directed to make a contribution to the  
48 urban development corporation for the purposes of this act, an amount  
49 not to exceed \$30,000,000 for the state fiscal year commencing April 1,  
50 2016, and an additional amount not to exceed \$15,000,000 for the state  
51 fiscal year commencing April 1, 2020 from proceeds collected by the  
52 authority from the auction or sale of carbon dioxide emission allowances  
53 allocated by the department of environmental conservation.

1 § 2. This act shall take effect immediately provided, however, that  
2 the amendments to sections 1 and 2 of subpart H of part C of chapter 20  
3 of the laws of 2015 made by section one of this act shall not affect the  
4 repeal of such subpart and shall be deemed repealed therewith.

5

## PART RR

6 Section 1. Indian Point closure task force. 1. (a) On February 28,  
7 2017, the governor announced the appointment of a task force to address  
8 the closure of the Indian Point nuclear power plant in Westchester Coun-  
9 ty and to provide guidance and support to affected local municipalities  
10 and employees (the "task force"). The task force was formed to partner  
11 with local governments to address employment and property tax impacts,  
12 develop new economic opportunities, evaluate site reuse options, and  
13 identify work force retraining programs and opportunities. The task  
14 force will also monitor the closure, and related decommissioning and  
15 site restoration issues, coordinate ongoing safety inspections and  
16 review reliability and environmental concerns, among other issues.  
17 Recognizing the importance of establishing such task force in law, there  
18 are hereby established the following provisions pertaining to member-  
19 ship, purpose, and duties of the task force. Members shall be appointed  
20 as follows:

21 (i) At the discretion of the governor, staff of the executive chamber,  
22 including but not limited to members of the governor's offices of energy  
23 and education;

24 (ii) The chairperson of the public service commission or his or her  
25 designee(s);

26 (iii) The commissioner of environmental conservation or his or her  
27 designee(s);

28 (iv) The secretary of state or his or her designee(s);

29 (v) The commissioner of taxation and finance or his or her  
30 designee(s);

31 (vi) The commissioner of labor or his or her designee(s);

32 (vii) The commissioner of economic development or his or her  
33 designee(s);

34 (viii) The commissioner of the division of homeland security and emer-  
35 gency services or his or her designee(s);

36 (ix) The president of the New York energy research and development  
37 authority or his or her designee(s);

38 (x) The chairperson of the New York power authority or his or her  
39 designee(s);

40 (xi) The mayor of the village of Buchanan or his or her designee;

41 (xii) The superintendent of the Hendrick Hudson school district or his  
42 or her designee;

43 (xiii) The supervisor of the town of Cortlandt or his or her designee;

44 (xiv) One member to be appointed by the temporary president of the  
45 senate from the district representing the aforementioned local govern-  
46 ments;

47 (xv) One member to be appointed by the speaker of the assembly from  
48 the district representing the aforementioned local governments;

49 (xvi) One member, to be appointed by the governor, shall be a repre-  
50 sentative of a labor union whose members are employed at the Indian  
51 Point nuclear generating facility;

52 (xvii) One member, to be appointed by the governor, shall be a repre-  
53 sentative of a labor union whose members are employed at the Indian  
54 Point nuclear generating facility through contracted service providers;



1 (xviii) One member, to be appointed by the governor, shall be a repre-  
2 sentative of a labor organization whose members represent public employ-  
3 ees in the impacted geographical region; and

4 (xix) The chairperson of the task force may appoint local elected  
5 officials and municipal officers, as defined by section 800 of the  
6 general municipal law, from the impacted geographical region.

7 (b) The members appointed to the task force established by the gover-  
8 nor prior to the effective date of this act shall: (i) satisfy the  
9 initial appointment requirements of subparagraphs (i) through (xv) of  
10 paragraph a of this subdivision; and (ii) be ex-officio members of the  
11 task force established pursuant to this section.

12 2. Task force members shall receive no compensation for their services  
13 but may be reimbursed for actual and necessary expenses incurred in the  
14 performance of their duties.

15 3. The chairperson of the task force shall be the chairperson of the  
16 public service commission or his or her designee. The task force shall  
17 meet no less than three times each year.

18 4. Vacancies for task force members appointed pursuant to subpara-  
19 graphs (i) through (xix) of paragraph a of subdivision one of this  
20 section shall be filled in the manner provided for in the initial  
21 appointment.

22 5. The task force shall be authorized to hold public hearings and  
23 meetings to enable it to accomplish its duties.

24 6. The task force may consult with any organization, educational  
25 institution, other governmental entity or agency or person including,  
26 but not limited to, the nuclear regulatory commission and the New York  
27 independent system operator, in the development of its report required  
28 by subdivision nine of this section.

29 7. The department of public service and all other agencies of the  
30 state or subdivisions thereof, including public authorities and public  
31 benefit corporations acting within the scope of their statutory purpose  
32 and authority and with the appropriate consent of their respective  
33 boards or governing bodies may, at the request of the chairperson,  
34 provide the task force with such facilities, assistance, and data as  
35 will enable the task force to carry out its powers and duties.

36 8. The purpose of the task force shall be to assess the impacts of the  
37 Indian Point nuclear generating facility closure on the state and local  
38 municipalities and evaluate ways of addressing and mitigating antic-  
39 ipated impacts, including, but not limited to those on real property tax  
40 collections or payments in lieu of taxes, public safety, labor, and  
41 decommissioning and site restoration programs, strategies, and time-  
42 lines, as well as spend fuel storage issues. The task force will also  
43 monitor impacts on electric reliability and rates.

44 In addition, no later than April 30, 2018, the task force shall  
45 produce a study evaluating the future reuse and reutilization options of  
46 the land where the facility is located. Such study shall consider all  
47 aspects of possible uses of the lands and buildings at such facility,  
48 together with such other and further information that the task force and  
49 the entities with which it shall consult, shall choose to include. In  
50 examining such reutilizaiton, the study shall further consider the  
51 infrastructure currently at and near such facility, the costs and meas-  
52 ures that would need to be taken by the owners of the facility, regula-  
53 tors and/or governmental bodies in order to achieve any such reutiliza-  
54 tion, and any other factors that the task force and the entities with  
55 which it shall consult, shall choose to include in its considerations.



1 9. No later than April 30, 2018, and annually thereafter through 2023,  
2 the task force shall make available for public comment and then submit  
3 to the governor, the temporary president of the senate, the speaker of  
4 the assembly, the chair of the senate committee on energy and telecommu-  
5 nications and the chair of the assembly committee on energy, a report  
6 containing the following:

7 a. an assessment of:

8 (i) anticipated impacts related to the closure, including, but not  
9 limited to impacts on real property tax collections or payments in lieu  
10 of taxes, electric reliability and rates, public safety, labor, and the  
11 future use of the land where the facility is located;

12 (ii) workforce retraining programs and opportunities in other energy  
13 related employment sectors for affected workers, including training in  
14 renewable energy and an evaluation of access to employment with other  
15 utilities and power plants in the state;

16 (iii) all sources and potential sources of generating capacity,  
17 including transmission upgrades, energy efficiency, fossil fuel derived  
18 energy, and renewable energy;

19 (iv) workforce retention; and

20 (v) programs implemented to retrain persons employed at the Indian  
21 Point nuclear generating facility, such analysis, shall include the  
22 number of retraining programs, the content of the retraining programs,  
23 the employment outcomes of individuals retrained, and any other informa-  
24 tion deemed appropriate by the task force;

25 b. an assessment of compliance with any and all federal, state and  
26 local laws, regulations and rules related to the closure and decommis-  
27 sioning of a nuclear generating facility;

28 c. a listing of any enforcement actions initiated for any actual or  
29 alleged condition at the nuclear generating facility;

30 d. recommendations for the projects to be selected pursuant to the  
31 community fund established in the agreement related to Indian Point  
32 entered into by the state of New York on January 9, 2017, and an assess-  
33 ment of the progress and effectiveness of projects selected;

34 e. recommendations related to short term and long term programs the  
35 state of New York could establish to provide support and guidance to the  
36 affected local municipalities, and the implementation of such programs;  
37 and

38 f. any information or data the task force deems appropriate.

39 § 2. This act shall take effect immediately and shall expire and be  
40 deemed repealed April 1, 2024.

41

#### PART SS

42 Section 1. Section 33-0705 of the environmental conservation law, as  
43 amended by section 1 of part H of chapter 57 of the laws of 2014, is  
44 amended to read as follows:

45 § 33-0705. Fee for registration.

46 The applicant for registration shall pay a fee as follows:

47 a. On or before July 1, [2017] 2020, six hundred dollars for each  
48 pesticide proposed to be registered, provided that the applicant has  
49 submitted to the department proof in the form of a federal income tax  
50 return for the previous year showing gross annual sales, for federal  
51 income tax purposes, of three million five hundred thousand dollars or  
52 less;

53 b. On or before July 1, [2017] 2020, for all others, six hundred twen-  
54 ty dollars for each pesticide proposed to be registered;

1 c. After July 1, [2017] 2020, fifty dollars for each pesticide  
2 proposed to be registered.

3 § 2. Section 9 of chapter 67 of the laws of 1992, amending the envi-  
4 ronmental conservation law relating to pesticide product registration  
5 timetables and fees, as amended by section 2 of part H of chapter 57 of  
6 the laws of 2014, is amended to read as follows:

7 § 9. This act shall take effect April 1, 1992 provided, however, that  
8 section three of this act shall take effect July 1, 1993 and shall  
9 expire and be deemed repealed on July 1, [2017] 2020.

10 § 3. This act shall take effect immediately and shall be deemed to  
11 have been in full force and effect on and after April 1, 2017.

12

## PART TT

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

16 § 16-aa. Life sciences initiatives program. The life sciences initi-  
17 atives program is hereby established for the purpose of attracting new  
18 life sciences technologies, to promote critical public and private  
19 sector investment in emerging life sciences fields in New York state,  
20 and to create and expand life sciences related businesses and employ-  
21 ment.

22 1. Such life sciences initiatives program is designated to operate in  
23 areas identified by the corporation as having significant potential for  
24 economic growth in New York, or in which the application of new life  
25 sciences technologies could significantly enhance the productivity and  
26 stability of New York businesses.

27 2. Life sciences are defined as advanced and applied sciences that  
28 expand the understanding of human physiology and have the potential to  
29 lead to medical advances or therapeutic applications including, but not  
30 limited to, academic medical centers, agricultural biotechnology, biog-  
31 enerics, bioinformatics, biomedical engineering, biopharmaceuticals,  
32 biotechnology, chemical synthesis, chemistry technology, diagnostics,  
33 genomics, image analysis, marine biology, marine technology, medical  
34 devices, nanotechnology, natural product pharmaceuticals, proteomics,  
35 regenerative medicine, RNA interference, stem cell research, clinical  
36 trials, including but not limited to neurological clinical trials and  
37 veterinary science.

38 3. A life sciences entity is defined as a business corporation, part-  
39 nership, firm, unincorporated association, or any other entity engaged  
40 in life sciences research, development, manufacturing or commercializa-  
41 tion.

42 4. (a) The corporation is authorized, within available appropriations  
43 and consistent with such appropriations in the Life Sciences Initiatives  
44 Program to provide financial support, through an application and  
45 approval process and such funds may be used for the advancement and  
46 economic growth of life sciences programs, employment of staff, develop-  
47 ment and facilities or other working capital that are aligned with the  
48 life sciences program strategy and approved by the corporation.

49 (b) A life sciences entity must submit a completed application as  
50 prescribed by the chief executive officer of the corporation. Life  
51 sciences initiatives entity applications will be accepted, reviewed and  
52 approved on a rolling basis. Life sciences initiatives entity appli-  
53 cants may include a program or multiple programs in their application.  
54 Each life sciences program applicant shall include information in such



1 application relating to how its life sciences program initiative will  
2 enhance and accelerate life science programs, research and job creation  
3 and retention within New York.

4 5. The chief executive officer of the corporation shall, on or before  
5 October first, two thousand eighteen and every year thereafter, submit  
6 to the governor, the temporary president of the senate and the speaker  
7 of the assembly an annual report on the operations and accomplishments  
8 of the life sciences initiatives programs which shall include, but not  
9 be limited to, the economic impact of the activities undertaken with  
10 state funds, the number and amount of federal funds procured after  
11 program approval, including such factors as jobs created and maintained,  
12 the average salary of the jobs created and average salary of jobs  
13 retained.

14 6. (a) The corporation shall by rule establish criteria for such  
15 program, such criteria shall include detailed provisions for eligibil-  
16 ity.

17 (b) The corporation shall issue guidelines to effectuate the purpose  
18 of this section.

19 § 2. This act shall take effect immediately.

20

#### PART UU

21 Section 1. Subdivisions 3, 5 and 7 of section 19-0323 of the environ-  
22 mental conservation law, as amended by section 1 of part X of chapter 58  
23 of the laws of 2016, are amended to read as follows:

24 3. Any diesel powered heavy duty vehicle that is owned by, operated by  
25 or on behalf of, or leased by a state agency and state and regional  
26 public authority with more than half of its governing body appointed by  
27 the governor shall utilize the best available retrofit technology for  
28 reducing the emission of pollutants. The commissioner shall promulgate  
29 regulations for the implementation of this subdivision specifying that  
30 all vehicles covered by this subdivision shall have best available  
31 retrofit technology on or before December 31, [2017] 2018.

32 This subdivision shall not apply to any vehicle subject to a lease or  
33 public works contract entered into or renewed prior to the effective  
34 date of this section.

35 5. In addition to any waiver which may be issued pursuant to subdivi-  
36 sion four of this section, the department shall issue a waiver to a  
37 state agency, a state or regional public authority, or a person operat-  
38 ing any diesel-powered heavy duty vehicle on behalf of a state agency,  
39 state or regional public authority, upon a request in a form acceptable  
40 to the department for a waiver from the provisions of subdivision three  
41 of this section for a vehicle engine provided that such vehicle engine  
42 will cease to be used in the state on or before December thirty-first,  
43 two thousand [eighteen] nineteen. Any waiver issued pursuant to this  
44 subdivision shall expire when a state agency, a state or regional public  
45 authority, or a person operating any diesel-powered heavy duty vehicle  
46 on behalf of a state agency, state or regional public authority ceases  
47 to use the engine in the state but not later than December thirty-first,  
48 two thousand [eighteen] nineteen.

49 7. On or before January 1, 2008 and every year thereafter, the commis-  
50 sioner shall report to the governor and legislature on the use of ultra  
51 low sulfur diesel fuel. On or before January 1, [2018] 2019 and every  
52 year thereafter, the commissioner shall include in the report to the  
53 governor and legislature the use of the best available retrofit technol-  
54 ogy as required under this section. The information contained in this

1 report shall include, but not be limited to, for each state agency and  
2 public authority covered by this section: (a) the total number of diesel  
3 fuel-powered motor vehicles owned or operated by such agency and author-  
4 ity; (b) the number of such motor vehicles that were powered by ultra  
5 low sulfur diesel fuel; (c) the total number of diesel fuel-powered  
6 motor vehicles owned or operated by such agency and authority having a  
7 gross vehicle weight rating of more than 8,500 pounds; (d) the number of  
8 such motor vehicles that utilized the best available retrofit technolo-  
9 gy, including a breakdown by motor vehicle model, engine year and the  
10 type of technology used for each vehicle; (e) the number of such motor  
11 vehicles that are equipped with an engine certified to the applicable  
12 2007 United States environmental protection agency standard for particu-  
13 late matter as set forth in section 86.007-11 of title 40 of the code of  
14 federal regulations or to any subsequent United States environmental  
15 protection agency standard for particulate matter that is at least as  
16 stringent; and (f) all waivers, findings, and renewals of such findings,  
17 which, for each waiver, shall include, but not be limited to, the quan-  
18 tity of diesel fuel needed to power diesel fuel-powered motor vehicles  
19 owned or operated by such agency and authority; specific information  
20 concerning the availability of ultra low sulfur diesel fuel.

21 § 2. This act shall take effect immediately.

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

31 § 3. This act shall take effect immediately provided, however, that  
32 the applicable effective date of Parts A through UU of this act shall be  
33 as specifically set forth in the last section of such Parts.