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.

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); intentionally omitted (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); to amend the vehicle and traffic law, in relation to increasing fees for original and duplicate certificates of title (Part J); to amend the vehicle and traffic law, in relation to additional fees for certain identification cards (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 corporation to make loans, in relation to the effectiveness thereof (Part N); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the minority and women-owned business enterprise program (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

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.
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); to amend the executive law, in relation to the chairperson of the state athletic commission (Part U); deeming certain expenses of the department of health to be expenses of the department of public service (Part V); intentionally omitted (Part W); intentionally omitted (Part X); to amend the insurance law, in relation to the enforcement of the insurance law against unlicensed participants (Part Y); to amend the banking law, in relation to the licensing and regulation of student loan servicers (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); to amend the state finance law, in relation to creating a paid family leave risk adjustment fund (Part DD); intentionally omitted (Part EE); to amend the real property actions and proceedings law, in relation to making the prior notice requirements applicable to the foreclosure of reverse mortgages (Part FF); to amend the financial services law, in relation to assessments to defray operating expenses of the department (Subpart A); to amend the insurance law, in relation to the distribution of assets (Subpart B); and to amend the insurance law, in relation to insurers deemed to be in a hazardous financial condition (Subpart C)(Part GG); intentionally omitted (Part HH); to amend the environmental conservation law, the public health law, and the public authorities law, in relation to the implementation of the "clean water infrastructure act of 2017"; to amend the soil and water conservation districts law, in relation to certain costs; to amend the New York State water infrastructure improvement act of 2015, in relation to water quality infrastructure projects financed with state assistance; and to repeal subdivision 9 of section 97-b of the state finance law, relating to certain moneys in the hazardous waste remedial fund (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); to amend the environmental conservation law, in relation to the donation of excess food and recycling of food scraps (Part KK); intentionally omitted (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, from an assessment on gas and electric corporations (Part MM); to repeal subdivision 18-a of section 1261 of the public authorities law relating to the definition of "transportation purpose" for purposes of the metropolitan transportation authority (Part NN); to amend the public authorities law, in relation to prohibiting certain roadway lighting (Part OO); to amend the New York state urban development corporation act, in relation to economic development entities (Part PP); to amend the New York state urban development corporation act and the economic development law, in relation to reporting requirements (Part QQ); to amend the New York state urban development corporation act, in relation to creating the small business innovation research/small business technology transfer technical assistance program; and repealing section 3102-c of the public authorities law relating thereto (Part RR); 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 establishing a potential award schedule (Part SS); to amend the environmental conservation law, in relation to establishing a paint stewardship program (Part TT); to amend the environmental conservation law, in relation to establishing the New York state environmental justice act and grants (Part UU); in relation to establishing the Indian Point closure task force and providing for the repeal of such provisions upon expiration thereof (Part VV); to amend the New York state urban development corporation act, in relation to the creation of the strategic investment in workforce development program (Part WW); to amend the environmental conservation law, the public service law, the public authorities law, the labor law and the community risk and resiliency act, in relation to establishing the New York state climate and community protection act (Part XX); 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 YY); to direct the metropolitan transportation authority to produce an alternatives analysis for the construction of a light rail system along the west shore of Staten Island (Part ZZ); to develop and implement a toll rebate plan for the Cross Bay Veterans Memorial Bridge (Part AAA); and to prohibit the purchase of zero emission credits until the heads of the public service commission and the New York state energy research and development authority appear before a joint public hearing (Part BBB)

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

PART A

13 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003 amending certain motor vehicle transaction fees, as amended by section 1 of part A of chapter 58 of the laws of 2015, is amended to read as follows: § 13. This act shall take effect immediately; provided however that sections one through seven of this act, the amendments to subdivision 2 of section 205 of the tax law made by section eight of this act, and section nine of this act shall expire and be deemed repealed on April 1, 2020; [provided further, however, that the amendments to subdivision 3 of section 205 of the tax law made by section eight of this act shall expire and be deemed repealed on March 31, 2018;] provided further,
PART B

Section 1. Paragraph (f) of subdivision 15 of section 385 of the vehicle and traffic law, as amended by section 4 of part C of chapter 59 of the laws of 2004, the third undesignated paragraph as amended by chapter 277 of the laws of 2014, is amended to read as follows:

(f) 1. The department of transportation, or other issuing authority, may issue an annual permit for a vehicle designed and constructed to carry loads that are not of one piece or item, which is registered in this state. Motor carriers having apportioned vehicles registered under the international registration plan must either have a currently valid permit at the time this provision becomes effective or shall have designated New York as its base state or one of the eligible jurisdictions of operation under the international registration plan in order to be eligible to receive a permit issued pursuant to paragraph clause (i), (ii) or (ii-a) of paragraph eight of this paragraph. No permit issued pursuant to this paragraph shall be valid for the operation or movement of vehicles on any state or other highway within any city not wholly included within one county unless such permit was issued by the city department of transportation of such city.

2. Effective January first, two thousand five, no vehicle or combination of vehicles issued a permit pursuant to this paragraph shall cross a bridge designated as an R-posted bridge by the commissioner of transportation or any other permit issuing authority absent a determination by such commissioner or permit issuing authority that the permit applicant has demonstrated special circumstances warranting the crossing of such bridge or bridges and a determination by such commissioner or permit issuing authority that such bridge or bridges may be crossed safely, provided, however, that in no event shall a vehicle or combination of vehicles issued a permit under this paragraph be permitted to cross a bridge designated as an R-posted bridge if such vehicle or combination of vehicles has a maximum gross weight exceeding one hundred thousand pounds, and provided further, however, that nothing contained herein shall be deemed to authorize any vehicle or combination of vehicles to cross any such bridge within any city not wholly included within one county unless such vehicle or combination of vehicles has been issued a valid permit by the city department of transportation of such city pursuant to this subdivision.

3. No vehicle having a model year of two thousand six or newer shall be issued a permit pursuant to this paragraph unless each axle of such vehicle or combination of vehicles, other than steerable or trackable axles, is equipped with two tires on each side of the axle, any air pressure controls for lift axles are located outside the cab of the vehicle and are beyond the reach of occupants of the cab while the vehicle is in motion, the weight on any grouping of two or more axles is distributed such that no axle in the grouping carries less than eighty percent of any other axle in the grouping and any liftable axle is steerable or trackable; and, further provided, after December thirty-first, two thousand nineteen, no permit shall be issued pursuant to this paragraph to a vehicle of any model year that does not meet the require-
ments of this provision, except that such permits may be issued prior to
January first, two thousand twenty to a vehicle that does not meet the
requirement concerning axle grouping weight distribution, but meets all
other requirements of this section.
4. A divisible load permit may only be transferred to a replacement
vehicle by the same registrant or transferred with the permitted vehicle
as part of the sale or transfer of the permit holder's business; or, if
the divisible load permit is issued pursuant to [subparagraph] clause
(iv), (v) or (vi) of subparagraph eight of this paragraph for use within
the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange
and Dutchess and has been effective for the five years preceding a
transfer of such permit, the permit may be transferred with the permit-
ted vehicle in the sale of the permitted vehicle to the holder of a
permit issued pursuant to [subparagraph] clause (iv), (v) or (vi) of
subparagraph eight of this paragraph for use within the counties of
Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess.
5. If a permit holder operates a vehicle or combination of vehicles in
violation of any posted weight restriction, the permit issued to such
vehicle or combination of vehicles shall be deemed void as of the next
day and shall not be reissued for a period of twelve calendar months.
6. Until June thirtieth, nineteen hundred ninety-four, no more than
sixteen thousand power units shall be issued annual permits by the
department for any twelve-month period in accordance with this para-
graph. After June thirtieth, nineteen hundred ninety-four, no more than
sixteen thousand five hundred power units shall be issued annual permits
by the department for any twelve-month period. After December thirty-
first, nineteen hundred ninety-five, no more than seventeen thousand
power units shall be issued annual permits by the department for any
twelve-month period. After December thirty-first, two thousand three, no
more than twenty-one thousand power units shall be issued annual permits
by the department for any twelve-month period. After December thirty-
first, two thousand five, no more than twenty-two thousand power units
shall be issued annual permits by the department for any twelve-month
period. After December thirty-first, two thousand six, no more than
twenty-three thousand power units shall be issued annual permits by the
department for any twelve-month period. After December thirty-first, two
thousand seven, no more than twenty-four thousand power units shall be
issued annual permits by the department for any twelve-month period.
After December thirty-first, two thousand eight, no more than twenty-
five thousand power units shall be issued annual permits by the depart-
ment for any twelve-month period. After December thirty-first, two thou-
sand nine, no more than twenty-six thousand power units shall be
issued annual permits by the department for any twelve-month period.
After December thirty-first, two thousand ten, no more than twenty-
seven thousand power units shall be issued annual permits by the
department for any twelve-month period. After December thirty-first, two
thousand eleven, no more than twenty-eight thousand power units shall be
issued annual permits by the department for any twelve-month period.
After December thirty-first, two thousand twelve, no more than twenty-
three thousand power units shall be issued annual permits by the depart-
ment for any twelve-month period. After December thirty-first, two thou-
sand thirteen, no more than twenty-four thousand power units shall be
issued annual permits by the department for any twelve-month period.
After December thirty-first, two thousand fourteen, no more than twenty-
four thousand power units shall be issued annual permits by the depart-
ment for any twelve-month period. After December thirty-first, two thou-
sand fifteen, no more than twenty-five thousand power units shall be
issued annual permits by the department for any twelve-month period.
After December thirty-first, two thousand sixteen, no more than twenty-
five thousand power units shall be issued annual permits by the depart-
ment for any twelve-month period. After December thirty-first, two thou-
sand seventeen, no more than twenty-six thousand power units shall be
issued annual permits by the department for any twelve-month period.
After December thirty-first, two thousand eighteen, no more than twenty-
five thousand power units shall be issued annual permits by the depart-
ment for any twelve-month period. After December thirty-first, two thou-
sand nineteen, no more than twenty-six thousand power units shall be
issued annual permits by the department for any twelve-month period.
After December thirty-first, two thousand twenty, no more than twen-
ty-seven thousand power units shall be issued annual permits by the
department for any twelve-month period. After December thirty-first, two
thousand twenty-one, no more than twenty-eight thousand power units shall be
issued annual permits by the department for any twelve-month period.
After December thirty-first, two thousand twenty-two, no more than thir-
ty-thousand power units shall be issued annual permits by the depart-
ment for any twelve-month period. After December thirty-first, two thou-
sand twenty-three, no more than thirty-two thousand power units shall be
issued annual permits by the department for any twelve-month period. After December thirty-first, two thousand twenty-four, no more
than thirty-three thousand power units shall be issued annual permits by
the department for any twelve-month period. After December thirty-
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1 first, two thousand twenty-five, no more than thirty-five thousand power
2 units shall be issued annual permits by the department for any twelve-
3 month period.
4 Whenever permit application requests exceed permit availability, the
5 department shall renew annual permits that have been expired for less
6 than four years which meet program requirements, and then shall issue
7 permit applicants having less than three divisible load permits such
8 additional permits as the applicant may request, providing that the
9 total of existing and new permits does not exceed three. Remaining
10 permits shall be allocated by lottery in accordance with procedures
11 established by the commissioner in rules and regulations.
12 7. The department of transportation may issue a seasonal agricultural
13 permit in accordance with [subparagraphs] clauses (i), (ii) and (iii) of
14 subparagraph eight of this paragraph that will be valid for four consec-
15 utive months with a fee equal to one-half the annual permit fees estab-
16 lished under this subdivision.
17 8. For a vehicle issued a permit in accordance with [subparagraphs]
18 clauses (iii), (iv), (v) and (vi) of this [paragraph] subparagraph, such
19 a vehicle must have been registered in this state prior to January
20 first, nineteen hundred eighty-six or be a vehicle or combination of
21 vehicles which replace such type of vehicle which was registered in this
22 state prior to such date provided that the manufacturer's recommended
23 maximum gross weight of the replacement vehicle or combination of vehi-
24 cles does not exceed the weight for which a permit may be issued and the
25 maximum load to be carried on the replacement vehicle or combination of
26 vehicles does not exceed the maximum load which could have been carried
27 on the vehicle being replaced or the registered weight of such vehicle, whichever is lower, in accordance with the following [subparagraphs]
28 clauses:
29   (i) A permit may be issued for a vehicle having at least three axles
30 and a wheelbase not less than sixteen feet and for a vehicle with a
31 trailer not exceeding forty-eight feet. The maximum gross weight of such
32 a vehicle shall not exceed forty-two thousand five hundred pounds plus
33 one thousand two hundred fifty pounds for each foot and major fraction
34 of a foot of the distance from the center of the foremost axle to the
35 center of the rearmost axle, or one hundred two thousand pounds, which-
36 ever is more restrictive provided, however, that any four axle group
37 weight shall not exceed sixty-two thousand pounds, any tridem axle group
38 weight shall not exceed fifty-seven thousand pounds, any tandem axle
39 weight does not exceed forty-seven thousand pounds and any single axle
40 weight shall not exceed twenty-five thousand pounds.
41 Any additional special authorizations contained in a currently valid
42 annual permit shall cease upon the expiration of such current annual
43 permit.
44 (ii) A permit may be issued subject to bridge restrictions for a vehi-
45 cle or a combination of vehicles having at least six axles and a wheel
46 base of at least thirty-six and one-half feet. The maximum gross weight
47 of such vehicle or combination of vehicles shall not exceed one hundred
48 seven thousand pounds and any tridem axle group weight shall not exceed
49 fifty-eight thousand pounds and any tandem axle group weight shall not
50 exceed forty-eight thousand pounds.
51 (ii-a) A permit may be issued subject to bridge restrictions for a
52 combination of vehicles having at least seven axles and a wheelbase of
53 at least forty-three feet. The maximum gross weight of such combination
54 of vehicles shall not exceed one hundred seventeen thousand pounds, any
55 four axle group weight shall not exceed sixty-three thousand pounds, any
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1 tridem axle group weight shall not exceed fifty-eight thousand pounds,
2 any tandem axle group weight shall not exceed forty-eight thousand
3 pounds, and any single axle weight shall not exceed twenty-five thousand
4 pounds.
5 Each axle of such combination of vehicles, other than steerable or
6 trackable axles, shall be equipped with two tires on each side of the
7 axle, any air pressure controls for lift axles shall be located outside
8 the cab of the combination of vehicles and shall be beyond the reach of
9 occupants of the cab while the combination of vehicles is in motion, the
10 weight on any grouping of two or more axles shall be distributed such
11 that no axle in the grouping carries less than eighty percent of any
12 other axle in the grouping, and any liftable axle of such combination of
13 vehicles shall be steerable or trackable.
14 (iii) A permit may be issued for a vehicle having two axles and a
15 wheelbase not less than ten feet, with the maximum gross weight not in
16 excess of one hundred twenty-five percent of the total weight limitation
17 as set forth in subdivision ten of this section. Furthermore, until
18 December thirty-first, nineteen hundred ninety-four, any single rear
19 axle weight shall not exceed twenty-eight thousand pounds. After Decem-
20 ber thirty-first, nineteen hundred ninety-four, any axle weight shall
21 not exceed twenty-seven thousand pounds.
22 (iv) Within a city not wholly included within one county and the coun-
23 ties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and
24 Dutchess, a permit may be issued for a vehicle having at least three
25 axles and a wheelbase not exceeding forty-four feet nor less than seven-
26 teen feet or for a vehicle with a trailer not exceeding forty feet.
27 Until December thirty-first, nineteen hundred ninety-four, a permit
28 may only be issued for such a vehicle having a maximum gross weight not
29 exceeding eighty-two thousand pounds and any tandem axle group weight
30 shall not exceed sixty-two thousand pounds.
31 After January first, nineteen hundred ninety-five, the operation of
32 such a vehicle shall be further limited and a permit may only be issued
33 for such a vehicle having a maximum gross weight not exceeding seventy-
34 nine thousand pounds and any tandem axle group weight shall not exceed
35 fifty-nine thousand pounds, and any tridem shall not exceed sixty-four
36 thousand pounds.
37 A permit may be issued only until December thirty-first, nineteen
38 hundred ninety-four for a vehicle having at least three axles and a
39 wheelbase between fifteen and seventeen feet. The maximum gross weight
40 of such a vehicle shall not exceed seventy-three thousand two hundred
41 eighty pounds and any tandem axle group weight shall not exceed fifty-
42 four thousand pounds.
43 No vehicle having a model year of two thousand six or newer shall be
44 issued a permit pursuant to this subparagraph for use within the coun-
45 ties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and
46 Dutchess unless it is equipped with at least four axles, and further
47 provided, after December thirty-first, two thousand fourteen, no permit
48 shall be issued pursuant to this [subparagraph] clause for use within
49 the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange
50 and Dutchess to a vehicle of any model year unless the vehicle is
51 equipped with at least four axles.
52 (v) Within a city not wholly included within one county and the coun-
53 ties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange or Dutch-
54 ess, a permit may be issued only until December thirty-first, nineteen
55 hundred ninety-nine for a vehicle or combination of vehicles that has
56 been permitted within the past four years having five axles and a wheel-
base of at least thirty-six and one-half feet. The maximum gross weight of such a vehicle or combination of vehicles shall not exceed one hundred five thousand pounds and any tandem axle group weight shall not exceed fifty-one thousand pounds.

Within a city not wholly included within one county and the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess, a permit may be issued for a vehicle or combination of vehicles having at least five axles and a wheelbase of at least thirty feet. The maximum gross weight of such vehicle or combination of vehicles shall not exceed ninety-three thousand pounds and any tridem axle group weight shall not exceed fifty-seven thousand pounds and any tandem axle group weight shall not exceed forty-five thousand pounds.

(vi) Within a city not wholly included within one county and the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess, a permit may be issued for a vehicle or combination of vehicles having at least five axles or more and a wheelbase of at least thirty-six and one-half feet, provided such permit contains routing restrictions.

Until December thirty-first, nineteen hundred ninety-four, the maximum gross weight of a vehicle or combination of vehicles permitted under this [subparagraph] clause shall not exceed one hundred twenty thousand pounds and any tandem or tridem axle group weight shall not exceed sixty-nine thousand pounds, provided, however, that any replacement vehicle or combination of vehicles permitted after the effective date of this [subparagraph] clause shall have at least six axles, any tandem axle group shall not exceed fifty thousand pounds and any tridem axle group shall not exceed sixty-nine thousand pounds.

After December thirty-first, nineteen hundred ninety-four, the tridem axle group weight of any vehicle or combination of vehicles issued a permit under this [subparagraph] clause shall not exceed sixty-seven thousand pounds and any tandem axle group weight shall not exceed fifty thousand pounds and any single axle weight shall not exceed twenty-five thousand seven hundred fifty pounds.

After December thirty-first, nineteen hundred ninety-nine, all vehicles issued a permit under this [subparagraph] clause must have at least six axles.

After December thirty-first, two thousand fourteen, all combinations of vehicles issued a permit under this [subparagraph] clause for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess must have at least seven axles and a wheelbase of at least forty-three feet.

After December thirty-first, two thousand six, no permits shall be issued under this [subparagraph] clause for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess for a vehicle or combination of vehicles having less than seven axles or having a wheelbase of less than forty-three feet, provided, however, that permits may be issued for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess for vehicles or combinations of vehicles where the permit applicant demonstrates that the applicant acquired the vehicle or combination of vehicles prior to December thirty-first, two thousand six, and that if the vehicle or combination of vehicles was acquired by the applicant after the effective date of this provision, such vehicle or combination of vehicles is less than fifteen years old. In instances where the application is for a combination of vehicles, the applicant shall demonstrate that the power unit of such combination satisfies the conditions of this [subparagraph]
clause. In no event shall a permit be issued under this subparagraph for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess for a vehicle or combination of vehicles having less than seven axles or having a wheelbase of less than forty-three feet after December thirty-first, two thousand fourteen.

Except as otherwise provided by this subparagraph for the period ending December thirty-first, two thousand fourteen, after December thirty-first, two thousand three, any combination of vehicles issued a permit under this subparagraph clause for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess shall not exceed one hundred twenty thousand pounds, shall have at least seven axles, shall have a wheelbase of at least forty-three feet, and single axle weight shall not exceed twenty-five thousand seven hundred fifty pounds, any tandem axle group weight shall not exceed forty-eight thousand pounds, any tridem axle group weight shall not exceed sixty-three thousand pounds and any four axle group shall not exceed sixty-five thousand pounds.

From the date of enactment of this paragraph, permit applications under subparagraph clauses (i), (ii), (ii-a), (iii), (iv), (v) and (vi) of this paragraph subparagraph for vehicles registered in this state may be honored by the commissioner of transportation or other appropriate authority. The commissioner of transportation and other appropriate authorities may confer and develop a system through rules and regulations to assure compliance herewith.

§ 2. This act shall take effect immediately.

PART C

Intentionally Omitted

PART D

Section 1. Intentionally omitted.

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

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

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

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

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

(c) Notwithstanding the provisions of paragraph (a) of this subdivision, an overhang of not more than three feet on the front and four feet on the rear of an automobile transporter or an overhang of not more than four feet on the front and six feet on the rear of a stinger-steered automobile transporter or an overhang of not more than three feet on the front and four feet on the rear of a boat transporter or stinger-steered boat transporter shall be permitted.

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

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

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

(b) the overall gross weight on a group of two or more consecutive axles shall not exceed the weight produced by application of the following formula:

\[ W = 500 \left( \frac{LxN}{N-1} \right) + (12xN)+36 \]

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

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

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

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

§ 6. Intentionally omitted.
§ 7. This act shall take effect immediately.

PART E
Intentionally Omitted

PART F
Intentionally Omitted

PART G
Intentionally Omitted

PART H
Section 1. Section 491 of the vehicle and traffic law is amended by adding a new subdivision 3 to read as follows:
3. Waiver of fee. The commissioner may waive the payment of fees required by subdivision two of this section if the applicant is a victim of a crime and the identification card applied for is a replacement for one that was lost or destroyed as a result of the crime.

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

PART I
Section 1. Paragraph (i) of subdivision 2 of section 503 of the vehicle and traffic law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:
(i) A non-resident whose driving privileges have been revoked pursuant to sections five hundred ten, eleven hundred ninety-three and eleven hundred ninety-four of this chapter shall, upon application for reinstatement of such driving privileges, pay to the commissioner of motor vehicles a fee of [twenty-five] one hundred dollars. When the basis for the revocation is a finding of driving after having consumed alcohol pursuant to the provisions of section eleven hundred ninety-two-a of this chapter, the fee to be paid to the commissioner shall be one hundred dollars. Such fee is not refundable and shall not be returned to the applicant regardless of the action the commissioner may take on such person's application for reinstatement of such driving privileges.

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

PART J
Section 1. Paragraphs 1 and 3 of subdivision (a) of section 2125 of the vehicle and traffic law, as amended by section 1-b of part A of chapter 63 of the laws of 2005, are amended to read as follows:
(1) for filing an application for a certificate of title, [fifty] seventy-five dollars except where the application relates to a mobile home or a manufactured home as defined in section one hundred twenty-two-c of this chapter, in which case the fee shall be one hundred twenty-five dollars;
(3) for a duplicate certificate of title, [twenty] forty dollars.

§ 2. Section 2125 of the vehicle and traffic law is amended by adding a new subdivision (h) to read as follows:
(h) Notwithstanding any other provision of law, the increase of twenty-five dollars for the fee assessed for filing an application for a certificate of title and the increase of twenty dollars for the fee assessed for filing an application for a duplicate certificate of title, collected pursuant to paragraphs one and three of subdivision (a) of this section, shall be deposited to the credit of the dedicated highway and bridge trust fund, established pursuant to section eighty-nine-b of the state finance law.

§ 3. This act shall take effect immediately; provided that the amendments to paragraph 1 of subdivision (a) of section 2125 of the vehicle and traffic law made by section one of this act shall not affect the expiration and reversion of such paragraph and shall be deemed to expire therewith.

PART K

Section 1. Subdivision 2 of section 491 of the vehicle and traffic law is amended by adding a new paragraph (f) to read as follows:

(f) In addition to any other fee prescribed in this section, an additional fee of five dollars shall be charged for any non-driver identification card, or renewal or amendment of such card, that is issued in accordance with the REAL ID Act of 2005, Public Law 109-13, and regulations promulgated thereunder at 6 CFR Part 37. The fee collected pursuant to this paragraph shall be paid to the commissioner and shall be deposited to the credit of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law.

§ 2. Subdivision 2 of section 503 of the vehicle and traffic law is amended by adding a new paragraph (f-2) to read as follows:

(f-2) In addition to any other fee prescribed in this section, an additional fee of five dollars shall be charged for any license, or renewal or amendment of such license, that is issued in accordance with the REAL ID Act of 2005, Public Law 109-13, and regulations promulgated thereunder at 6 CFR Part 37. The fee collected pursuant to this paragraph shall be paid to the commissioner and shall be deposited to the credit of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law.

§ 3. This act shall take effect immediately.

PART L

Intentionally Omitted

PART M

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

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

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

PART N
Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
New York state urban development corporation act, relating to the powers
of the New York state urban development corporation to make loans, as
amended by section 1 of part G of chapter 58 of the laws of 2016, is
amended to read as follows:
§ 2. This act shall take effect immediately provided, however, that
section one of this act shall expire on July 1, [2017] 2018, at which
time the provisions of subdivision 26 of section 5 of the New York state
urban development corporation act shall be deemed repealed; provided,
however, that neither the expiration nor the repeal of such subdivision
as provided for herein shall be deemed to affect or impair in any manner
any loan made pursuant to the authority of such subdivision prior to
such expiration and repeal.
§ 2. This act shall take effect immediately and shall be deemed to
have been in full force and effect on and after April 1, 2017.

PART O

Section 1. The opening paragraph of subdivision (h) of section 121 of
chapter 261 of the laws of 1988, amending the state finance law and
other laws relating to the New York state infrastructure trust fund, as
amended by section 2 of part Q of chapter 58 of the laws of 2015, is
amended to read as follows:
The provisions of [section] sections sixty-two through sixty-six of
this act shall expire on December thirty-first, two thousand [seventeen]
nineteen, except that:
§ 2. This act shall take effect immediately.

PART P

Intentionally Omitted

PART Q

Section 1. Section 2 of 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,
as amended by section 1 of part M of chapter 58 of the laws of 2016, is
amended to read as follows:
§ 2. This act shall take effect immediately, provided however, that
section one of this act shall be deemed to have been in full force and
effect on and after April 1, 2003 and shall expire March 31, [2017]
2018.
§ 2. This act shall take effect immediately and shall be deemed to
have been in full force and effect on and after March 31, 2017.

PART R

Intentionally Omitted

PART S

Section 1. Subdivision 6 of section 441-a of the real property law, as
amended by chapter 183 of the laws of 2006, is amended to read as
follows:
6. Pocket card. The department shall prepare, issue and deliver, with
the assistance of the department of motor vehicles, [to each licensee]
upon payment of a fee of five dollars by a licensee, a pocket card in
such form and manner as the department shall prescribe, but which shall
contain the photo, name and business address of the licensee, and, in
the case of a real estate salesman, the name and business address of the
broker with whom he or she is associated and shall certify that the
person whose name appears thereon is a licensed real estate broker or
salesman, as may be. Such cards must be shown on demand. In the case of
loss, destruction or damage, the secretary of state may, upon submission
of satisfactory proof, issue a duplicate pocket card upon payment of a
fee of ten dollars.

§ 2. This act shall take effect immediately.

PART T

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

2. State assistance payments and/or technical assistance, as defined
in section nine hundred seventeen of the executive law, shall not exceed
fifty percent of the cost of the program provided, however, in environ-
mental justice communities, such assistance payments and/or technical
assistance shall not exceed seventy-five percent of the cost of the
program. For the purpose of determining the amount of state assistance
payments, costs shall not be more than the amount set forth in the
application for state assistance payments approved by the secretary. The
state assistance payments shall be paid on audit and warrant of the
state comptroller on a certificate of availability of the director of
the budget.

§ 2. Paragraph a of subdivision 1 of section 918 of the executive law,
as added by chapter 840 of the laws of 1981, is amended to read as
follows:

a. To any local governments, or to two or more local governments, for
projects approved by the secretary which lead to preparation of a water-
front revitalization program; provided, however, that such grants shall
not exceed fifty percent of the approved cost of such projects provided,
however, in environmental justice communities, such assistance payments
and/or technical assistance shall not exceed seventy-five percent of the
cost of the program;

§ 2-a. Subdivision 2 of section 54-0509 of the environmental conserva-
tion law, as amended by section 8 of part L of chapter 59 of the laws of
2005, is amended to read as follows:

2. An agreement by the commissioner to make state assistance payments
toward the cost of the project by periodically reimbursing the munici-
pality for costs incurred during the progress of the project. For a
municipal landfill closure project, which does not include a landfill
gas management system, such reimbursement shall be a maximum of either
fifty percent of the cost, or ninety percent of the cost for a munici-
pality with a population smaller than thirty-five hundred as determined
by the current federal decennial census, or two million dollars, which-
ever is less. For a landfill gas management system, which is part of a
municipal landfill closure project, reimbursement shall be a maximum of
either [fifty] seventy-five percent of the cost, or ninety percent of
the cost for a municipality with a population smaller than thirty-five
hundred as determined by the current federal decennial census, or two
million dollars, whichever is less. For a municipal landfill gas manage-
ment project, reimbursement shall be a maximum of either [fifty] seven-
ty-five percent of the cost, or ninety percent of the cost for a munici-
pality with a population smaller than thirty-five hundred as determined
by the current federal decennial census, or two million dollars, which-
ever is less. Project costs are subject to final computation and deter-
mination by the commissioner upon completion of the project, and shall
not exceed the maximum cost set forth in the contract. For purposes of
this subdivision, the approved project cost shall be reduced by the
amount of any specific state assistance payments for municipal landfill
closure or municipal landfill gas management project purposes received
by the municipality from any source; provided, however, that non-spe-
cific state assistance payments, such as amounts paid pursuant to section
fifty-four of the state finance law, shall not be included in such cost
reduction.
§ 3. This act shall take effect immediately.

PART U

Section 1. Paragraph (e) of subdivision 1 of section 169 of the exec-
tive law, as amended by section 9 of part A of chapter 60 of the laws of
2012, is amended to read as follows:
(e) [chairman of state athletic commission,] director of the office of
victim services, chairman of human rights appeal board, chairman of the
industrial board of appeals, chairman of the state commission of
correction, members of the board of parole, member-chairman of unemploy-
ment insurance appeal board, director of veterans' affairs, and vice-
chairman of the workers' compensation board;
§ 2. This act shall take effect immediately.

PART V

Section 1. Intentionally Omitted
§ 2. Intentionally Omitted
§ 3. Intentionally Omitted
§ 4. Intentionally Omitted
§ 5. Notwithstanding any other law, rule or regulation to the contra-
ry, expenses of the department of health public service education
program incurred pursuant to appropriations from the cable television
account of the state miscellaneous special revenue funds shall be deemed
expenses of the department of public service. No later than August 15,
2018, the commissioner of the department of health shall submit an
accounting of expenses in the 2017 -- 2018 fiscal year to the chair of
the public service commission for the chair's review pursuant to the
provisions of section 217 of the public service law.
§ 6. This act shall take effect immediately and shall be deemed to
have been in full force and effect on and after April 1, 2017.

PART W

Intentionally Omitted

PART X

Intentionally Omitted
PART Y

Section 1. Paragraph 1 of subsection (c) of section 109 of the insurance law, as amended by section 55 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

(1) If the superintendent finds after notice and hearing that any authorized insurer, representative of the insurer, [licensed insurance agent, licensed insurance broker, licensed adjuster,] or any other [person or] entity licensed, certified, registered, or authorized pursuant to this chapter, has willfully violated the provisions of this chapter or any regulation promulgated thereunder, then the superintendent may order the [person or] entity to pay to the people of this state a penalty in a sum [not exceeding one thousand dollars for each offense] of either (A) five thousand dollars for each offense; (B) the aggregate damages proximately caused by the violation or violations; or (C) the aggregate profit made from the violation or violations. If the superintendent finds after notice and hearing that any licensed insurance agent, licensed insurance broker, licensed adjuster, or any other person licensed, certified, registered or authorized pursuant to this chapter has willfully violated the provisions of this chapter or any regulation promulgated thereunder, then the superintendent may order the person to pay to the people of this state a penalty in a sum not exceeding one thousand dollars for each offense.

§ 2. This act shall take effect immediately.

PART Z

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

ARTICLE XIV-A
STUDENT LOAN SERVICERS

Section 710. Definitions.

711. Licensing.

712. Application for a student loan servicer license; fees.

713. Application process to receive license to engage in the business of student loan servicing.

714. Changes in officers and directors.

715. Changes in control.

716. Grounds for suspension or revocation of license.

717. Books and records; reports and electronic filing.

718. Rules and regulations.

719. Prohibited practices.

720. Servicing student loans without a license.

721. Responsibilities.

722. Examinations.

723. Penalties for violation of this article.

724. Severability of provisions.

725. Compliance with other laws.

§ 710. Definitions. 1. "Applicant" shall mean any person applying for a license to be a student loan servicer.

2. "Borrower" shall mean any resident of this state who has received a student loan or agreed in writing to pay a student loan or any person who shares a legal obligation with such resident for repaying a student loan.

3. "Borrower benefit" shall mean an incentive offered to a borrower in connection with the origination of a student loan, including but not
limited to an interest rate reduction, principal rebate, fee waiver or rebate, loan cancellation, or cosigner release.

4. "Exempt organization" shall mean any banking organization, foreign banking corporation, national bank, federal savings association, federal credit union, or any bank, trust company, savings bank, savings and loan association, or credit union organized under the laws of any other state.

5. "Person" shall mean any individual, association, corporation, limited liability company, partnership, trust, unincorporated organization, or any other entity.

6. "Servicer" or "student loan servicer" shall mean a person licensed pursuant to section seven hundred eleven of this article to engage in the business of servicing any student loan of a borrower.

7. "Servicing" shall mean:
   (a) receiving any payment from a borrower pursuant to the terms of any student loan;
   (b) applying any payment to a borrower's account pursuant to the terms of a student loan or the contract governing the servicing of any such loan;
   (c) providing any notification of amounts owed on a student loan by or on account of any borrower;
   (d) during a period when a borrower is not required to make a payment on a student loan, maintaining account records for the student loan and communicating with the borrower regarding the student loan on behalf of the owner of the student loan promissory note;
   (e) interacting with a borrower with respect to or regarding any attempt to avoid default on the borrower's student loan, or facilitating the activities described in paragraph (a) or (b) of this subdivision; or
   (f) performing other administrative services with respect to a borrower's student loan.

8. "Student loan" shall mean any loan to a borrower to finance postsecondary education or expenses related to postsecondary education.

§ 711. Licensing. 1. No person shall engage in the business of servicing student loans owed by one or more borrowers residing in this state without first being licensed by the superintendent as a student loan servicer in accordance with this article and such regulations as may be prescribed by the superintendent.

2. The licensing provisions of this subdivision shall not apply to any exempt organization; provided that such exempt organization notifies the superintendent that the exempt organization is acting as a student loan servicer in this state and complies with sections seven hundred nineteen and seven hundred twenty-one of this article and any regulation applicable to student loan servicers promulgated by the superintendent.

§ 712. Application for a student loan servicer license; fees. 1. The application for a license to be a student loan servicer shall be in writing, under oath, and in the form prescribed by the superintendent. Notwithstanding article three of the state technology law or any other law to the contrary, the superintendent may require that an application for a license or any other submission or application for approval as may be required by this article be made or executed by electronic means if he or she deems it necessary to ensure the efficient and effective administration of this article. The application shall include a description of the activities of the applicant, in such detail and for such periods as the superintendent may require, including:
(a) an affirmation of financial solvency noting such capitalization requirements as may be required by the superintendent, and access to such credit as may be required by the superintendent;

(b) a financial statement prepared by a certified public accountant, the accuracy of which is sworn to under oath before a notary public by an officer or other representative of the applicant who is authorized to execute such documents;

(c) an affirmation that the applicant, or its members, officers, partners, directors and principals as may be appropriate, are at least twenty-one years of age;

(d) information as to the character, fitness, financial and business responsibility, background and experiences of the applicant, or its members, officers, partners, directors and principals as may be appropriate;

(e) any additional detail or information required by the superintendent.

2. An application to become a student loan servicer or any application with respect to a student loan servicer shall be accompanied by a fee as prescribed pursuant to section eighteen-a of this chapter.

§ 713. Application process to receive license to engage in the business of student loan servicing. 1. Upon the filing of an application for a license, if the superintendent shall find that the financial responsibility, experience, character, and general fitness of the applicant and, if applicable, the members, officers, partners, directors and principals of the applicant are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this article, the superintendent shall thereupon issue a license in duplicate to engage in the business of servicing student loans described in section seven hundred ten of this article in accordance with the provisions of this article. If the superintendent shall not so find, the superintendent shall not issue a license, and the superintendent shall so notify the applicant. The superintendent shall transmit one copy of a license to the applicant and file another copy in the office of the department of financial services. Upon receipt of such license, a student loan servicer shall be authorized to engage in the business of servicing student loans in accordance with the provisions of this article. Such license shall remain in full force and effect until it is surrendered by the servicer or revoked or suspended as hereinafter provided.

2. The superintendent may refuse to issue a license pursuant to this article if he or she shall find that the applicant, or any person who is a director, officer, partner, agent, employee, member or substantial stockholder of the applicant:

(a) lacks the good moral character and general fitness such as to warrant belief that the licensed entity would be operated honestly, fairly and efficiently within the purposes of this article;

(b) has had a license or registration revoked by the superintendent or any other regulator or jurisdiction;

(c) has been an officer, director, partner, member or substantial stockholder of an entity which has had a license or registration revoked by the superintendent or any other regulator or jurisdiction; or

(d) has been an agent, employee, officer, director, partner or member of an entity which has had a license or registration revoked by the superintendent where such person shall have been found by the superintendent to bear responsibility in connection with the revocation.
3. The term "substantial stockholder", as used in this subdivision, shall be deemed to refer to a person owning or controlling directly or indirectly ten percent or more of the total outstanding stock of a corporation.

§ 714. Changes in officers and directors. Upon any change of any of the executive officers, directors, partners or members of any student loan servicer, the student loan servicer shall submit to the superintendent the name, address, and occupation of each new officer, director, partner or member, and provide such other information as the superintendent may require.

§ 715. Changes in control. 1. It shall be unlawful, except with the prior approval of the superintendent, for any action to be taken which results in a change of control of the business of a student loan servicer. Prior to any change of control, the person desiring of acquiring control of the business of a student loan servicer shall make written application to the superintendent and pay an investigation fee as prescribed pursuant to section eighteen-a of this chapter to the superintendent. The application shall contain such information as the superintendent, by rule or regulation, may prescribe as necessary or appropriate for the purpose of making the determination required by subdivision two of this section. Such information shall include, but not be limited to, the information and other material required for a student loan servicer by subdivision one of section seven hundred twelve of this article.

2. The superintendent shall approve or disapprove the proposed change of control of a student loan servicer in accordance with the provisions of section seven hundred thirteen of this article.

3. For a period of six months from the date of qualification thereof and for such additional period of time as the superintendent may prescribe, in writing, the provisions of subdivisions one and two of this section shall not apply to a transfer of control by operation of law to the legal representative, as hereinafter defined, of one who has control of a student loan servicer. Thereafter, such legal representative shall comply with the provisions of subdivisions one and two of this section. The provisions of subdivisions one and two of this section shall be applicable to an application made under this section by a legal representative. The term "legal representative", for the purposes of this subdivision, shall mean a person duly appointed by a court of competent jurisdiction to act as executor, administrator, trustee, committee, conservator or receiver, including a person who succeeds a legal representative and a person acting in an ancillary capacity there to in accordance with the provisions of such court appointment.

4. As used in this section the term "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a student loan servicer, whether through the ownership of voting stock of such student loan servicer, the ownership of voting stock of any person which possesses such power or otherwise. Control shall be presumed to exist if any person, directly or indirectly, owns, controls or holds with power to vote ten percent or more of the voting stock of any student loan servicer or of any person which owns, controls or holds with power to vote ten percent or more of the voting stock of any student loan servicer, but no person shall be deemed to control a student loan servicer solely by reason of being an officer or director of such student loan servicer. The superintendent may in his discretion, upon the application of a student loan servicer or any person who, directly or indirectly, owns, controls or holds with
§ 716. Grounds for suspension or revocation of license. 1. The superintendent may revoke any license to engage in the business of a student loan servicer issued pursuant to this article if a determination has been made, after notice and a hearing, that:

(a) a servicer has violated any provision of this article, any rule or regulation promulgated by the superintendent under and within the authority of this article, or any other applicable law;

(b) a servicer engages in fraud, intentional misrepresentation, or gross negligence in servicing a student loan;

(c) the competence, experience, character, or general fitness of the servicer, an individual controlling, directly or indirectly, ten percent or more of the outstanding interests, or any person responsible for servicing a student loan for the servicer indicates that it is not in the public interest to permit the servicer to continue servicing student loans;

(d) the servicer is insolvent, suspends payment of its obligations, or makes a general assignment for the benefit of its creditors; or

(e) the servicer has violated the laws of this state, any other state law or any federal law involving fraudulent or dishonest dealing, or a final judgment has been entered against a student loan servicer in a civil action upon grounds of fraud, misrepresentation of deceit.

2. The superintendent may, on good cause shown, or where there is a substantial risk of public harm, suspend any license for a period not exceeding thirty days, pending investigation. "Good cause", as used in this subdivision, shall exist when a student loan servicer has defaulted in performing its financial engagements or engages in dishonest or inequitable practices which may cause substantial harm to the persons afforded the protection of this article.

3. No license shall be revoked or suspended except after notice and a hearing thereon. Any order of suspension issued after notice and a hearing may include as a condition of reinstatement that the student loan servicer make restitution to consumers of fees or other charges which have been improperly charged or collected, including but not limited to by allocating payments contrary to a borrower's direction or in a manner that fails to help a borrower avoid default, as determined by the superintendent. Any hearing held pursuant to the provisions of this section shall be noticed, conducted and administered in compliance with the state administrative procedure act.

4. Any student loan servicer may surrender any license by delivering to the superintendent written notice that the student loan servicer thereby surrenders such license, but such surrender shall not affect the servicer's civil or criminal liability for acts committed prior to the surrender. If such surrender is made after the issuance by the superintendent of a statement of charges and notice of hearing, the superintendent may proceed against the servicer as if the surrender had not taken place.

5. No revocation, suspension, or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the student loan servicer and any person, including the department of financial services.
6. Every license issued pursuant to this article shall remain in full force and effect until the same shall have been surrendered, revoked or suspended in accordance with any other provisions of this article.

7. Whenever the superintendent shall revoke or suspend a license issued pursuant to this article, he or she shall forthwith execute in duplicate a written order to that effect. The superintendent shall file one copy of the order in the office of the department of financial services and shall forthwith serve the other copy upon the student loan servicer. Any such order may be reviewed in the manner provided by article seventy-eight of the civil practice law and rules.

§ 717. Books and records; reports and electronic filing. 1. Each student loan servicer and exempt organization shall keep and use in its business such books, accounts and records as will enable the superintendent to determine whether the servicer or exempt organization is complying with the provisions of this article and with the rules and regulations lawfully made by the superintendent. Every servicer and exempt organization shall preserve such books, accounts, and records, for at least three years.

2. (a) Each student loan servicer shall annually, on or before a date to be determined by the superintendent, file a report with the superintendent giving such information as the superintendent may require concerning the business and operations during the preceding calendar year of such servicer under authority of this article. Such report shall be subscribed and affirmed as true by the servicer under the penalties of perjury and shall be in the form prescribed by the superintendent.

(b) In addition to annual reports, the superintendent may require such additional regular or special reports as he or she may deem necessary to the proper supervision of student loan servicers under this article. Such additional reports shall be subscribed and affirmed as true by the servicer under the penalties of perjury and shall be in the form prescribed by the superintendent.

3. Notwithstanding article three of the state technology law or any other law to the contrary, the superintendent may require that any submission or approval as may be required by the superintendent be made or executed by electronic means if he or she deems it necessary to ensure the efficient administration of this article.

§ 718. Rules and regulations. 1. In addition to such powers as may otherwise be prescribed by this chapter, the superintendent is hereby authorized and empowered to promulgate such rules and regulations as may in the judgment of the superintendent be consistent with the purposes of this article, or appropriate for the effective administration of this article, including, but not limited to:

(a) Such rules and regulations in connection with the activities of student loan servicers and exempt organizations as may be necessary and appropriate for the protection of borrowers in this state;

(b) Such rules and regulations as may be necessary and appropriate to define unfair, deceptive or abusive acts or practices in connection with the activities of student loan servicers and exempt organizations in servicing student loans;

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

(d) Such rules and regulations as may be necessary for the enforcement of this article.
2. The superintendent is hereby authorized and empowered to make such
specific rulings, demands and findings as the superintendent may deem
necessary for the proper conduct of the student loan servicing industry.
§ 719. Prohibited practices. No student loan servicer shall:
1. Directly employ any scheme, device or artifice to defraud or
mislead a borrower.
2. Intentionally engage in any unfair, deceptive or predatory act or
practice toward any person or misrepresent or omit any material informa-
tion in connection with the servicing of a student loan, including, but
not limited to, misrepresenting the amount, nature or terms of any fee
or payment due or claimed to be due on a student loan, the terms and
conditions of the loan agreement or the borrower's obligations under the
loan.
3. Intentionally misapply payments to the outstanding balance of any
student loan or to any related interest or fees.
4. Intentionally provide misleading information to a consumer report-
ing agency.
5. Refuse to communicate with an authorized representative of the
borrower who provides a written authorization signed by the borrower,
provided that the servicer may adopt procedures reasonably related to
verifying that the representative is in fact authorized to act on behalf
of the borrower.
6. Knowingly make any false statement or make any omission of a mate-
rial fact in connection with any information or reports filed with a
governmental agency or in connection with any investigation conducted by
the superintendent or another governmental agency.
§ 720. Servicing student loans without a license. 1. Whenever, in the
opinion of the superintendent, a person is engaged in the business of
servicing student loans, either actually or through subterfuge, without
a license from the superintendent, the superintendent may order that
person to desist and refrain from engaging in the business of servicing
student loans in the state. If, within thirty days after an order is
served, a request for a hearing is filed in writing and the hearing is
not held within sixty days of the filing, the order shall be rescinded.
2. This section shall not apply to exempt organizations.
§ 721. Responsibilities. 1. If a student loan servicer regularly
reports information to a consumer reporting agency, the servicer shall
accurately report a borrower's payment performance to at least one
consumer reporting agency that compiles and maintains files on consumers
on a nationwide basis as defined in Section 603(p) of the federal Fair
Credit Reporting Act (15 U.S.C. Sec. 1681a(p)), upon acceptance as a
data furnisher by that consumer reporting agency.
2. (a) Except as provided in federal law or required by a student loan
agreement, a student loan servicer shall inquire of a borrower how to
apply a borrower's nonconforming payment. A borrower's direction on how
to apply a nonconforming payment shall remain in effect for any future
nonconforming payment during the term of a student loan until the
borrower provides different directions.
(b) For purposes of this subdivision, "nonconforming payment" shall
mean a payment that is either more or less than the borrower's required
student loan payment.
3. (a) If the sale, assignment, or other transfer of the servicing of
a student loan results in a change in the identity of the person to whom
the borrower is required to send subsequent payments or direct any
communications concerning the student loan, a student loan servicer
shall transfer all information regarding a borrower, a borrower's
account, and a borrower's student loan, including but not limited to the
borrower's repayment status and any borrower benefits associated with
the borrower's student loan, to the new student loan servicer servicing
the borrower's student loan within forty-five days.
(b) A student loan servicer shall adopt policies and procedures to
verify that it has received all information regarding a borrower, a
borrower's account, and a borrower's student loan, including but not
limited to the borrower's repayment status and any borrower benefits
associated with the borrower's student loan, when the servicer obtains
the right to service a student loan.
4. If a student loan servicer sells, assigns, or otherwise transfers
the servicing of a student loan to a new servicer, the sale, assignment
or other transfer shall be completed at least seven days before the
borrower's next payment is due.
5. (a) A student loan servicer that sells, assigns, or otherwise
transfers the servicing of a student loan shall require as a condition
of such sale, assignment or other transfer that the new student loan
servicer shall honor all borrower benefits originally represented as
being available to a borrower during the repayment of the student loan
and the possibility of such benefits, including any benefits that were
represented as being available but for which the borrower had not yet
qualified.
(b) A student loan servicer that obtains the right to service a
student loan shall honor all borrower benefits originally represented as
being available to a borrower during the repayment of the student loan
and the possibility of such benefits, including any benefits that were
represented as being available but for which the borrower had not yet
qualified.
6. A student loan servicer shall respond within thirty days after
receipt of a written inquiry from a borrower or a borrower's authorized
representative.
7. A student loan servicer shall preserve records of each student loan
and all communications with borrowers for not less than two years
following the final payment on a student loan or the sale, assignment or
other transfer of the servicing of a student loan, whichever occurs
first, or such longer period as may be required by any other provision
of law.
§ 722. Examinations. 1. The superintendent may at any time, and as
often as he or she may determine, either personally or by a person duly
designated by the superintendent, investigate the business and examine
the books, accounts, records, and files used therein of every student
loan servicer. For that purpose the superintendent and his or her duly
designated representative shall have free access to the offices and
places of business, books, accounts, papers, records, files, safes and
vaults of all student loan servicers. The superintendent and any person
duly designated by him or her shall have the authority to require the
attendance of and to examine under oath all persons whose testimony he
or she may require relative to such business.
2. No person subject to investigation or examination under this
section may knowingly withhold, abstract, remove, mutilate, destroy or
secrete any books, records, computer records or other information.
3. The expenses incurred in making any examination pursuant to this
section shall be assessed against and paid by the student loan servicer
so examined, except that traveling and subsistence expenses so incurred
shall be charged against and paid by servicers in such proportions as
the superintendent shall deem just and reasonable, and such propor-
tionate charges shall be added to the assessment of the other expenses incurred upon each examination. Upon written notice by the superintendent of the total amount of such assessment, the servicer shall become liable for and shall pay such assessment to the superintendent.

4. In any hearing in which a department employee acting under authority of this chapter is available for cross-examination, any official written report, worksheet, other related papers, or duly certified copy thereof, compiled, prepared, drafted, or otherwise made by such department employee, after being duly authenticated by the employee, may be admitted as competent evidence upon the oath of the employee that such worksheet, investigative report, or other related documents were prepared as a result of an examination of the books and records of a servicer or other person, conducted pursuant to the authority of this chapter.

5. Unless otherwise exempt pursuant to subdivision two of section seven hundred eleven of this article, affiliates of a student loan servicer shall be subject to examination by the superintendent on the same terms as the servicer, but only when reports from, or examination of, a servicer provides evidence of unlawful activity between a servicer and affiliate benefitting, affecting, or arising from the activities regulated by this article.

§ 723. Penalties for violation of this article. 1. In addition to such penalties as may otherwise be applicable by law, the superintendent may, after notice and hearing, require any person found violating the provisions of this article or the rules or regulations promulgated hereunder to pay to the people of this state a penalty for each violation of the article or any regulation or policy promulgated hereunder a sum not to exceed an amount as determined pursuant to section forty-four of this chapter for each such violation.

2. Nothing in this article shall limit any statutory or common-law right of any person to bring any action in any court for any act, or the right of the state to punish any person for any violation of any law.

§ 724. Severability of provisions. If any provision of this article, or the application of such provision to any person or circumstance, shall be held invalid, illegal or unenforceable, the remainder of the article, and the application of such provision to persons or circumstances other than those as to which it is held invalid, illegal or unenforceable, shall not be affected thereby.

§ 725. Compliance with other laws. 1. Student loan servicers shall engage in the business of servicing student loans in conformity with the provisions of this chapter, such rules and regulations as may be promulgated by the superintendent thereunder and all applicable federal laws and the rules and regulations promulgated thereunder.

2. Nothing in this section shall be construed to limit any otherwise applicable state or federal law or regulations.

§ 2. Subdivision 10 of section 36 of the banking law, as amended by chapter 182 of the laws of 2011, is amended to read as follows:

10. All reports of examinations and investigations, correspondence and memoranda concerning or arising out of such examination and investigations, including any duly authenticated copy or copies thereof in the possession of any banking organization, bank holding company or any subsidiary thereof (as such terms "bank holding company" and "subsidiary" are defined in article three-A of this chapter), any corporation or any other entity affiliated with a banking organization within the meaning of subdivision six of this section and any non-banking subsidiary of a corporation or any other entity which is an affiliate of a
banking organization within the meaning of subdivision six-a of this section, foreign banking corporation, licensed lender, licensed cashier of checks, licensed mortgage banker, registered mortgage broker, licensed mortgage loan originator, licensed sales finance company, registered mortgage loan servicer, licensed student loan servicer, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, any other person or entity subject to supervision under this chapter, or the department, shall be confidential communications, shall not be subject to subpoena and shall not be made public unless, in the judgment of the superintendent, the ends of justice and the public advantage will be subserved by the publication thereof, in which event the superintendent may publish or authorize the publication of a copy of any such report or any part thereof in such manner as may be deemed proper or unless such laws specifically authorize such disclosure. For the purposes of this subdivision, "reports of examinations and investigations, and any correspondence and memoranda concerning or arising out of such examinations and investigations", includes any such materials of a bank, insurance or securities regulatory agency or any unit of the federal government or that of this state any other state or that of any foreign government which are considered confidential by such agency or unit and which are in the possession of the department or which are otherwise confidential materials that have been shared by the department with any such agency or unit and are in the possession of such agency or unit.

§ 3. Subdivisions 1, 2, 3 and 5 of section 39 of the banking law, subdivisions 1, 2 and 5 as amended by chapter 123 of the laws of 2009 and subdivision 3 as amended by chapter 155 of the laws of 2012, are amended to read as follows:

1. To appear and explain an apparent violation. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, licensed cashier of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by the superintendent to do business or maintain a representative office in this state has violated any law or regulation, he or she may, in his or her discretion, issue an order describing such apparent violation and requiring such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, licensed mortgage loan originator, licensed lender, licensed cashier of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by the superintendent to do business or maintain a representative office in this state has violated any law or regulation, he or she may, in his or her discretion, issue an order describing such apparent violation and requiring such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, licensed cashier of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget
planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by the superintendent to do business in this state is conducting business in an unauthorized or unsafe and unsound manner, he or she may, in his or her discretion, issue an order directing the discontinuance of such unauthorized or unsafe and unsound practices, and fixing a time and place at which such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, licensed cashier of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation may voluntarily appear before him or her to present any explanation in defense of the practices directed in said order to be discontinued.

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

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

§ 4. Paragraph (a) of subdivision 1 of section 44 of the banking law,
as amended by chapter 155 of the laws of 2012, is amended to read as
follows:
(a) Without limiting any power granted to the superintendent under any
other provision of this chapter, the superintendent may, in a proceeding
after notice and a hearing, require any safe deposit company, licensed
lender, licensed casher of checks, licensed sales finance company,
licensed insurance premium finance agency, licensed transmitter of
money, licensed mortgage banker, licensed student loan servicer, regis-
tered mortgage broker, licensed mortgage loan originator, registered
mortgage loan servicer or licensed budget planner to pay to the people
of this state a penalty for any violation of this chapter, any regu-
lation promulgated thereunder, any final or temporary order issued
pursuant to section thirty-nine of this article, any condition imposed
in writing by the superintendent in connection with the grant of any
application or request, or any written agreement entered into with the
superintendent.

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

PART AA
Intentionally Omitted

PART BB
Intentionally Omitted

PART CC
Intentionally Omitted

PART DD

Section 1. The state finance law is amended by adding a new section
89-i to read as follows:
§ 89-i. Paid family leave risk adjustment fund. 1. There is hereby
established in the sole custody of the superintendent of financial
services a special fund, to be known as the "paid family leave risk
adjustment fund".
2. Such fund shall consist of money received by the superintendent
from insurance carriers as payments into any risk adjustment mechanism
established by regulation in accordance with paragraph two of subsection
(n) of section four thousand two hundred thirty-five of the insurance
law.
3. All moneys retained in such fund shall be held on behalf of insur-
ance carriers and paid out by the superintendent to insurance carriers
pursuant to the risk adjustment mechanism established by regulation in
accordance with paragraph two of subsection (n) of section four thousand
two hundred thirty-five of the insurance law.
4. The funds so received and deposited in such risk adjustment fund
shall not be deemed to be state funds.

§ 2. This act shall take effect immediately.
Section 1. The opening paragraph of paragraph (a) of subdivision 6 of section 1304 of the real property actions and proceedings law, as amended by section 6 of part Q of chapter 73 of the laws of 2016, is amended to read as follows:

"Home loan" means a loan, including an open-end credit plan, [other than a reverse mortgage transaction,] in which:

§ 2. The opening paragraph and subparagraph (i) of paragraph (b) of subdivision 6 of section 1304 of the real property actions and proceedings law, as amended by section 7 of part Q of chapter 73 of the laws of 2016, is amended to read as follows:

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

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

§ 3. This act shall take effect immediately; provided, however, that the amendments to subdivision 6 of section 1304 of the real property actions and proceedings law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision a of section 25 of chapter 507 of the laws of 2009, as amended, when upon such date the provisions of section two of this act shall take effect.

Section 1. This act enacts into law major components of legislation relating to assessments, distribution of assets, and insurers deemed to be in a hazardous financial condition. Each component is wholly contained within a Subpart identified as Subparts A through C. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes references to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

Section 1. Subsection (a) of section 206 of the financial services law, is amended and a new subsection (g) is added to read as follows:

(a) For each fiscal year commencing on or after April first, two thousand twelve, assessments to defray operating expenses, including all direct and indirect costs, of the department, except expenses incurred in the liquidation of banking organizations, shall be assessed by the superintendent in accordance with this subsection. Persons regulated under the insurance law shall be assessed by the superintendent for the operating expenses of the department that are solely attributable to
regulating persons under the insurance law, which shall include any
expenses that were permissible to be assessed in fiscal year two thou-
sand nine-two thousand ten, with the assessments allocated pro rata upon
all domestic insurers and all licensed United States branches of alien
insurers domiciled in this state within the meaning of paragraph four of
subsection (b) of section seven thousand four hundred eight of the
insurance law, in proportion to the gross direct premiums and other
considerations, written or received by them in this state during the
calendar year ending December thirty-first immediately preceding the end
of the fiscal year for which the assessment is made (less return premi-
ums and considerations thereon) for policies or contracts of insurance
covering property or risks resident or located in this state the issu-
ance of which policies or contracts requires a license from the super-
intendent. Persons regulated under the banking law shall be assessed by
the superintendent for the operating expenses of the department that are
solely attributable to regulating persons under the banking law in such
proportions as the superintendent shall deem just and reasonable.
Persons regulated solely under this chapter shall be assessed by the
superintendent for the operating expenses of the department that are
solely attributable to regulated persons under this chapter in such
proportions as the superintendent shall deem just and reasonable. Oper-
atting expenses of the department not covered by the assessments set
forth above shall be assessed by the superintendent in such proportions
as the superintendent shall deem just and reasonable upon all domestic
insurers and all licensed United States branches of alien insurers domi-
ciled in this state within the meaning of paragraph four of subsection
(b) of section seven thousand four hundred eight of the insurance law,
and upon any [regulated] person regulated solely under this chapter and
the banking law, other than mortgage loan originators, except as other-
wise provided by sections one hundred fifty-one and two hundred twenty-
eight of the workers' compensation law and by section sixty of the
volunteer firefighters' benefit law. The provisions of this subsection
shall not be applicable to a bank holding company, as that term is
defined in article three-A of the banking law. Persons regulated under
the banking law will not be assessed for expenses that the superinten-
dent deems to benefit solely persons regulated under the insurance law,
and persons regulated under the insurance law will not be assessed for
expenses that the superintendent deems to benefit solely persons regu-
lated under the banking law.
(g) The expenses of every examination of the affairs of any regulated
person subject solely to this chapter, shall be borne and paid by the
regulated person so examined, but the superintendent, with the approval
of the comptroller, may, in the superintendent's discretion for good
cause shown, remit such charges.
§ 2. This act shall take effect January 1, 2018.
SUBPART B

Section 1. Legislative findings. In order to provide an appropriate
scheme of distribution of assets of all insolvent insurers, the legisla-
ture finds that it is in the best interest of the people of this state
to amend statutes regarding the priority of distribution under Article
74 of the Insurance Law.
§ 2. Paragraph 1 of subsection (a) of section 7434 of the insurance
law, as amended by chapter 134 of the laws of 1999, is amended to read
as follows:
(1) Upon the recommendation of the superintendent, as receiver, and under the direction of the court, distribution payments shall be made in a manner that will assure the proper recognition of priorities and a reasonable balance between the expeditious completion of the proceeding subject to this article and the protection of unliquidated and undetermined claims. The priority of distribution of claims from an all insolvent insurers in any proceeding subject to this article, unless otherwise specified, shall be in accordance with the order in which each class of claims is set forth in this paragraph and as provided in this paragraph. Every claim in each class shall be paid in full or adequate funds retained for such payment before the members of the next class receive any payment. No subclasses shall be established within any class. No claim by a shareholder, policyholder, contract holder or other creditor shall be permitted to circumvent the priority classes through the use of equitable remedies. The order of distribution of claims shall be:

(i) Class one. Claims with respect to the actual and necessary costs and expenses of administration, incurred by the liquidator, rehabilitator or conservator under this article.

(ii) Class two. All claims under policies or contracts, including such claims of the federal or any state or local government for losses incurred, third party claims, claims for unearned premiums, and all claims of a security fund, guaranty association or the equivalent except claims arising under reinsurance contracts.

(iii) Class three. Claims of the federal government except those under class two above.

(iv) Class four. Claims for wages owing to employees of an insurer against whom a proceeding under this article is commenced for services rendered within one year before commencement of the proceeding, not exceeding one thousand two hundred dollars to each employee, and claims for unemployment insurance contributions required by article eighteen of the labor law. Such priority shall be in lieu of any other similar priority which may be authorized by law.

(v) Class five. Claims of state and local governments except those under class two above.

(vi) Class six. Claims of general creditors including[, but not limited to,] claims arising under reinsurance contracts.

(vii) Class seven. Claims filed late or any other claims other than claims under class eight or class nine below.

(viii) Class eight. Claims for advanced or borrowed funds made pursuant to section one thousand three hundred seven of this chapter.

(ix) Class nine. Claims of shareholders or other owners in their capacity as shareholders.

§ 3. Section 7435 of the insurance law, as added by chapter 802 of the laws of 1985, paragraph 7 of subsection (a) as amended by chapter 300 of the laws of 1996, is amended to read as follows:

§ 7435. Distribution for life insurers. (a) Upon the recommendation of the superintendent, as receiver, and under the direction of the court, distribution payments shall be made in a manner that will assure the proper recognition of priorities and a reasonable balance between the expeditious completion of the proceeding subject to this article and the protection of unliquidated and undetermined claims. The priority of distribution of claims from the estate of an insolvent life insurance company in any proceeding subject to this article shall be in accordance with the order in which each class of claims is herein set forth in this section and as provided in this section. Every claim in
each class shall[, subject to such limitations as may be prescribed by law and do not directly conflict with the express provisions of this section,] be paid in full or adequate funds retained for such payment before the members of the next class receive any payment. No subclasses shall be established within any class. No claim by a shareholder, policyholder, annuitant, or other creditor shall be permitted to circumvent the priority classes through the use of equitable remedies. The order of distribution of claims shall be:

(1) Class one. Claims with respect to the actual and necessary costs and expenses of administration, incurred by the liquidator, rehabilitator, or ancillary rehabilitator under this article, or by The Life Insurance Guaranty Corporation or The Life Insurance Company Guaranty Corporation of New York, and claims described in subsection (d) of section seven thousand seven hundred thirteen of this chapter.

(2) Class two. Debts due to employees for services performed to the extent that they do not exceed one thousand two hundred dollars and represent payment for services performed within one year before the commencement of a proceeding under this article. Such priority shall be in lieu of any other similar priority which may be authorized by law as to wages or compensation of employees. All claims under insurance policies, annuity contracts, and funding agreements, including such claims of the federal or any state or local government and all claims of The Life Insurance Company Guaranty Corporation of New York or any other guaranty corporation or association of this state or another jurisdiction, other than claims provided for in paragraph one of this subsection and claims for interest.

(3) Class three. Claims for payment for goods furnished or services rendered to the impaired or insolvent insurer in the ordinary course of business within ninety days prior to the date on which the insurer was determined to be impaired or insolvent, whichever is applicable. Claims of the federal government except claims provided for in paragraph two of this subsection.

(4) Class four. All claims under insurance policies, annuity contracts and funding agreements, and all claims of The Life Insurance Company Guaranty Corporation of New York or any other guaranty corporation or association of this state or another jurisdiction, other than (i) claims provided for in paragraph one of this subsection, and (ii) claims for interest. Debts due to employees for services performed to the extent that they do not exceed one thousand two hundred dollars and represent payment for services performed within one year before the commencement of a proceeding under this article. Such priority shall be in lieu of any other similar priority that may be authorized by law as to wages or compensation of employees.

(5) Class five. Claims of the federal or any state or local government. Claims, including those of any governmental body for a penalty or forfeiture, shall be allowed to this class only to the extent of the pecuniary loss sustained from the act, transaction or proceeding out of which the penalty or forfeiture arose, with reasonable and actual costs occasioned thereby. The remainder of such claims shall be postponed to the class of claims under paragraph eight of this subsection. All claims for payment for goods furnished or services rendered to the impaired or insolvent insurer in the ordinary course of business within ninety days prior to the date on which the insurer was determined to be impaired or insolvent, whichever is applicable.

(6) Class six. Claims of general creditors and any other claims other than claims under paragraphs seven and eight of this subsection.
of any state or local government other than claims provided for under paragraph two of this subsection. Claims, including those of any governmental body for a penalty or forfeiture, shall be allowed to this class only to the extent of pecuniary loss sustained from the act, transaction, or proceeding out of which the penalty or forfeiture arose, with reasonable and actual costs occasioned thereby. The remainder of such claims shall be postponed to the class of claims under paragraph nine of this subsection.

(7) Class seven. [Surplus, capital or contribution notes, or similar obligations] Claims of general creditors and any other claims other than claims under paragraphs eight and nine of this subsection.

(8) Class eight. [The claims of (i) policyholders, other than claims under paragraph four of this subsection, and (ii) shareholders or other owners] Surplus, capital, or contribution notes, or similar obligations.

(9) Class nine. The claims of policyholders or annuitants, other than claims under paragraph two of this subsection, and shareholders or other owners.

(b) Every claim under a separate account agreement providing, in effect, that the assets in the separate account shall not be chargeable with liabilities arising out of any other business of the insurer shall be satisfied out of the assets in the separate account equal to the reserves maintained in such account for such agreement and, to the extent, if any, not fully discharged thereby, shall be treated as a class [four] two claim against the estate of the life insurance company.

(c) For purposes of this section:

(1) "The estate of the life insurance company" shall mean the general assets of such company less any assets held in separate accounts that, pursuant to section four thousand two hundred forty of this chapter, are not chargeable with liabilities arising out of any other business of the insurer.

(2) "Insurance policies, annuity contracts and funding agreements" shall mean all policies and contracts of any of the kinds of insurance specified in paragraph one, two or three of subsection (a) of section one thousand one hundred thirteen of this chapter and all funding agreements described in section three thousand two hundred twenty-two of this chapter, including all separate account agreements, except that separate account agreements referred to in subsection (b) of this section shall be included only to the extent referred to therein.

(3) "Separate account agreement or agreements" shall mean any agreement or agreements for separate accounts referred to in section four thousand two hundred forty of this chapter.

§ 4. This act shall take effect immediately.

SUBPART C

Section 1. Section 1104 of the insurance law, the section heading as amended and subsections (c) and (d) as added by chapter 235 of the laws of 1989, the opening paragraph of subsection (c) as amended by chapter 598 of the laws of 2000, is amended to read as follows:

§ 1104. Revocation or suspension of license; restriction of license authority or limitation on premiums written. (a) The superintendent may revoke any license, certificate of authority, or registration issued to any foreign or alien insurer to do an insurance business in this state if, after notice to and hearing, [he] the superintendent finds that such insurer has failed to comply with any requirement imposed upon it by the provisions of this chapter and if in [his] the superintendent's judgment...
such revocation is reasonably necessary to protect the interests of the
people of this state. The superintendent may, in his or her discretion,
reinstate any such license, certificate of authority, or registration if
[he] the superintendent finds that a ground for such revocation no lon-
ger exists.
(b) The superintendent shall revoke the certificate of authority of
any corporation or agent convicted of violating section two thousand six
hundred three of this chapter.
(c) Notwithstanding any other provision of this chapter, the
superintendent may [suspend the license, restrict the license authority,
] limit the amount of premiums written in this state of any accident
and health insurance company, property/casualty insurance company,
co-operative property/casualty insurance company, title insurance compa-
nies, mortgage guaranty insurance company, reciprocal insurer, Lloyds
underwriters or nonprofit property/casualty insurance company] take one
or more of the actions specified in subparagraph (B) of paragraph four
of this subsection against an insurer, except those insurers subject to
the provisions of subsection (c) of section two thousand three hundred
forty-three of this chapter, if after a hearing on a record, unless
waived by the affected insurer, the superintendent determines that such
insurer's surplus to policyholders is not adequate in relation to the
insurer's outstanding liabilities or to its financial needs or if the
superintendent otherwise determines that the continued operation of the
insurer might be deemed to be hazardous to the insurer's policyholders,
creditors, or to the general public.
(2) All matters pertaining to a proceeding or determination pursuant
to this subsection shall be confidential and not subject to subpoena or
public inspection under article six of the public officers law or any
other statute, except to the extent that the superintendent finds
release of information necessary to protect the public. The hearing
shall be initiated within twenty days after written notice to the insur-
er. Any determination pursuant to this subsection shall contain findings
specifying the factors deemed significant in regard to the particular
insurer, and shall set forth the reasons supporting the suspension,
restriction or limitation ordered by the superintendent.
(3) The superintendent may consider the following factors [shall be
considered by the superintendent] in making [such] a determination as to
whether an insurer's surplus to policyholders is adequate in relation to
the insurer's outstanding liabilities or to its financial needs:
[(1) (A) the size of the insurer as measured by its admitted assets,
capital and surplus to policyholders, reserves, premium writings, insur-
ance in force and other appropriate criteria, with such surplus to poli-
cyholders for foreign insurers adjusted in accordance with section one
thousand four hundred thirteen of this chapter;
[(2)] (B) the extent to which the insurer's business is diversified
among the several kinds of insurance;
[(3)] (C) the number and size of risks insured in each kind of insur-
ance and the insurer's loss experience in regard to such risks;
[(4)] (D) the extent of geographical dispersion of the insurer's
risks;
[(5)] (E) the nature and extent of the insurer's reinsurance program;
[(6)] (F) the quality, diversification and liquidity of the insurer's
investment portfolio;
[(7)] (G) the recent past and projected future trends in regard to the
insurer's loss experience and in the size of the insurer's surplus to
policyholders;
[(8)] (H) the surplus to policyholders maintained by other comparable insurers;
[(9)] (I) the adequacy of the insurer's reserves; and
[(10)] (J) the quality and liquidity of investments in subsidiaries made pursuant to this chapter.

(4)(A) The superintendent may consider the following standards, either singly or a combination of two or more, to determine whether the continued operation of any insurer might be deemed to be hazardous to its policyholders, creditors, or to the general public:

(i) adverse findings reported in financial condition and market conduct examination reports, audit reports, actuarial opinions, reports, or summaries, or other reports;
(ii) the national association of insurance commissioners insurance regulatory information system and its other financial analysis solvency tools and reports;
(iii) whether the insurer has made adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the insurer, when considered in light of the assets held by the insurer with respect to such reserves and related actuarial items, including the investment earnings on such assets, and the considerations anticipated to be received and retained under such policies and contracts;
(iv) the ability of an assuming reinsurer to perform and whether the insurer's reinsurance program provides sufficient protection for the insurer's remaining surplus after taking into account the insurer's cash flow and the classes of business written as well as the financial condition of the assuming reinsurer;
(v) whether the insurer's operating loss in the last twelve-month period or any shorter period of time, including net capital gain or loss, change in non-admitted assets, and cash dividends paid to shareholders, is greater than fifty percent of the insurer's remaining surplus to policyholders in excess of the minimum required;
(vi) whether the insurer's operating loss in the last twelve-month period or any shorter period of time, excluding net capital gains, is greater than twenty percent of the insurer's remaining surplus to policyholders in excess of the minimum required;
(vii) whether a reinsurer, an obligor, any entity in the insurer's holding company system, as defined in paragraph six of subsection (a) of section one thousand five hundred one of this chapter, or any subsidiary of an insurer, is insolvent, threatened with insolvency, or delinquent in payment of its monetary or other obligations, and which in the opinion of the superintendent may affect the solvency of the insurer;
(viii) contingent liabilities, pledges, or guarantees that either individually or collectively involve a total amount that in the superintendent's opinion may affect the insurer's solvency;
(ix) whether any person who controls an insurer, as defined in paragraph two of subsection (a) of section one thousand five hundred one of this chapter, is delinquent in the transmitting to, or payment of, net premiums to the insurer;
(x) the age and collectability of receivables;
(xi) whether the management of an insurer, including officers, directors, or any other person who directly or indirectly controls the operation of the insurer, fails to possess and demonstrate the competence, fitness, and reputation deemed necessary to serve the insurer in such position;
(xii) whether the insurer's management has failed to respond to an inquiry of the superintendent relative to the insurer's condition or has furnished false and misleading information concerning such an inquiry;
(xiii) whether the insurer has failed to meet financial filing requirements or filing requirements pursuant to articles fifteen, sixteen, or seventeen of this chapter, or regulations promulgated thereunder, in the absence of a reason satisfactory to the superintendent;
(xiv) whether the insurer's management either has filed any false or misleading sworn financial statement, or has released false or misleading financial statements to lending institutions or to the general public, or has made a false or misleading entry, or has omitted an entry of material amount in the insurer's books;
(xv) whether the insurer has grown so rapidly and to such an extent that it lacks adequate financial and administrative capacity to meet its obligations in a timely manner;
(xvi) whether the insurer has experienced or is expected to experience in the foreseeable future cash flow or liquidity problems;
(xvii) whether management has established reserves that do not comply with minimum standards established by this chapter or regulations promulgated thereunder, statutory accounting standards, as adopted by the superintendent, sound actuarial principles and standards of practice;
(xviii) whether management persistently engages in material under practice;
(xix) whether any transaction with an affiliate, a subsidiary, or a parent for which the insurer receives assets or capital gains, or both, do not provide sufficient value, liquidity, or diversity to assure the insurer's ability to meet its outstanding obligations as they mature; and
(xx) any other finding determined by the superintendent to be hazardous to the insurer's policyholders, creditors, or to the general public.
(B) If the superintendent determines that the insurer's surplus to policyholders is not adequate in relation to the insurer's outstanding liabilities or to its financial needs or if the superintendent otherwise determines that the continued operation of the insurer may be hazardous to its policyholders, creditors, or to the general public, then the superintendent may, upon a determination, suspend the insurer's license, certificate of authority, or registration, restrict the insurer's license, certificate of authority, or registration authority, or issue an order requiring the insurer to do one or more of the following:
(i) reduce the total amount of present and potential liability for policy benefits by reinsurance;
(ii) reduce, suspend, or limit the volume of business being accepted or renewed, or limit the amount of premiums written in this state;
(iii) reduce general insurance and commission expenses by specified methods;
(iv) increase the insurer's capital and surplus;
(v) suspend or limit the declaration and payment of dividends by an insurer to its stockholders or policyholders;
(vi) file reports on a form and in a manner acceptable to the superintendent concerning the market value of an insurer's assets;
(vii) limit or withdraw from certain investments or discontinue certain investment practices to the extent the superintendent deems necessary;
(viii) document the adequacy of premium rates in relation to the risks insured;
(ix) file, in addition to regular annual statements, interim financial reports on a form and in a manner prescribed by the superintendent, which may include a form adopted by the national association of insurance commissioners;
(x) correct corporate governance practice deficiencies, and adopt and utilize governance practices acceptable to the superintendent;
(xi) provide a business plan to the superintendent in order to continue to transact business in this state; or
(xii) notwithstanding any other provision of law, adjust rates for any non-life insurance policy or contract written by the insurer that the superintendent considers necessary to improve the insurer's financial condition.
(d) [The superintendent shall identify and review those licensed property/casualty insurers needing immediate or targeted regulatory attention, and shall include the number of insurers so identified in the report required by section three hundred thirty-four of this chapter. Such report shall also include the name of each licensed property/casualty insurer placed in formal conservatorship, rehabilitation or liquidation during the preceding year. Nothing herein shall be construed to restrict or diminish any right or power of the superintendent under any other provision of this chapter] For the purposes of this section, "insurer" shall mean any person, firm, association, corporation, or joint-stock company authorized to do an insurance business in this state by a license in force pursuant to the provisions of this chapter or exempted by the provisions of this chapter from such licensing, except that, for purposes of this section, the term "insurer" shall not include any health maintenance organization operating pursuant to section one thousand one hundred nine of this chapter or any continuing care retirement community operating pursuant to section one thousand one hundred nineteen of this chapter.
§ 2. This act shall take effect immediately.
§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or subpart of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or subpart thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.
§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Subparts A through C of this act shall be as specifically set forth in the last section of such Subparts.

PART HH

Intentionally Omitted

PART II

Section 1. This act shall be known and may be cited as the "clean water infrastructure act of 2017".
§ 2. Article 15 of the environmental conservation law is amended by adding a new title 33 to read as follows:
TITLE 33

SOURCE WATER PROTECTION PROJECTS

Section 15-3301. Definitions.
§ 15-3303. Land acquisition projects for source water protection.
§ 15-3305. Approval and execution of projects.

As used in this title the following terms shall mean:

1. "Land acquisition projects" means open space acquisition projects undertaken with willing sellers including, but not limited to, the purchase of conservation easements, undertaken by a municipality, a not-for-profit corporation, or purchase of conservation easements by a soil and water conservation district.

2. "Municipality" means the same as such term as defined in section 56-0101 of this chapter.

3. "Not-for-profit corporation" means a corporation formed pursuant to the not-for-profit corporation law and qualified for tax-exempt status under the federal internal revenue code.

4. "Soil and water conservation district" means the same as such term as defined in section three of the soil and water conservation districts law.

5. "State assistance payment" means payment of the state share of the cost of projects authorized by this title to preserve, enhance, restore and improve the quality of the state's environment.

§ 15-3303. Land acquisition projects for source water protection.

1. The commissioner is authorized to provide state assistance to municipalities, not-for-profit corporations and soil and water conservation districts to undertake land acquisition projects for source water protection, in cooperation with willing sellers. Source water protection projects shall support, expand or enhance drinking water and/or water quality protection, including but not limited to aquifers, watersheds, reservoirs, lakes, rivers and streams and shall prioritize water quality-related acquisitions that are part of the state open space plan.

2. In evaluating projects pursuant to this section, the department shall prioritize projects which protect or recharge drinking water sources and watersheds including wetlands and riparian buffers.

3. The soil and water conservation committee in consultation with the commissioner of agriculture and markets is authorized, consistent with section eleven-b of the soil and water conservation districts law, to provide state assistance payments, within amounts appropriated, to counties and soil and water conservation districts for land acquisition projects for source water protection projects to support, expand or enhance drinking and/or water quality protection including but not limited to aquifers, watersheds, reservoirs, lakes, rivers and streams. Such committee shall give priority to projects which establish buffers from waters which serve as or are tributaries to drinking water supplies for such projects using state assistance pursuant to this section.

4. Real property acquired, developed, improved, restored or rehabilitated by or through a municipality or not-for-profit corporation with funds made available pursuant to this title shall not be sold, leased, exchanged, donated or otherwise disposed of or used for other than the public purposes of this title without the express authority of an act of the legislature, which shall provide for the substitution of other lands of equal environmental value and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold or disposed of, and such other requirements as shall be approved by the commissioner.
5. If the state acquires a real property interest in land purchased by a municipality or not-for-profit with funds made available pursuant to this title, the state shall pay the fair market value of such interest less the amount of funding provided by the state pursuant to this section.

6. To the fullest extent practicable, it is the policy of the state to promote an equitable regional distribution of funds, consistent with the purpose of this title.

§ 15-3305. Approval and execution of projects.

1. Source water protection projects may be undertaken pursuant to the provisions of this article and other applicable provisions of law only with the approval of the commissioner.

2. All source water protection projects shall be undertaken in the state of New York. The total amount of the state assistance payments toward the cost of any such project shall in no event exceed fifty percent of the cost, provided however, that in the case of a project located in an area which, according to the most recent census data available, has a poverty rate of at least ten percent for the year to which the data relates, state assistance payments toward the cost of any such project shall in no event exceed seventy-five percent of the cost. For the purpose of determining the amount of the state assistance payments, the cost of the project shall not be more than the amount set forth in the application for state assistance payments approved by the commissioner. The state assistance payments toward the cost of a project shall be paid on audit and warrant of the state comptroller on a certificate of availability of the director of the budget.

3. a. The commissioner and a municipality may enter into a contract for the undertaking by the municipality of a source water protection project. Such project shall be recommended to the commissioner by the governing body of the municipality and, when approved by the commissioner, may be undertaken by the municipality pursuant to this title and any other applicable provision of law.

b. The commissioner and a not-for-profit corporation may enter into a contract for the undertaking by the not-for-profit corporation of a source water protection project. Such a project shall be recommended to the commissioner by the governing body of a not-for-profit corporation which demonstrates to the satisfaction of the commissioner that it is capable of operating and maintaining such property for the benefit of drinking water and/or water quality protection. Upon approval by the commissioner, such project may be undertaken pursuant to the provisions of this title and any other applicable provision of law.

4. No monies shall be expended for source water protection projects except pursuant to an appropriation therefor.

§ 3. The public health law is amended by adding a new section 1113 to read as follows:

§ 1113. Lead service line replacement grant program. Within amounts appropriated therefor, the department shall develop a program to award grants to municipalities for purposes of replacing lead service lines used to supply drinking water. When determining which municipalities shall receive awards and the amount of such awards, the department shall consider for each municipality the cost of replacing lead service lines and the number of persons who receive drinking water from such service lines, and shall give priority to those municipalities with zip codes which demonstrate elevated childhood blood lead levels based on the most recent available data and low-income communities, according to regulations as shall be determined by the department.
§ 4. Section 54-1523 of the environmental conservation law, as added by section 5 of part U of chapter 58 of the laws of 2016, is amended to read as follows:

§ 54-1523. Climate adaptation and mitigation projects.

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

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

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

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

d. flood risk reduction;

e. greenhouse gas emission reductions outside the power sector;

f. enabling communities to become certified under the climate smart communities program, including by developing natural resources inventories, right sizing of municipal fleets and developing climate adaptation strategies; [and]

g. climate change adaptation planning and supporting studies, including but not limited to vulnerability assessment and risk analysis of municipal drinking water, wastewater, and transportation infrastructure;

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

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

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

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

§ 54-1525. Restriction on alienation.

Real property acquired, developed, improved, restored or rehabilitated by a municipality pursuant to this title with funds made available pursuant to this title shall not be sold or disposed of or used for other than public purposes without the express authority of an act of the legislature, which shall provide for the substitution of other lands of equal environmental and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold or disposed of, and such other requirements as shall be approved by the commissioner.

§ 6. Article 27 of the environmental conservation law is amended by adding a new title 12 to read as follows:

TITLE 12

DRINKING WATER CONTAMINATION REMEDIATION

Section 27-1201. Definitions.
27-1203. Mitigation of drinking water contamination.

27-1205. Remedial programs.

§ 27-1207. Access to records and sites.

27-1209. Use and reporting of the drinking water contamination response account.


27-1213. Citizen technical assistance grants.


When used in this title:

1. "Drinking water contamination response account" means the account established pursuant to subdivision one of section ninety-seven-b of the state finance law.

2. "Emerging contaminant". Notwithstanding the definition of emerging contaminant pursuant to section eleven hundred twelve of the public health law, "emerging contaminant" does not include:
   a. Natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of natural gas and such synthetic gas; nor
   b. The residue of emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; nor
   c. Source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the atomic energy act of 1954, if such release is subject to requirements with respect to financial protection established under section 170 of such act (42 U.S.C. 2210) or, for the purpose of section 104 of the comprehensive environmental response, compensation and liability act of 1980 (42 U.S.C. 9604), or any other response action, any source, byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)(1) or 7942(a)); nor
   d. Petroleum as defined in section one hundred seventy-two of the state finance law.

§ 27-1203. Mitigation of drinking water contamination.

Whenever the commissioner of health has required a public water system to take action to reduce exposure as a result of emerging contaminant notification levels pursuant to section eleven hundred twelve of the public health law, or at any time upon the request of the commissioner of health pursuant to a public health hazard, the department shall undertake all reasonable and necessary measures to ensure that safe drinking water is expeditiously made available to all people in any area of the state in which such contamination is known to be present. Such area shall include, at a minimum, all properties served by the public water system and any land and any surface or groundwater sources identified by the department or department of health as causing or contributing to such contamination. The department's measures shall be protective of human and environmental health and may include the installation of treatment systems, including but not limited to installation of onsite water supplies, or the provision of alternative water supply sources to ensure that water meets applicable maximum contaminant levels or other threshold concentrations, such as action levels, set by the department of health or federal government.

§ 27-1205. Remedial programs.

1. a. The department shall be responsible, as provided in this section, for public drinking water contamination remedial programs once
the department of health has required a public water system to take
action to reduce exposure as a result of an emerging contaminant notifi-
cation level pursuant to section eleven hundred twelve of the public
health law except as provided in section one thousand three hundred
eighty-nine-b of the public health law.

b. The department shall have the authority to require the development
and implementation of a department-approved public drinking water
contamination remedial program.

c. Section eight of the court of claims act or any other provision of
law to the contrary notwithstanding, the state shall be immune from
liability and action with respect to any act or omission done in the
discharge of the department's aforesaid responsibility pursuant to this
section; provided, however, that this paragraph shall not limit the
liability which may otherwise exist for unlawful, willful or malicious
acts or omissions on the part of the state, state agencies, or their
officers, employees or agents; or for the ownership or responsibility
for the disposal of hazardous waste, including the cost of cleanup,
pursuant to this section.

2. The department shall have the authority (a) to delegate such
responsibility for a specific site to the municipality in which such
site is located and (b) to contract with the environmental facilities
corporation and any other person to perform necessary work in connection
with such sites.

3. a. Whenever the commissioner of health requires that a public water
system take action to reduce exposure, as a result of an emerging
contamination notification level pursuant to section eleven hundred
twelve of the public health law, and that such emerging contaminant
constitutes a significant threat to the environment, he or she may order
the owner of such site and/or any person responsible for such contam-
ination to develop a drinking water contamination remedial program,
subject to the approval of the department, at such site, and (ii) to
implement such program within reasonable time limits specified in the
order. Provided, however, that in the event the commissioner of health
shall issue an order pursuant to subdivision three of section one thou-
sand three hundred eighty-nine-b of the public health law, such order of
the commissioner of health shall supersede any order issued hereunder.

b. Whenever the commissioner, after investigation, finds:
(i) that a public drinking water contamination site constitutes a
significant threat to the environment; and
(ii) that such threat is causing or presents an imminent danger of
causing irreversible or irreparable damage to the environment; and
(iii) the threat makes it prejudicial to the public interest to delay
action until a hearing can be held pursuant to this title, the depart-
ment may, pursuant to paragraph c of subdivision five of this section
and within the funds available to the department from the drinking water
contaminant response account, develop and implement a drinking water
contamination remedial program for such site. Findings required pursu-
ant to this paragraph shall be in writing and may be made by the commis-
sioner on an ex parte basis subject to judicial review.

4. Any order issued pursuant to subdivision three of this section
shall be issued only after notice and the opportunity for a hearing is
provided to persons who may be the subject of such order. The commis-
sioner shall determine which persons are responsible pursuant to said
subdivision according to applicable principles of statutory or common
law liability. Such persons shall be entitled to raise any statutory or
common law defense at any such hearing and such defenses shall have the
same force and effect at such hearings as they would have in a court of law. In the event a hearing is held, no order shall be issued by the commissioner under subdivision three of this section until a final decision has been rendered. Any such order shall be reviewable pursuant to article seventy-eight of the civil practice law and rules within thirty days after service of such order. The commissioner may request the participation of the attorney general in such hearings.

5. a. Whenever a person ordered to eliminate a threat to the environment pursuant to paragraph a of subdivision three of this section has failed to do so within the time limits specified in the order, the department may develop and implement a public drinking water contamination remedial program for such site. The reasonable expenses of developing and implementing such remedial program by the department shall be paid by the person to whom the order was issued and the state may seek to recover such reasonable expenses in any court of appropriate jurisdiction.

b. In the event that the commissioner has found that a public drinking water contamination site constitutes a significant threat to the environment, but after a reasonable attempt to determine who may be responsible, or is unable to locate a person who may be responsible, the department may develop and implement a public drinking water contamination remedial program for such site. The commissioner shall make every effort, in accordance with the requirements for notice, hearing and review provided for in this title, to secure appropriate relief from any person subsequently identified or located who is responsible for the disposal of hazardous waste at such site, including, but not limited to, development and implementation of an inactive hazardous waste disposal site remedial program, payment of the cost of such a program, recovery of any reasonable expenses incurred by the state, money damages and penalties.

c. Whenever the commissioner has made findings pursuant to paragraph b of subdivision three of this section or the commissioner of health has made a declaration and finding pursuant to paragraph (b) of subdivision three of section one thousand three hundred eighty-nine-b of the public health law, the department may develop and implement a public drinking water contamination remedial program to contain, alleviate or end the threat to life or health or to the environment. The costs incurred by the department in developing and implementing such a program shall be in an amount commensurate with the actions the department deems necessary to eliminate such danger. In determining the scope, nature and content of such program, the department shall consider among others, the following factors:

(i) the technological feasibility of all actions;
(ii) the nature of the danger to human health and the environment which the actions are designed to address; and
(iii) the extent to which the actions would reduce such danger to human health or the environment or would otherwise benefit human health or the environment.

6. The commissioner shall make every effort, in accordance with the requirements for notice, hearing and review provided for in this title to secure appropriate relief from the owner or operator of such site and/or any person responsible for such contamination, including, but not limited to, development and implementation of a public drinking water contamination remedial program, payment of the cost of such program, recovery of any reasonable expenses incurred by the state, money damages and penalties.
7. When a municipality develops and implements pursuant to an agreement with the department a public drinking water contamination remedial program as approved by the department for a site which is owned or has been operated by such municipality or when the department, pursuant to an agreement with a municipality, develops and implements such a remedial program, the commissioner shall, in the name of the state, agree in such agreement to provide from the drinking water contamination response fund, within the limitations of appropriations therefor, seventy-five percent of the eligible design and construction costs of such remedial program for which such municipality is liable solely because of its ownership and/or operation of such site and which are not recovered from or reimbursed or paid by a responsible party or the federal government.

8. Nothing contained within this section shall be construed as impairing or in any manner affecting the right or jurisdiction of the attorney general to seek appropriate relief pursuant to his statutory or common law authority.

9. Moneys for actions taken or to be taken by the department, the department of health or any other state agency in connection with the elimination of conditions dangerous to life or health or with the elimination of a significant threat to the environment pursuant to this section shall be payable directly to such agencies from the drinking water contamination response account pursuant to section ninety-seven-b of the state finance law. This includes any inspection or sampling of wastes, soils, air, surface water and groundwater done on behalf of a state agency whether or not such action is taken prior to a finding pursuant to subdivision three of this section and any administrative expenses related thereto.

10. Any duly designated officer or employee of the department or any other state agency, and any agent, consultant, contractor, or other person, including an employee, agent, consultant, or contractor of a responsible person acting at the direction of the department, so authorized in writing by the commissioner, may enter any public drinking water contamination site and areas near such site to implement a public drinking water contamination remedial program for such site, provided the commissioner has sent a written notice to the owners of record or any known occupants of such site or nearby areas of the intended entry and work at least ten days prior to such initial entry unless such owners and occupants consent to an earlier date.

§ 27-1207. Access to records and sites.

1. Every person shall, upon the written request of the commissioner or a designee, permit a duly designated officer or employee of the department at all reasonable times to have access to and to copy all books, papers, documents and records pertinent to an ongoing investigation of an emerging contaminant notification identified in section 27-1203.

2. The commissioner may sign and issue subpoenas in the name of the department requiring the production of books, papers, documents and other records and may take testimony by depositions under oath of any person relating to the ongoing investigation of an emerging contaminant notification identified in section 27-1203. Such subpoenas and depositions shall be regulated by the civil practice law and rules. The commissioner may invoke the powers of the supreme court of the state of New York to compel compliance with any such subpoena or any request to take such depositions.

3. Any duly designated officer or employee of the department, or of any state agency, and any agent, consultant, contractor, or other person, including an employee, agent, consultant, or contractor of a
responsible person acting at the direction of the department, so author-
ized in writing by the commissioner, may enter any public drinking water
contamination site and areas near such site and inspect and take samples
of wastes, soils, air, surface water, and groundwater. In order to take
such samples, the department or authorized person may utilize or cause
to be utilized such sampling methods as it determines to be necessary
including, but not limited to, soil borings and monitoring wells.

4. The department or authorized person shall not take any samples
involving the substantial disturbance of the ground surface of any prop-
erty unless it has made a reasonable effort to identify the owner of the
property and to notify such owner of the intent to take such samples. If
the owner can be identified, the department shall provide such owner
with a minimum of ten days' written notice of the intent, unless such
owners and occupants consent to an earlier date, to take such samples.
unless the commissioner makes a written determination that such ten day
notice will not allow the department to protect the environment or
public health, in which case two days' written notice shall be suffi-
cient. Any inspection of the property and each such taking of samples
shall take place at reasonable times and shall be commenced and
completed with reasonable promptness. If any officer, employee, agent,
consultant, contractor, or other person so authorized in writing by the
commissioner obtains any samples prior to leaving the premises, he or
she shall give to the owner or operator a receipt describing the sample
obtained and, if requested, a portion of such sample equal in volume or
weight to the portion retained. If any analysis is made of such samples,
a copy of the results of such analysis shall be furnished promptly to
the owner or operator. Upon the completion of all sampling activities,
the department or authorized person shall remove, or cause to be
removed, all equipment and well machinery and return the ground surface
of the property to its condition prior to such sampling, unless the
department or authorized person, and the owner of property shall other-
wise agree.

5. The expense of any such sampling and analysis shall be paid by the
department, but may be recovered from any responsible person in any
action or proceeding brought pursuant to this title or common law;
provided, that if the person so authorized in writing shall be an
employee, agent, consultant, or contractor of a responsible person
acting at the direction of the department, then the expense of any such
sampling and analysis shall be paid by the responsible person.
§ 27-1209. Use and reporting of drinking water contamination response
account.

1. The drinking water contamination response account shall be made
available to the department, subject to appropriation, to remediate
public drinking water contamination sites and for citizen technical
assistance grants pursuant to this title.

2. On or before July first, two thousand eighteen, and annually there-
after, the department shall report on the status of the program includ-
ing:
a. Monies expended or encumbered for the purpose of conducting site
investigations, remedial investigations, remedial design studies, reme-
dial construction, interim remedial measures, and feasibility studies;
b. An accounting of payments received and payments obligated to be
received pursuant to this title, and a report of the department's
attempt to secure such obligations.

§ 27-1211. Rules and regulations.
1. The commissioner shall promulgate rules and regulations necessary
and appropriate to carry out the purposes of this title. Any regulations
shall at a minimum include provisions which establish the procedures
pursuant to section 27-1205 of this title and shall ensure a division of
functions between the commissioner, the staff who present the case, and
any hearing officers appointed. In addition, any regulations shall set
forth findings to be based on a factual record, which must be made
before the commissioner determines that a significant threat to the
environment exists.

§ 27-1213. Citizen technical assistance grants.
1. The commissioner is authorized to provide, or order a person acting
under order or on consent, to provide grants to any not-for-profit
corporation exempt from taxation under section 501(c)(3) of the internal
revenue code who may be affected by a public drinking water contam-
ination remedial program. To qualify to receive such assistance, a
community group must demonstrate that its membership represents the
interests of the community affected by such site, and that members'
health, economic well-being or enjoyment of the environment are poten-
tially affected by such site. Such grants shall be known as technical
assistance grants and may be used to obtain technical assistance in
interpreting information with regard to the nature of the hazard from a
public drinking water contamination site or sites and the development
and implementation of a public drinking water contamination site remedi-
al program or programs. Such grants may also be used:
(a) to advise affected residents on any health assessment; and
(b) for training funds for the education of interested affected commu-
nity members to enable them to more effectively participate in the reme-
dy selection process.

Grants awarded under this section may not be used for the purposes of
collecting field sampling data, political activity or lobbying legisla-
tive bodies.
2. The amount of any grant awarded under this section may not exceed
fifty thousand dollars at any one site.
3. No matching contribution from the grant recipient shall be required
for a technical assistance grant. Following a grant award, a portion of
the grant shall be made available to the grant recipient, in advance of
the expenditures to be covered by the grant, in five thousand dollar
installments.

§ 7. The public authorities law is amended by adding a new section
1285-s to read as follows:

§ 1285-s. New York state intermunicipal water infrastructure grants
program. 1. For purposes of this section:
(a) "water quality infrastructure project" shall mean "sewage treat-
ment works" as defined in section 17-1903 of the environmental conserva-
tion law or "eligible project" as defined in paragraphs (a), (b), (c)
and (e) of subdivision four of section eleven hundred sixty of the
public health law.
(b) "construction" shall mean:
(i) for sewage treatment works, the same meaning as defined in section
17-1903 of the environmental conservation law; and
(ii) for eligible projects, the same meaning as defined in section one
thousand one hundred sixty of the public health law.
(c) "municipality" shall mean any county, city, town, village,
district corporation, county or town improvement district, school
district, Indian nation or tribe recognized by the state or the United
States with a reservation wholly or partly within the boundaries of New
York state, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of New York state which is empowered to construct and operate an intermunicipal water quality infrastructure project, or any two or more of the foregoing which are acting jointly in connection with an intermunicipal water quality infrastructure project.

2. (a) The environmental facilities corporation shall undertake and provide state financial assistance payments, from funds appropriated for such purpose, to municipalities in support of intermunicipal water quality infrastructure projects provided, however, in any such year that funds are appropriated for such purpose, each municipality participating in such intermunicipal agreement shall each receive an award of up to five million dollars of appropriated funds; provided that such monies shall not exceed seventy-five percent of the total project cost; and provided further that the total state financial assistance payment for the project does not represent a disproportionate share of the total amount of available funding in any given year.

(b) Intermunicipal water quality infrastructure projects shall serve multiple municipalities and may include a shared water quality infrastructure project or interconnection of multiple municipal water quality infrastructure projects and shall be awarded only to water quality infrastructure projects for:

(i) replacement or repair of infrastructure; or
(ii) compliance with environmental and public health laws and regulations related to water quality.

(c) Any state financial assistance payment awarded pursuant to this section shall not exceed seventy-five percent of the project cost.

(d) Cooperating municipalities may make an application for an intermunicipal water infrastructure grant, in a manner, form and timeframe and containing such information as the environmental facilities corporation may require provided however, such requirements shall not include a requirement for prior listing on the intended use plan.

(e) Cooperating municipalities shall not be required to accept environmental facilities corporation loan financing in order to obtain a state financial assistance payment pursuant to this section if it can provide proof of having obtained similarly low cost financing or other funding from another source.

(f) In awarding such state intermunicipal water infrastructure grants, the environmental facilities corporation shall consider and give preference to municipalities that meet the hardship criteria established by the environmental facilities corporation pursuant to section twelve hundred eighty-five-m of this article and projects that result in the greatest water quality improvement or greatest reduction in serious risk to public health. For the purposes of this section, the hardship criteria of section twelve hundred eighty-five-m of this article shall also apply to sewage treatment works defined in section 17-1903 of the environmental conservation law.

3. Intermunicipal water quality infrastructure projects financed with state financial assistance made available pursuant to this section shall be subject to the requirements of article eight of the labor law, the requirements of article seventeen-B of the executive law and the requirements and provisions of all applicable minority- and women-owned business mandates including, but not limited to article fifteen-A of the executive law.

§ 8. Article 27 of the environmental conservation law is amended by adding a new title 31 to read as follows:
TITLE 31
CLOSED, ILLEGAL OR ABANDONED DISPOSAL SITES

Section 27-3101. Definitions.

27-3103. Identification of sites.
27-3105. Registry of sites.
27-3107. Use and reporting of closed, illegal or abandoned disposal site response account.
27-3109. Regulations.
27-3111. Municipal grants.

§ 27-3101. Definitions.

As used in this title, the following terms shall mean:

1. "Closed, illegal or abandoned disposal site" means a location where solid waste is or has been intentionally placed, other than a solid waste management facility currently operating under a permit pursuant to this title, that is (a) a site that has ceased accepting solid waste and has documentation that closure was conducted in accordance with applicable statutes, regulations and local ordinances in effect at the time; (b) a site where disposal of solid waste was never legally permitted; or (c) a site that has ceased accepting solid waste but has not closed in compliance with applicable statutes, regulations and local ordinances in effect at the time.

2. "Solid waste management facility" means any facility employed beyond the initial solid waste collection process including, but not limited to, transfer stations, baling facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfill fills, facilities for the disposal of construction and demolition debris, plants and facilities for compacting, composting or pyrolysis of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities.

§ 27-3103. Identification of sites.

1. For a period of one year after the effective date of this section, each county should, for the purpose of locating closed, illegal or abandoned disposal sites, survey its jurisdiction to determine the existence and location of closed, illegal or abandoned disposal sites and submit a report to the department describing the location of each such suspected site and the reasons for such suspicion.

2. Each county should review the information concerning such county in the registry established pursuant to section 27-3105 of this title provide the department with any information which might correct or supplement the information in such registry with respect to suspected closed, illegal or abandoned disposal sites within the jurisdiction of such county.

3. Nothing contained within this section shall (a) preclude a county from cooperating with local jurisdictions, regional organizations or state agencies to complete such survey under subdivisions one and two of this section or (b) reduce the powers or responsibilities of any county, other local jurisdiction, regional organization or state agency to identify, investigate, assess or monitor any closed, illegal or abandoned disposal site.

4. For purposes of this section, "county" shall include each city incorporating within its boundary one or more counties but shall not include those counties incorporated within a city.

§ 27-3105. Registry of sites.

1. The department shall maintain and make available for public inspection, at each of its regional offices and regional sub-offices, at
the office of the county clerk or register for each county and at the office of the town clerk for each town in Suffolk and Nassau counties, and on its homepage on the internet, a registry of any closed, illegal or abandoned disposal sites in such region or, with respect to the office of the county clerk or register, in such county. The department shall provide a written copy upon requests by any person. The department shall take all necessary action to ensure that the registry provides a complete and up-to-date listing of all such sites within the region. The department shall, on or before January first, two thousand nineteen, and annually thereafter, transmit the updated registry to the legislature and the governor. A notice of the availability of the updated registry shall be sent to the department of health and the chief executive officer of every county. Upon identification of a closed, illegal or abandoned disposal site not included in the registry for the immediately preceding year, the department shall notify in writing the chief executive officer of each county, city, town and village and the public water supplier which services the area in which such site is located that such site has been so identified. For the purposes of this section, "water supplier" shall mean any public water system as such term is defined for the purposes of the sanitary code of the state of New York as authorized by section two hundred twenty-five of the public health law. Such registry shall include but need not be limited to those items among the following which the commissioner determines to be necessary:

a. A description of the sites consisting of:

(i) a general description of the site, which shall include the name, if any, of the site, the address of the site, the type and quantity of the known types of waste disposed of at the site and the name of the current owners of the site;

(ii) an assessment by the department of any significant environmental problems at and near the site;

(iii) an assessment prepared by the department of health of any serious health problems in the immediate vicinity of the site and any health problems deemed by the department of health to be related to conditions at the site;

(iv) the status of any testing, monitoring or remedial actions in progress or recommended by the department;

(v) the status of any pending legal actions and any federal, state or local government permits or approvals concerning the site; and

(vi) an assessment of the relative priority of the need for action at each site to remedy environmental and health problems resulting from the presence of wastes at such site;

b. Address and site boundaries including tax map parcel numbers or section, block and lot numbers;

c. Time period of use for disposal of waste;

d. Name of the current owner and operator and names of any past and reported owners and operators during the time period of use for waste disposal;

e. Names of persons responsible for the generation and transportation of waste disposed of;

f. Type and quantity of known types of waste disposed of;

g. Manner of disposal of such waste;

h. Nature of soils at the site;

i. Depth of water table at the site;

j. Location, nature and size of aquifers at the site;

k. Direction of present and historic groundwater flows at the site;
l. Location, nature and size of all surface waters at and near the site;

m. Levels of contaminants, if any, in groundwater, surface water, air and soils at and near the site resulting from wastes disposed of at the site or from any other cause and areas known to be directly affected or contaminated by wastes from the site;

n. As determined by the department of health, current quality of all drinking water drawn from or distributed through the area in which the site is located when the department of health determines that water quality may have been affected by the site in question and any known change in the quality of such drinking water over time;

o. Proximity of the site to private residences, public buildings or property, school facilities, places of work or other areas where individuals may be present; and

p. The name, address and telephone number of the public water supplier which services the area in which such site is located.

2. a. The department shall conduct investigations of the sites listed in the registry and shall investigate areas or sites which it has reason to believe should be included in the registry. The purpose of these investigations shall be to develop the information required by subdivision one of this section to be included in the registry.

b. The department shall, as part of the registry, assess and, based upon new information received, reassess by March thirty-first of each year, in cooperation with the department of health, the relative need for action at each site to remedy environmental and health problems resulting from such sites; provided, however, that if at the time of such assessment or reassessment, the department has not placed a site in classification 1 or 2, as described in subparagraphs one and two of this paragraph, and such site is the subject of negotiations for, or implementa- tion of, a brownfield site cleanup agreement pursuant to title fourteen of this article, obligating the person subject to such agree- ment to, at a minimum, eliminate or mitigate all significant threats to the public health and environment pursuant to such agreement, the department shall defer its assessment or reassessment during the period such person is engaged in good faith negotiations to enter into such an agreement and, following its execution, is in compliance with the terms of such agreement, and shall assess or reassess such site upon completion of remediation to the department's satisfaction. In making its assessments, the department shall place every site in one of the following classifications:

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

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

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

(4) Site properly closed—requires continued management;

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

c. (1) Any owner or operator of a site listed pursuant to this section may petition the commissioner for deletion of such site, modification of the site classification, or modification of any information regarding such site by submitting a written statement in such form as the commis- sioner may require setting forth the grounds of the petition.
(2) Within ninety days after the submittal of such petition, the commissioner may convene an administrative hearing to determine whether a particular site should be deleted from the registry, receive a modified site classification or whether any information regarding the site should be modified. In any such hearing the burden of proof shall be on the petitioner. No less than thirty days prior to the hearing the commissioner shall cause a notice of hearing to be published in the next available environmental notice bulletin and in a newspaper of general circulation in the county in which the site is located. The commissioner shall also notify in writing any owner or operator of the site no less than thirty days prior to the hearing. The cost of any such hearing, including the cost of any public notification, shall be at the petitioner's expense.

(3) No later than thirty days following receipt of the complete record as that term is defined in the state administrative procedure act, or following the decision not to hold a hearing the commissioner shall provide the owner or operator with a written determination accompanied by reason therefor regarding the deletion of such site, modification of the site classification or modification of any information regarding such site. Any final decision rendered by the commissioner shall be reviewable under article seventy-eight of the civil practice law and rules.

(4) The commissioner may not delete any site from the registry without providing public notice no less than sixty days prior to the proposed deletion. Such notice of deletion shall be published in the next available environmental notice bulletin and in a newspaper of general circulation in the county in which the site is located. The commissioner shall also notify in writing any owner or operator of the site, if applicable, no less than sixty days prior to the proposed deletion. The commissioner shall provide a thirty-day period for submission of written comments and may provide an opportunity for submission of oral comments at a public meeting at or near the site. The commissioner shall summarize any comments received and make the summary available to the public. The commissioner may convene an administrative hearing to determine whether a particular site should be deleted from the registry, receive a modified site classification or whether any information regarding the site should be modified.

(5) The department shall notify, as soon as possible and within available resources all public repositories of the registry of any modifications or deletions to such registry. The department shall also note any such deletions or modifications in the next annual report and publication of the registry.

(6) The department shall, within ten days of any determination notify the local governments of jurisdiction whenever a change is made in the registry pursuant to this subdivision.

d. Within seven months after the effective date of this subdivision the department shall notify by certified mail the owner of all or any part of each site or area included in the registry, of the inclusion of the site or area by mailing notice to such owner at the owner's last known address. Thereafter, fifteen days before any site or area is added to the registry, the department shall notify in writing by certified mail the owner of all or any part of such site or area of the inclusion of such site or area by mailing notice to each such owner at the owner's last known address.

e. The department shall, in consultation with the department of health, evaluate existing site evaluation systems and shall develop a
system to select and prioritize sites for remedial action. Such system shall incorporate environmental, natural resource and public health concerns.

f. The department shall develop a site status reporting system and utilize such system to ensure that the registry required by subdivision one of this section provides a complete and up-to-date listing of all sites in each region.

3. The department shall, as soon as possible but in no event later than January first, two thousand nineteen, and annually thereafter prepare and submit in writing a "state closed, illegal or abandoned disposal site remedial plan," hereinafter referred to as "the plan" to the governor and legislature. In preparing, compiling and updating the plan, the department shall:

a. Conduct or cause to be conducted field investigations of high priority sites listed in the registry for the purpose of further defining necessary remedial action. To the maximum extent practicable, the department shall utilize existing information including, but not limited to, subsurface borings and any analyses or tests of samples taken from such sites by owners or operators, other responsible persons and any federal or non-federal agencies.

b. Make any subsurface borings and any analyses or tests of samples taken as may be necessary or desirable to effectuate the field investigations of sites as required under this section subject to the requirements of this title.

c. Make any record searches or document reviews as may be necessary or desirable to effectuate the purposes of this section subject to the requirements of this title.

d. Consider the effects on the health, environment and economy of the state when assessing the relative priority of sites as required by this section, especially any actual or significant threat of direct human contact or contamination of groundwater or drinking water.

e. Detail the recommended strategy, methods and time frame by which remedial action at sites shall be carried out, except that no information or work product associated with actual or pending litigation shall be divulged unless otherwise required by law.

f. Estimate, with reasonable specificity, based upon the field investigations, assessments, analyses, document reviews and other appropriate data gathering, the costs of remedial action for sites included in the plan, considering the appropriate methods and techniques as currently exist in the field of waste management and any such estimates or recommendations shall reflect such costs as are reasonably necessary to contain, alleviate or end the threat to life or health or to the environment.

4. On or before July first, two thousand twenty and July first of each succeeding year, the department shall prepare a status report on the implementation of the plan, and an update of the policies, program objectives, methods and strategies as outlined in the plan which guide the overall closed, illegal or abandoned disposal waste site remediation program. Such status report shall reflect information available to the department as of March thirty-first of each year, and shall include an accounting of all monies expended or encumbered from the closed, illegal or abandoned disposal site response account during the preceding fiscal year, such accounting to separately list:

a. Monies expended or encumbered for the purpose of conducting site investigations;
§ 27-3107. Use and reporting of closed, illegal or abandoned disposal site response account.

The closed, illegal or abandoned disposal response account established pursuant to subdivision one of section ninety-seven-b of the state finance law shall be made available, pursuant to appropriation, to the department for the following purposes of this title:

1. Enumeration and assessment of closed, illegal or abandoned disposal sites;
2. Investigation and environmental characterization of closed, illegal or abandoned disposal sites, including environmental sampling; and
3. Mitigation and cleanup of closed, illegal or abandoned disposal sites.

§ 27-3109. Regulations.

The department shall implement rules and regulations necessary and appropriate to carry out the purposes of this title and shall at a minimum include such provisions for requisite due process and meaningful public participation as are appropriate to any action undertaken pursuant to this title, taking into consideration the nature and degree of any public health impacts and the urgency of any need for investigation or remediation of contamination.

§ 27-3111. Municipal grants.

When a municipality develops and implements pursuant to an agreement with the department a closed, illegal or abandoned disposal site remedial program as approved by the department for a site which is owned or has been operated by such municipality or when the department, pursuant to an agreement with a municipality, develops and implements such a remedial program, the commissioner shall, in the name of the state, agree in such agreement to provide from the closed, illegal or abandoned disposal site response account fund, within the limitations of appropriations therefore, seventy-five percent of the eligible design and construction costs of such remedial program for which such municipality is liable solely because of its ownership and/or operation of such site and which are not recovered from or reimbursed or paid by a responsible party to the federal government.

§ 9. Section 3 of part G of chapter 60 of the laws of 2015, constituting the New York State water infrastructure act of 2015, is amended by adding a new subdivision 6 to read as follows:
6. Water quality infrastructure projects financed with state assistance made available pursuant to this section shall be subject to the requirements of article eight of the labor law, the requirements of article seventeen-B of the executive law, and the requirements and provisions of all applicable minority- and women-owned business mandates including, but not limited to article fifteen-A of the executive law.

§ 10. Subdivision 9 of section 97-b of the state finance law is repealed.

§ 11. The opening paragraph, and paragraphs i and j of subdivision 4 of section 27-1305 of the environmental conservation law, as amended by section 3 of part E of chapter 1 of the laws of 2003, are amended to read as follows:
On or before July first, nineteen hundred eighty-six and July first of each succeeding year, the department shall prepare a status report on the implementation of the plan, and an update of the policies, program objectives, methods and strategies as outlined in the plan which guide the overall inactive hazardous waste site remediation program and the closed, illegal or abandoned disposal response site and drinking water contamination response programs. Such status report shall reflect information available to the department as of March thirty-first of each year, and shall include an accounting of all moneys expended or encumbered from the environmental quality bond act of nineteen hundred eighty-six or the hazardous waste remedial fund during the preceding fiscal year, such accounting to separately list:
i. moneys expended or encumbered in stand-by contracts entered into pursuant to section 3-0309 of this chapter and the purposes for which these stand-by contracts were entered into; [and]
j. moneys expended or encumbered pursuant to title twelve of this article;
k. moneys expended or encumbered pursuant to title thirty-one of this article; and
l. an accounting of payments received and payments obligated to be received pursuant to this title and title twelve of this article, and a report of the department's attempts to secure such obligations.

§ 12. Subdivisions 1, 2 and 6 and the opening paragraph and paragraphs (i) and (j) of subdivision 3 of section 97-b of the state finance law, subdivision 1 and the opening paragraph of subdivision 3, as amended and paragraph (j) of subdivision 3 as added by section 4 of part I of chapter 1 of the laws of 2003, subdivision 2 as amended by section 5 of part X of chapter 58 of the laws of 2015, paragraph (i) of subdivision 3 as amended by section 1 of part R of chapter 59 of the laws of 2007, subdivision 6 as amended by chapter 38 of the laws of 1985, are amended and a new paragraph (k) is added to subdivision 3 to read as follows:
1. There is hereby established in the custody of the state comptroller a nonlapsing revolving fund to be known as the "hazardous waste remedial fund", which shall consist of a "site investigation and construction account", an "industry fee transfer account", an "environmental restoration project account", "hazardous waste cleanup account", [and] a "hazardous waste remediation oversight and assistance account", "closed, illegal or abandoned disposal site account" and a "drinking water contamination response account".

2. Such fund shall consist of all of the following:
   (a) moneys appropriated for transfer to the fund's site investigation and construction account; (b) all fines and other sums accumulated in the fund prior to April first, nineteen hundred eighty-eight pursuant to section 71-2725 of the environmental conservation law for deposit in the
fund's site investigation and construction account; (c) all moneys collected or received by the department of taxation and finance pursuant to section 27-0923 of the environmental conservation law for deposit in the fund's industry fee transfer account; (d) all moneys paid into the fund pursuant to section 72-0201 of the environmental conservation law which shall be deposited in the fund's industry fee transfer account; (e) all moneys paid into the fund pursuant to paragraph (b) of subdivision one of section one hundred eighty-six of the navigation law which shall be deposited in the fund's industry fee transfer account; (f) all monies recovered under sections 56-0503, 56-0505 and 56-0507 of the environmental conservation law into the fund's environmental restoration project account; (g) all fees paid into the fund pursuant to section 72-0402 of the environmental conservation law which shall be deposited in the fund's industry fee transfer account; (h) payments received for all state costs incurred in negotiating and overseeing the implementation of brownfield site cleanup agreements pursuant to title fourteen of article twenty-seven of the environmental conservation law shall be deposited in the hazardous waste remediation oversight and assistance account; (i) all moneys recovered pursuant to title twelve of article twenty-seven of the environmental conservation law into the fund's drinking water contamination response account; and [(i)] (j) other moneys credited or transferred thereto from any other fund or source for deposit in the fund's site investigation and construction account.

Moneys of the hazardous waste remedial fund, except monies in the industry fee transfer account, the drinking water contamination response account and the closed, illegal or abandoned disposal site account, when allocated, shall be available to the departments of environmental conservation, health and law for the following purposes:

(i) with respect to moneys in the hazardous waste remediation oversight and assistance account, non-bondable costs associated with hazardous waste remediation projects. Such costs shall be limited to agency staff costs associated with the administration of state assistance for brownfield opportunity areas pursuant to section nine hundred seventy-r of the general municipal law, agency staff costs associated with the administration of technical assistance grants pursuant to titles thirteen and fourteen of article twenty-seven of the environmental conservation law, and costs of the department of environmental conservation related to the geographic information system required by section 3-0315 of the environmental conservation law; [and]

(j) with respect to moneys in the hazardous waste remediation oversight and assistance account, technical assistance grants pursuant to titles thirteen and fourteen of article twenty-seven of the environmental conservation law, for title 12 or title 31 of article 27 of the environmental conservation law, except pursuant to subdivisions sixteen and seventeen of this section.

(k) no funds shall be available from the hazardous waste remedial fund for title 12 or title 31 of article 27 of the environmental conservation law, except pursuant to subdivisions sixteen and seventeen of this section.

6. The commissioner of the department of environmental conservation shall make all reasonable efforts to recover the full amount of any funds expended from the fund pursuant to paragraph (a) of subdivision three and subdivision sixteen of this section through litigation or cooperative agreements with responsible persons. Any and all moneys recovered or reimbursed pursuant to this section through voluntary agreements or court orders shall be deposited with the comptroller and credited to the account of such fund from which such expenditures were made.
§ 13. Section 97-b of the state finance law is amended by adding two new subdivisions 16 and 17 to read as follows:

16. The drinking water contamination response account, established pursuant to subdivision one of this section, is for purposes pursuant to title twelve of article twenty-seven of the environmental conservation law.

17. The closed, illegal or abandoned disposal site account, established pursuant to subdivision one of this section, is for purposes pursuant to title thirty-one of article twenty-seven of the environmental conservation law.

§ 14. Subdivision 4 of section 11-b of the soil and water conservation districts law, as amended by chapter 538 of the laws of 1996, is amended to read as follows:

4. Eligible costs that may be funded pursuant to this section are architectural and engineering services, plans and specifications, including watershed based or individual agricultural nonpoint source pollution assessments, consultant and legal services, conservation easements specific to title thirty-three of article fifteen of the environmental conservation law and other direct expenses related to project implementation.

§ 15. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 16. This act shall take effect immediately.

PART JJ

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

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

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

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

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

3. Such fund shall consist of the amount of revenue collected within the state from the amount of revenue, interest and penalties deposited pursuant to section fourteen hundred twenty-one of the tax law, the amount of fees and penalties received from easements or leases pursuant to subdivision fourteen of section seventy-five of the public lands law and the money received as annual service charges pursuant to section four hundred [four-l] four-n of the vehicle and traffic law, all moneys required to be deposited therein from the contingency reserve fund pursuant to section two hundred ninety-four of chapter fifty-seven of the laws of nineteen hundred ninety-three, all moneys required to be deposited pursuant to section thirteen of chapter six hundred ten of the laws of nineteen hundred ninety-three, all moneys to be deposited from the Northville settlement pursuant to section one hundred twenty-four of chapter three hundred nine of the laws of nineteen hundred ninety-six, provided however, that such moneys shall only be used for the cost of the purchase of private lands in the core area of the central Suffolk pine barrens pursuant to a consent order with the Northville industries signed on October thirteenth, nineteen hundred ninety-four and the related resource restoration and replacement plan, the amount of penalties required to be deposited therein by section 71-2724 of the environmental conservation law, all moneys required to be deposited pursuant to article thirty-three of the environmental conservation law, all fees collected pursuant to subdivision eight of section 70-0117 of the environmental conservation law, all moneys collected pursuant to title thirty-three of article fifteen of the environmental conservation law, beginning with the fiscal year commencing on April first, two thousand thirteen, and all fiscal years thereafter, [fifteen] twenty-three million dollars plus all funds received by the state each fiscal year in excess of the greater of the amount received from April first, two thousand twelve through March thirty-first, two thousand thirteen or one hundred twenty-two million two hundred thousand dollars, from the payments collected pursuant to subdivision four of section 27-1012 of the environmental conservation law and all funds collected pursuant to section 27-1015 of the environmental conservation law, provided such funds shall not be less than four million dollars for the fiscal year commencing April first, two thousand thirteen, and not less than eight million dollars for all fiscal years thereafter and all other moneys credited or transferred thereto from any other fund or source pursuant to law. All such revenue shall be initially deposited into the environmental protection fund, for application as provided in subdivision five of this section.

§ 2-b. Section 12 of 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", as amended by section 1 of part DD of chapter 58 of the laws of 2015, is amended to read as follows:

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

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

PART KK

Section 1. Approximately 40 percent of the food produced in the United States today goes uneaten. Much of this organic waste is disposed of in solid waste landfills, where its decomposition accounts for over 15 percent of our nation's emissions of methane, a potent greenhouse gas. Meanwhile, an estimated 2.8 million New Yorkers are facing hunger and food insecurity. This legislation is designed to address these multiple challenges by: encouraging the prevention of food waste generation by commercial generators and residents; directing the recovery of excess edible food from high-volume commercial food waste generators; and ensuring that a significant portion of inedible food waste from large volume food waste generators is managed in a sustainable manner, and does not end up being sent to landfills or incinerators.

§ 2. Article 27 of the environmental conservation law is amended by adding a new title 22 to read as follows:

TITLE 22

FOOD DONATION AND FOODSCRAPS RECYCLING

Section 27-2201. Definitions.

1. "Designated food scraps generator" means a person who generates at a single location an annual average of two tons per week or more of food scraps based on a methodology established by the department pursuant to regulations, including, supermarkets, restaurants, higher educational institutions, hotels, food processors, correctional facilities, sports or entertainment venues and health care facilities. For a location with multiple independent food service businesses, such as a mall or college campus, the entity responsible for contracting for solid waste hauling services is responsible for managing food scraps from the independent businesses.

2. "Excess food" means edible food that is not sold or used by its generator.

3. "Food scraps" means inedible food, trimmings from the preparation of food, food-soiled paper, and edible food that is not donated. Food scraps shall not include any food identified in regulations promulgated by the department in consultation with the department of agriculture and markets or any food which is subject to a recall or seizure due to the
presence of pathogens, including but not limited to: *Listeria Monocytogenes*, *confirmed Clostridium Botulinum*, E. coli 0157:H7 and all *Salmonella* in ready-to-eat foods.

4. "Organics recycler" means a facility, permitted by the department, that recycles food scraps through use as animal feed or a feed ingredient, rendering, land application, composting, aerobic digestion, anaerobic digestion, or ethanol production. Animal scraps, food soiled paper, and post-consumer food scraps are prohibited for use as animal feed or as a feed ingredient. The product created from food scraps by a composting or digestion facility, or other treatment system, must be used in a beneficial manner as a soil amendment and shall not be disposed of.

5. "Person" means any business entity, partnership, company, corporation, not-for-profit corporation, association, governmental entity, public benefit corporation, public authority, firm, organization or any other group of individuals.

6. "Single location" means contiguous property under common ownership, which may include one or more buildings.

7. "Incinerator" shall have the same meaning as provided in section 72-0401 of this chapter.

8. "Landfill" shall have the same meaning as provided in section 72-0401 of this chapter.

9. "Transfer station" means a solid waste management facility, whether owned or operated by a private or public entity, other than a recyclables handling and recovery facility, used oil facility, or a construction and demolition debris processing facility, where solid waste is received for the purpose of subsequent transfer to another solid waste management facility for processing, treating, disposal, recovery, or further transfer.

§ 27-2203. Designated food scraps generator responsibilities.

1. Effective January first, two thousand twenty-one:
(a) all designated food scraps generators shall separate their excess food for donation for human consumption to the maximum extent practicable, and in accordance with applicable laws, rules and regulations related to food donation; and
(b) except as provided in paragraph (c) of this subdivision, each designated food scraps generator that is within fifteen miles of an organics recycler, to the extent that the recycler has capacity to accept all of such generator's food scraps based on the department's yearly estimate of an organics recyclers' capacity pursuant to section 27-2211 of this title, shall:
(i) separate its remaining food scraps from other solid waste;
(ii) ensure proper storage for food scraps on site which shall preclude such materials from becoming odorous or attracting vectors, such as a container that has a lid and a latch that keeps the lid closed and is resistant to tampering by rodents or other wildlife and has sufficient capacity;
(iii) have information available and provide training for employees concerning the proper methods to separate and store food scraps; and
(iv) obtain a transporter that will deliver food scraps to an organics recycler, self-haul its food scraps to an organics recycler, or provide for organics recycling on-site via in-vessel composting, aerobic or anaerobic digestion or any other method of processing organic waste that the department approves by regulation, for some or all of the food waste it generates on its premises, provided that the remainder is delivered to an organics recycler.
(c) The provisions of paragraph (b) of this subdivision shall not apply to any designated food scraps generator that has all of its solid waste processed in a mixed solid waste composting or mixed solid waste anaerobic digestion facility.

2. All designated food scraps generators shall submit an annual report to the department on or before March first, two thousand twenty-two, and annually thereafter, in an electronic format. The annual report must summarize the amount of excess food donated, the amount of food scraps recycled, the organics recycler or recyclers and associated transporters used, and any other information as required by the department.

3. A designated food scraps generator may petition the department for a temporary waiver from some or all of the requirements of this title. The petition must include evidence of undue hardship based on:

(a) the designated food scraps generator does not meet the two tons per week threshold;

(b) the cost of processing organic waste is not reasonably competitive with the cost of disposing of waste by landfill;

(c) the organics recycler does not have sufficient capacity, despite the department's calculation; or

(d) the unique circumstances of the generator.

A waiver shall be no longer than one year in duration provided, however, the department may renew such waiver.

§ 27-2205. Waste transporter responsibilities.

1. Any waste transporter that collects food scraps for recycling from a designated food scraps generator shall:

(a) deliver food scraps to a transfer station that will deliver such food scraps to an organics recycler unless such generator has received a temporary waiver under subdivision three of section 27-2203 of this title; or

(b) deliver such food scraps directly to an organics recycler.

2. Any waste transporter that collects food scraps from a designated food scraps generator shall take all reasonable precautions to not deliver those food scraps to an incinerator or a landfill nor commingle the material with any other solid waste unless such commingled waste can be processed by an organics recycler or unless such generator has received a temporary waiver under subdivision three of section 27-2203 of this title.

§ 27-2207. Transfer station.

Any transfer station that receives food scraps from a designated food scraps generator must ensure that the food scraps are taken to an organics recycler unless such generator has received a temporary waiver under subdivision three of section 27-2203 of this title. A transfer station shall take all reasonable precautions to not commingle the material with any other solid waste unless such commingled waste can be processed by an organics recycler.

§ 27-2209. Food scraps disposal prohibition.

Incinerators and landfills shall take all reasonable precautions to not accept food scraps from designated food scraps generators required to send their food scraps to an organics recycler as outlined under section 27-2203 of this title, after January first, two thousand twenty-one, unless the designated food scraps generator has received a temporary waiver under subdivision three of section 27-2203 of this title.

§ 27-2211. Department responsibilities.

1. The department shall, following public hearings after promulgating regulations, publish on its website: (a) the methodology the department
will use to determine who is a designated food scrap generator; (b) the
waiver process; (c) procedures to minimize odors and vectors; and (d) a
list of all designated food scraps generators, organics recyclers, and
all waste transporters that manage source-separated organics.
2. No later than June first, two thousand twenty and annually there-
after, the department shall assess the capacity of each organic recycler
and notify designated food scraps generators if they are required to
comply with the provisions of paragraph (b) of subdivision one of
section 27-2203 of this title.
3. The department shall develop and make available educational materi-
als to assist designated food scraps generators with compliance with
this title. The department shall also develop educational materials on
food waste minimization and encourage municipalities to disseminate
these materials both on their municipal websites and in any such future
mailings to their residents as they may distribute.
4. The department shall regulate organics recyclers to ensure that
their activities do not impair water quality or otherwise harm human
health and the environment.
§ 27-2213. Regulations.
The department shall promulgate rules and regulations necessary to
implement the provisions of this title including how designated food
scrap generators shall comply with the provisions of paragraph (a) and
subparagraph (i) of paragraph (b) of subdivision one of section 27-2203
of this title.
§ 27-2215. Exclusions.
1. This title shall not apply to any designated food scraps generators
located in a city with a population of one million or more which has a
local law, ordinance or regulation in place which requires the diversion
of excess food and food scraps from disposal.
2. This title does not apply to hospitals, elementary and secondary
schools.
§ 27-2217. Annual report.
No later than January first, two thousand twenty-two, and on an annual
basis thereafter, the department shall submit an annual report to the
governor and legislature describing the operation of the food donation
and food scraps recycling program including amount of excess food
donated, amount of food scraps recycled, sample educational materials,
and number of waivers provided.
§ 27-2219. Severability.
The provisions of this title shall be severable and if any portion
thereof or the applicability thereof to any person or circumstance is
held invalid, the remainder of this title and the application thereof
shall not be affected thereby.
§ 3. This act shall take effect immediately.

PART LL

Intentionally Omitted

PART MM

Section 1. Expenditures of moneys by the New York state energy
research and development authority for services and expenses of the
energy research, development and demonstration program, including
grants, the energy policy and planning program, the zero emissions vehi-
cle and electric vehicle rebate program, and the Fuel NY program shall
be subject to the provisions of this section. Notwithstanding the
provisions of subdivision 4-a of section 18-a of the public service law,
all moneys committed or expended in an amount not to exceed $19,700,000
shall be reimbursed by assessment against gas corporations, as defined
in subdivision 11 of section 2 of the public service law and electric
corporations as defined in subdivision 13 of section 2 of the public
service law, where such gas corporations and electric corporations have
gross revenues from intrastate utility operations in excess of $500,000
in the preceding calendar year, and the total amount which may be
charged to any gas corporation and any electric corporation shall not
exceed one cent per one thousand cubic feet of gas sold and .010 cent
per kilowatt-hour of electricity sold by such corporations in their
intrastate utility operations in calendar year 2015. Such amounts shall
be excluded from the general assessment provisions of subdivision 2 of
section 18-a of the public service law. The chair of the public service
commission shall bill such gas and/or electric corporations for such
amounts on or before August 10, 2017 and such amounts shall be paid to
the New York state energy research and development authority on or
before September 10, 2017. Upon receipt, the New York state energy
research and development authority shall deposit such funds in the ener-
gy research and development operating fund established pursuant to
section 1859 of the public authorities law. The New York state energy
research and development authority is authorized and directed to: (1)
transfer $1 million to the state general fund for services and expenses
of the department of environmental conservation and to transfer $750,000
to the University of Rochester laboratory for laser energetics from the
funds received; and (2) commencing in 2017, provide to the chair of the
public service commission and the director of the budget and the chairs
and secretaries of the legislative fiscal committees, on or before
August first of each year, an itemized record, certified by the presi-
dent and chief executive officer of the authority, or his or her desig-
nee, detailing any and all expenditures and commitments ascribable to
moneys received as a result of this assessment by the chair of the
department of public service pursuant to section 18-a of the public
service law. This itemized record shall include an itemized breakdown
of the programs being funded by this section and the amount committed to
each program. The authority shall not commit for any expenditure, any
moneys derived from the assessment provided for in this section, until
the chair of such authority shall have submitted, and the director of
the budget shall have approved, a comprehensive financial plan encom-
passing all moneys available to and all anticipated commitments and
expenditures by such authority from any source for the operations of
such authority. Copies of the approved comprehensive financial plan
shall be immediately submitted by the chair to the chairs and secre-
taries of the legislative fiscal committees. Any such amount not
committed by such authority to contracts or contracts to be awarded or
otherwise expended by the authority during the fiscal year shall be
refunded by such authority on a pro-rata basis to such gas and/or elec-
tric corporations, in a manner to be determined by the department of
public service.
§ 2. This act shall take effect immediately and shall be deemed to
have been in full force and effect on and after April 1, 2017.
Section 1. The public authorities law is amended by adding a new section 569-e to read as follows:
§ 569-e. Prohibition on certain lighting. No ornamental roadway lighting, as such term is defined by section one hundred forty-three of the public buildings law, shall be installed or operated on any bridge or tunnel of the authority.
§ 2. This act shall take effect immediately.

PART PP

Section 1. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 32-a to read as follows:
§ 32-a. Special provisions relating to economic development entities.
(1) For the purposes of this section, an "economic development entity" shall mean any entity created by the executive branch, including the executive chamber of the governor and lieutenant governor, and any state agency whose function includes providing advice, recommendations or determinations to or on behalf of the executive branch or any state agency, as defined in paragraph (b) of subdivision one of section seventy-three-a of the public officers law, on the allocation or disbursement of state or federal monies or tax credits and/or benefits.
(2) (a) The provisions of article seven of the public officers law applicable to public bodies shall apply to an economic development entity.
(b) The provisions of article six of the public officers law applicable to agencies shall apply to an economic development entity. In addition to the requirements of subdivision three of section eighty-seven of the public officers law, an economic development entity shall maintain and make available for public inspection and copying any and all proposals submitted to it through a centralized application process, including the consolidated funding applications process, except that an economic development entity may redact or withhold portions of a proposal if such portion would be exempt from disclosure pursuant to article six of the public officers law.
(c) For the purpose of section seventy-three-a of the public officers law, any member of an economic development entity shall be deemed a state officer or employee and shall be deemed a policy maker and shall file an annual statement of financial disclosure set forth in subdivision three of section seventy-three-a of the public officers law.
(d) The provisions of section seventy-four of the public officers law applicable to an officer or employee of a state agency shall apply to any member of an economic development entity.
§ 2. This act shall take effect immediately; provided, however, that those incumbents who have not filed a disclosure form for the calendar year 2016 shall have thirty days from the effective date of this act to file such form with the joint commission on public ethics.
§ 52. Reporting. (1) Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Economic development benefits" shall mean the available state or federal resources including but not limited to state grants, loans, loan guarantees, surety bonding guarantees, loan interest subsidies, and/or subsidies, and tax credits and/or benefits allocated through the corporation; and

(b) "Qualified participant" shall mean an individual, business, or any other entity that has applied for and received approval for and/or is the beneficiary of, any economic development benefits under any economic development program overseen by the New York state urban development corporation or economic development benefits that were originally allocated to the corporation or that flow through the corporation.

(2) Report. Commencing on June first, two thousand seventeen and annually thereafter, a qualified participant shall provide a report to the corporation for the prior state fiscal year in the form prescribed hereunder with regard to projected and actual jobs created and retained in connection with any related economic development benefits. To the extent that a qualified participant is required to report the same and/or similar information as required hereunder, the president of the empire state development corporation may deem such qualified participant to be in compliance with the requirements of this section upon such reporting. The report shall contain for the prior state fiscal year, the following information:

(a) the qualified participant's name and location;

(b) the time span over which the qualified participant is to or has received economic development benefits;

(c) the type of such economic development benefits provided to the qualified participant, including the name of the program or programs through which economic development benefits are provided;

(d) the total number of employees at all sites covered by the project at the time of the project agreement including the number of permanent full-time jobs, the number of permanent part-time jobs, the number of full-time equivalents, and the number of contract employees;

(e) the number of jobs that the qualified participant receiving benefits is contractually obligated to retain and create over the life of the project, except that such information shall be reported on an annual basis for project agreements containing annual job retention or creation requirements, and for each reporting year, the base employment level the entity receiving benefits agrees to retain over the life of the project, any job creation scheduled to take place as a result of the project and where applicable, any job creation targets for the current reporting year;

(f) the amount of economic development benefits received from the corporation and any other state entity during the year covered by the report, the amount of economic development benefits received since the beginning of the project period, and the present value of the further economic development benefits estimated to be given for the duration of the project period;

(g) for the current reporting year, the total actual number of employees at all sites covered by the project, including the number of permanent full-time jobs, the number of permanent part-time jobs, the number
of contract jobs, the number of jobs filled by minorities or women, and
salaries for all employees;
(h) whether the employer offers health benefits to all full-time
employees and to all part-time employees; and
(i) a statement of compliance indicating whether, during the current
reporting year, the corporation has reduced, cancelled or recaptured
economic development benefits for such qualified participant, and, if
so, the total amount of the reduction, cancellation or recapture, and
any penalty assessed and the reasons therefor.
(3) Searchable state subsidy and benefits database. Notwithstanding
any laws to the contrary, the corporation, in cooperation with the
commissioner of economic development, shall create or modify an existing
searchable database for the consolidation and public reporting of infor-
mation collected through the reporting requirement as defined in subdi-
vision two of this section. Beginning on October first, two thousand
seventeen, the corporation shall make all reported data on the searcha-
ble database available to the public on its website. Such database shall
be updated on a quarterly basis with qualified participants added to any
programs and any new data provided by existing qualified participants.
(4) Certification regarding reporting. The corporation shall certify
to the New York state authorities budget office and post to its website
that it has fulfilled all of its reporting requirements as required by
law, rules, regulations, or executive orders. The corporation shall
provide a list of all reports, the due dates of such reports, and certi-
fy to the New York state authorities budget office that each report has
been submitted to the individual, office, or entity as prescribed by
applicable laws, rules, and regulations.
(5) Oversight. (a) The empire state development corporation shall
maintain files on all applicants and qualified participants that have
requested or received economic development benefits through a project,
program or fund administered, coordinated, or utilized by such corpo-
ration, including projects submitted through a consolidated funding
application. Such files must include the specific, objective, and quan-
tifiable criteria for scoring applications submitted for consideration
for economic development benefits. Such corporation shall make all such
files available for inspection and auditing by the office of the state
comptroller.
(b) The empire state development corporation shall provide written
notice thirty days prior to the announcement of all awards for economic
benefit to the chair of the senate finance committee and the chair of
the assembly ways and means committee. Such notice must include the
intent to distribute such funds for a project, program or fund adminis-
tered, coordinated, or utilized by such corporation. Such notice shall
include, but not be limited to, the methodology used in determining the
availability of funding resources for projects, information on the
criteria used to evaluate projects, any project specific descriptions or
requirements for receiving such funds, any project specific plan for the
distribution and disbursement of such funds, and the availability and
amount of federal or private sector matching funds. The commissioner
shall provide written notice when a previously approved project with
allocated funds will no longer go forward, including the necessary
reporting requirements for any substitute projects.
Within sixty days of the effective date of this subdivision, the commis-
sioner shall provide a written report to the chair of the senate finance
committee and the chair of the assembly ways and means committee on all
awards made pursuant to this section prior to the effective date of this
subdivision, including all information that is required to be included
in the notice requirements of this subdivision.

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

18-j. to establish, in cooperation with the urban development corpo-
ration and other state entities, and in a manner consistent with the
provisions of section fifty-two of the urban development corporation
act:

(a) reporting requirements of all qualified participants defined as
those who receive economic development benefits through a project,
program or fund administered, coordinated, or utilized by the department
or in conjunction with the urban development corporation; and

(b) a searchable subsidy database that consolidates information
collected through reporting requirements.

§ 3. This act shall take effect immediately.

PART RR

Section 1. Section 1 of chapter 174 of the laws of 1968, constituting
the New York state urban development corporation act, is amended by
adding a new section 52 to read as follows:

§ 52. Small business innovation research (SBIR)/small business tech-
technology transfer (STTR) technical assistance program. 1. The small busi-
ness innovation research/small business technology transfer technical
assistance program, hereafter referred to as "the program", is hereby
created in the corporation for the purposes of providing funds to eligi-
ble entities to provide technical assistance to small businesses of one
hundred employees or less and located in New York state in competing
successfully for grants made available through phase I of the federal
small business innovation research program as enacted pursuant to the
small business innovation development act of 1982, and the small busi-
technology transfer act of 1982, so as to increase the number of
phase I SBIR and STTR award winners within the state.

2. Technical assistance services under this section may include, but
are not limited to:

(a) outreach to small businesses to promote awareness of SBIR/STTR
program solicitations;

(b) counseling to determine the ability of a business to pursue
SBIR/STTR phase I funding, the technology match with the federal agency
solicitation to be pursued, the qualifications of personnel involved in
the proposed project, and the level of support needed from the technical
assistance program to produce a competitive application; and

(c) proposal preparation assistance including grant writing, technolo-
ogy evaluation, and general proposal evaluation.

3. In determining whether to provide technical assistance authorized
pursuant to this section to a small business, eligible entities shall
consider the probability of such business commercializing any inno-
vations resulting from research funded by an SBIR or STTR award in New
York state.

4. Eligible entities. (a) Entities that are eligible to receive funds
under this section shall have demonstrable experience and success in
providing technical assistance authorized pursuant to this section, and
as determined by the corporation, and shall include:

(i) centers for advanced technology established pursuant to section
thirty-one hundred two-b of the public authorities law;
(ii) technology development corporations established pursuant to section thirty-one hundred two-d of the public authorities law;
(iii) state university of New York engineering schools that administer the strategic partnership for industrial resurgence program; and
(iv) centers of excellence established pursuant to section 3 of part T of chapter 84 of the laws of 2002 and section four hundred ten of the economic development law.
(b) Preference for receiving funds under this section shall be given to entities that partner with other eligible entities to provide the full range of technical assistance services as specified in subdivision two of this section.
(c) Entities receiving funds under this section shall match such funds on a one-to-one basis. Such match shall consist of actual cash, salaries, staff time, or expenses directly attributable to the purposes of this section. Overhead costs may not be included in the match.
5. Use of funds. (a) Funds can be used for costs related to conducting outreach to small businesses to promote awareness of SBIR/STTR program solicitations, grant preparation and review, and printing costs and supplies associated with the submission of grants.
(b) From such funds as may be appropriated for this purpose by the legislature, the corporation shall make competitive awards annually in amounts of up to two hundred thousand dollars to providers of assistance pursuant to this section.
6. Reporting requirements. (a) Entities receiving funds shall annually provide to the corporation details on the following:
(i) description of small businesses served, including technology focus, business size and location;
(ii) SBIR and STTR grants applied for and received as a result of assistance provided; and
(iii) any other information deemed appropriate by the corporation.
(b) The corporation shall include the information provided pursuant to subdivision five of this section in the annual report filed pursuant to section four hundred four of the economic development law.
(c) On or before February first, two thousand eighteen, the corporation shall evaluate the effectiveness of the SBIR/STTR technical assistance program and report such findings to the governor and legislature. The corporation shall also make recommendations as to the appropriateness of expanding the program to provide assistance to SBIR/STTR phase II applicants.
§ 2. Section 3102-c of the public authorities law is REPEALED.
§ 3. This act shall take effect immediately.

PART SS

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

Section 1. Contingent upon available funding, and not to exceed $30,000,000, moneys from the urban development corporation shall be available for a local government entity, which for the purposes of this section shall mean a county, city, town, village, school district or special district, where (i) on or after June 25, 2015, an electric generating facility located within such local government entity has ceased operations, and (ii) the closing of such facility has caused a reduction in the real property tax collections or payments in lieu of
taxes of at least twenty percent owed by such electric generating facility. Such moneys attributable to the cessation of operations, shall be paid annually on a first come, first served basis by the urban development corporation to such local government entity within a reasonable time upon confirmation from the state office of real property tax services or the local industrial development authority established pursuant to titles eleven and fifteen of article eight of the public authorities law, or the local industrial development agency established pursuant to article eighteen-A of the general municipal law that such cessation has resulted in a reduction in the real property tax collections or payments in lieu of taxes, provided, however, that the urban development corporation shall not provide assistance to such local government entity for more than [five] seven years, and shall [not] award [in the first year more than eighty percent of] payments reflecting the loss of revenues due to the cessation of operations[.] as follows:

<table>
<thead>
<tr>
<th>Award Year</th>
<th>Maximum Potential Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>no more than eighty percent of loss of revenues</td>
</tr>
<tr>
<td>2</td>
<td>no more than seventy percent of loss of revenues</td>
</tr>
<tr>
<td>3</td>
<td>no more than sixty percent of loss of revenues</td>
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<tr>
<td>4</td>
<td>no more than fifty percent of loss of revenues</td>
</tr>
<tr>
<td>5</td>
<td>no more than forty percent of loss of revenues</td>
</tr>
<tr>
<td>6</td>
<td>no more than thirty percent of loss of revenues</td>
</tr>
<tr>
<td>7</td>
<td>no more than twenty percent of loss of revenues</td>
</tr>
</tbody>
</table>

A local government entity shall be eligible for only one payment of funds hereunder per year. A local government entity may seek assistance under the electric generation facility cessation mitigation fund once a generator has submitted its notice to the federally designated electric bulk system operator (BSO) serving the state of New York of its intent to retire the facility or of its intent to voluntarily remove the facility from service subject to any return-to-service provisions of any tariff, and that the facility also is ineligible to participate in the markets operated by the BSO. The date of submission of a local government entity's application for assistance shall establish the order in which assistance is paid to program applicants, except that in no event shall assistance be paid to a local government entity until such time that an electric generating facility has retired or become ineligible to participate in the markets operated by the BSO. For purposes of this section, any local government entity seeking assistance under the electric generation facility cessation mitigation fund must submit an attestation to the department of public service that a facility is no longer producing electricity and is no longer participating in markets operated by the BSO. After receipt of such attestation, the department of public service shall confirm such information with the BSO. In the case that the BSO confirms to the department of public service that the facility is no longer producing electricity and participating in markets operated by such BSO, it shall be deemed that the electric generating facility located within the local government entity has ceased operation. The department of public service shall provide such confirmation to the urban development corporation upon receipt. The determination of the amount of such annual payment shall be determined by the president of the urban development corporation based on the amount of the differential between the annual real property taxes and payments in lieu of taxes imposed upon the facility, exclusive of interest and penalties,
and payments in lieu of taxes imposed upon the facility, exclusive of interest and penalties. The total amount awarded from this program shall not exceed $30,000,000.

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

PART TT

Section 1. Declaration of legislative intent and findings. The legislature finds and declares that it is in the public interest of the state of New York for architectural paint producers to finance and manage an environmentally sound, cost-effective architectural paint stewardship program, undertaking responsibility for the development and implementation of strategies to reduce the generation of post-consumer architectural paint, promote the reuse of post-consumer architectural paint and collect, transport and process post-consumer architectural paint for end-of-product-life management, including reuse and recycling.

§ 2. Article 27 of the environmental conservation law is amended by adding a new title 20 to read as follows:

TITLE 20
PAINT STEWARDSHIP PROGRAM


This title shall be known as and may be cited as the "New York state paint stewardship program".


It is hereby declared to be the public policy of the state of New York to promote the development and implementation of strategies to reduce the generation of post-consumer architectural paint, to encourage the reuse of post-consumer architectural paint, and to maximize the collection, transport, and process of post-consumer architectural paint for end-of-product-life management.


When used in this title:

1. "architectural paint" means interior and exterior architectural coatings sold in containers of five gallons or less. Architectural paint does not mean industrial, original equipment or specialty coatings.

2. "consumer" means a person located in the state who owns or uses architectural paint, including but not limited to an individual, a business, corporation, limited partnership, not-for-profit organization, or governmental entity, but does not include an entity involved in a wholesale transaction between a distributor and retailer.

3. "distributor" means a company that has a contractual relationship with one or more producers to market and sell architectural paint to retailers in this state.
4. "post-consumer architectural paint" means architectural paint not used and no longer wanted by its purchaser.
5. "producer" means a person that manufactures architectural paint that is sold or offered for sale in this state.
6. "recycling" means any process by which discarded products, components and by-products are transformed into new usable or marketable materials in a manner in which the products may lose their original composition. Recycling does not include energy recovery or energy generation by means of combusting discarded products, components and by-products with or without other waste products from post-consumer architectural paint.
7. "retailer" means any person that sells or offers for sale architectural paint at retail in this state.
8. "reuse" means the return of a product into the economic stream for use in the same kind of application intended for the use of the product, without a change in the product's original composition.
9. "sell" or "sale" means any transfer of title for consideration, including remote sales conducted through sales outlets, catalogs or the internet or through any other similar electronic means.

Beginning December thirty-first, two thousand eighteen, a producer shall accept for disposal and recycling or reuse post-consumer architectural paint.

1. A producer shall individually or cooperatively with one or more other producers, submit a registration to the department by July first, two thousand eighteen, along with a registration fee of five thousand dollars. Such registration shall include:
   (a) the producer's name, address, and telephone number;
   (b) the name and title of an officer, director, or other individual designated as the producer's contact for purposes of this title;
   (c) a list identifying the producer's brands;
   (d) a general description of the manner in which the producer will comply with section 27-2007 of this title, including specific information on the producer's architectural paint acceptance program in the state, intended treatment, storage, transportation and disposal options and a current list of locations within the state where consumers may return architectural paint;
   (e) targeted annual collection rates;
   (f) educational and outreach program that will be implemented to inform consumers and retailers of the program and how to participate; and
   (g) any other information as the department may require.
2. A producer's registration shall be updated within thirty days of any material change to the information required by the registration.
3. Any person who becomes a producer on or after January first, two thousand nineteen shall register with the department prior to selling or offering for sale in the state any architectural paint, and must comply with the requirements of this title.
4. No later than January first, two thousand nineteen, a producer shall not sell or offer for sale architectural paint in the state unless the producer has registered with the department and maintains an architectural paint acceptance program through which the producer, either directly or through an agent or designee, accepts architectural paint from consumers in the state for disposal, reuse or recycling. The producer shall ensure that retailers are notified of such registration.
The producer shall not impose a fee on consumers for the collection, handling and recycling or reuse of architectural paint.

5. The architectural paint acceptance program shall include, at a minimum:
   (a) collection, disposal and recycling or reuse of architectural paint produced by the producer and offered for return by any consumer in this state, free of cost and in a manner convenient to consumers. The following acceptance methods shall be considered reasonably convenient: (i) collection or acceptance events conducted by the producer or the producer's agent or designee, including events conducted through local governments or private parties; (ii) fixed acceptance locations such as dedicated acceptance sites operated by the producer or its agent or designee; (iii) agreements with local governments, retail stores, sales outlets and not-for-profit organizations which have agreed to provide facilities for the collection of architectural paint; (iv) community collection events; and (v) any combination of these or other acceptance methods which effectively provide for the acceptance of architectural paint for recycling or reuse through means that are available and reasonably convenient to consumers in the state. At a minimum, the producer shall ensure that all counties of the state and all municipalities which have a population of ten thousand or greater have at least one permanent collection site and one additional permanent collection site for every thirty thousand people located in those areas, unless otherwise approved by the department, or unless the producer is a small business taxpayer as defined in paragraph (f) of subdivision one of section two hundred ten of the tax law. Such producers shall conduct no less than one collection event annually. The department may establish additional requirements to ensure convenient collection from consumers;
   (b) a public education program to inform consumers about the producer's architectural paint acceptance program, including at a minimum an internet website and a toll-free telephone number and written information included in the package for, or at the time of sale of, architectural paint that provides sufficient information to allow a consumer of architectural paint to learn how to return such paint for disposal, recycling or reuse; and
   (c) any other information as required by the department in accordance with regulations promulgated pursuant to this article.

6. A producer shall maintain records demonstrating compliance with the provisions of this title and make them available for audit and inspection by the department for a period of three years.

7. A producer may satisfy the architectural paint collection requirements of this section by agreeing to participate in a collective architectural paint acceptance program with other producers. Any such collective architectural paint acceptance program shall meet the same requirements as an individual producer. Any architectural acceptance program shall include a list of producers that are participating in such program along with other identifying information as may be required by the department. Such program shall submit a registration to the department along with a registration fee of ten thousand dollars.

8. A producer shall be responsible for all costs associated with the implementation of the architectural paint acceptance program.

§ 27-2011. Retailer requirements.

1. At the location of sale of architectural paint, a retailer shall provide purchasers of architectural paint with information about oppor-
§ 27-2018. Reporting requirements.

1. The department shall promulgate all necessary rules and regulations including, but not limited to, standards for reuse.

2. The department shall (a) maintain a list of producers who are registered pursuant to section 27-2009 of this title, (b) maintain a list of each such producer's brands, and (c) post such lists on the department's website.


1. Beginning March first, two thousand twenty, for the previous calendar year and annually thereafter, a producer that offers architectural paint for sale in this state shall submit a report to the department on a form prescribed by the department that includes the following:
   (a) the quantity of architectural paint collected for disposal, recycling or reuse in this state during the preceding calendar year and the methods used to accept such paint and the approximate weight and volume of architectural paint accepted by each method used to the extent known;
   (b) information detailing the acceptance methods made available to consumers;
   (c) a brief description of its public education program and samples of any materials, the number of visits to the internet website and calls to the toll-free telephone number provided by the producer as required by section 27-2009 of this title;
   (d) any other information as required by the department; and
   (e) a signature by an officer, director, or other individual affirming the accuracy of the report.

2. The report shall be accompanied by an annual reporting fee of three thousand dollars.

3. The department shall submit a report regarding the implementation of this title in this state to the governor and legislature by April first, two thousand twenty and every two years thereafter. The report must include, at a minimum, an evaluation of:
   (a) the architectural paint stream in the state;
   (b) disposal, recycling and reuse rates in the state for architectural paint;
   (c) a discussion of compliance and enforcement related to the requirements of this title; and
   (d) recommendations for any changes to this title.


A producer may satisfy the requirements of this article by agreeing to participate in a collective acceptance program with any other producer or producers. Any such collective acceptance program must meet the same requirements as an individual producer. Any collective acceptance program must include a list of producers that are participating in such program along with other identifying information as may be required by the department. Such program shall submit a registration to the department along with a registration fee of ten thousand dollars.

§ 3. This act shall take effect immediately.
Section 1. Article 54 of the environmental conservation law is amended by adding a new title 17 to read as follows:

**TITLE 17**

NEW YORK STATE ENVIRONMENTAL JUSTICE ACT AND GRANTS

Section 54-1701. Definitions.

54-1702. Implementation of environmental justice policies.

54-1703. Environmental justice task force.

54-1705. Environmental justice grants.

§ 54-1701. Definitions.

For purposes of this title "environmental justice" means the fair treatment of people of all races, cultures and incomes in the development, adoption, implementation and enforcement of environmental laws and policies.

§ 54-1702. Implementation of environmental justice policies.

1. All state agencies, boards, commissions and other bodies involved in decisions that may affect environmental quality shall adopt and implement environmental justice policies providing meaningful opportunities for involvement to all people, regardless of race, color, ethnicity, religion, income or education level.

2. All state programs and policies designed to protect the environment shall be reviewed periodically to ensure that program implementation and dissemination of information meet the needs of low-income and minority communities, and seek to address disproportionate exposure to environmental hazards.

3. The department will use available environmental and public health data to identify existing and proposed industrial and commercial facilities and areas in communities of color and low-income communities for which compliance, enforcement, remediation, siting and permitting strategies will be targeted to address impacts from these facilities.

4. The department shall create an environmental justice advisory council to advise the department and the environmental justice task force on environmental justice issues. The council shall consist of fifteen individuals and will meet at least quarterly. The council shall annually select a chairperson from its membership and shall have a composition of one-third membership from grassroots or faith-based community organizations, with additional membership to include representatives from the following communities: academic public health, statewide environmental, civil rights and public health organizations, large and small business and industry, municipal and county officials, and organized labor.

§ 54-1703. Environmental justice task force.

1. The commissioner and the commissioner of the department of health, or their appointed designees, shall convene a multi-agency task force, to be named the environmental justice task force. This task force will include senior management designees from the governor counsel's office, the attorney general's office, the departments of health, agriculture and markets, transportation, and education. The task force shall be an advisory body, the purpose of which is to make recommendations to state agency heads regarding actions to be taken to address environmental justice issues consistent with each agency's existing statutory and regulatory authority. The task force is authorized to consult with, and expand its membership to, other state agencies as needed to address concerns raised in affected communities.

2. Any community may file a petition with the task force that asserts that residents and workers in the community are subject to disproportionate adverse exposure to environmental health risks, or disproportionate adverse exposure to environmental health risks, or disproportion...
tionate adverse effects resulting from the implementation of laws affecting public health or the environment.

3. The task force shall identify a set of communities from the petitions filed, based on selection criteria developed by the task force, including consideration of state agency resource constraints. The task force shall meet directly with the selected communities to understand their concerns.

4. The task force shall develop an action plan for each of the selected communities after consultation with the citizens, as well as local and county government as relevant, that will address environmental factors that affect community health. The action plan shall clearly delineate the steps that will be taken in each of the selected communities to reduce existing environmental burdens and avoid or reduce the imposition of additional environmental burdens through allocations of resources, exercise of regulatory discretion, and development of new standards and protections. The action plan, which shall be developed in consultation with the environmental justice advisory council, will specify community deliverables, a timeframe for implementation, and the justification and availability of financial and other resources to implement the plan. The task force shall present the action plan to the relevant departments, recommending its implementation.

5. The task force shall monitor the implementation of each action plan in the selected communities, and shall make recommendations to state agencies as necessary to facilitate implementation of the action plans. Agencies shall implement the strategy to the fullest extent practicable in light of statutory and resource constraints.

§ 54-1705. Environmental justice grants.

1. For the purpose of this section, environmental justice projects shall take place in environmental justice, inner city, and underserved areas and mean:
   (a) improvements to environmental quality;
   (b) projects that address exposure to multiple harms and risks, including lead exposure;
   (c) environmental job training;
   (d) studies, including air monitoring, to investigate the environment, or related public health issues of the community; and,
   (e) research that will be used to expand the knowledge or understanding of the affected community, including ways to improve resiliency provided that the results of any such investigation shall be disseminated to the members of the affected community.

2. The commissioner, after consultation with the environmental justice advisory council, and a not-for-profit corporation may enter into a contract for the undertaking by the not-for-profit corporation of an environmental justice project. Such project shall be recommended to the commissioner by the governing body of a not-for-profit corporation which demonstrates to the satisfaction of the commissioner that such projects address the environmental and/or related

3. The commissioner, after consultation with the environmental justice advisory council, and a municipality may enter into a contract for the undertaking by the municipality of an environmental justice project. Such project shall be recommended to the commissioner by the governing body of a municipality which demonstrates to the satisfaction of the commissioner that such projects address the environmental and/or related
public health issues of the residents of the affected community. Upon
approval by the commissioner, such project shall be undertaken pursuant
to the provisions of this title and any other applicable provision of
law.

§ 2. This act shall take effect July 1, 2018; provided however, that
the environmental justice task force and the environmental justice advi-
sory council shall be established and operating by October 1, 2018.

PART VV

Section 1. Indian Point closure task force. 1. (a) There is hereby
established, within the department of public service, an Indian Point
closure task force ("task force") whose members shall be appointed as
follows:
(i) The chairperson of the public service commission or his or her
designee;
(ii) The commissioner of environmental conservation or his or her
designee;
(iii) The secretary of state or his or her designee;
(iv) The commissioner of taxation and finance or his or her designee;
(v) The commissioner of labor or his or her designee;
(vi) The commissioner of economic development or his or her designee;
(vii) The commissioner of the division of homeland security and emer-
gency services or his or her designee;
(viii) The president of the New York energy research and development
authority or his or her designee;
(ix) The chairperson of the New York power authority or his or her
designee;
(x) The mayor of the village of Buchanan or his or her designee;
(xi) The superintendent of the Hendrick Hudson school district or his
or her designee;
(xii) The supervisor of the town of Cortlandt or his or her designee;
(xiii) One member to be appointed by the temporary president of the
senate;
(xiv) One member to be appointed by the speaker of the assembly;
(xv) One member, to be appointed by the governor, upon the recomenda-
tion of the speaker of the assembly, shall be a representative of a
labor union whose members are employed at the Indian Point nuclear
generating facility;
(xvi) One member, to be appointed by the governor, upon the recomen-
dation of the temporary president of the senate, shall be a represen-
tative of a labor union whose members are employed at the Indian Point
nuclear generating facility through contracted service providers;
(xvii) One member, to be appointed by the governor, shall be a repre-
sentative of a labor union whose members are public employees in the
impacted geographical region; and
(xviii) The chairperson of the task force may appoint local elected
officials and municipal officers, as defined by section 800 of the
general municipal law, from the impacted geographical region.
(b) The members appointed to the task force established by the gover-
nor prior to the effective date of this act shall: (i) satisfy the
initial appointment requirements of subparagraphs (i) through (xiv) of
paragraph a of this subdivision; and (ii) be ex-officio members of the
task force established pursuant to this section.
(c) Local elected officials and municipal officers from the impacted geographical region may petition the chairperson for membership on the task force.

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

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

4. Vacancies for task force members appointed pursuant to subparagraphs (i) through (xvii) of paragraph a of subdivision one of this section shall be filled in the manner provided for in the initial appointment.

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

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

7. The department of public service shall provide the task force with such facilities, assistance and data as will enable the task force to carry out its powers and duties. Additionally, all other agencies of the state or subdivisions thereof may, at the request of the chairperson, provide the task force with such facilities, assistance, and data as will enable the task force to carry out its powers and duties.

8. The purpose of the task force shall be to assess the impacts of the Indian Point nuclear generating facility closure on the state and local municipalities and evaluate ways of addressing and mitigating anticipated impacts, including, but not limited to those on electric reliability and rates, real property tax collections or payments in lieu of taxes, public safety, labor and the future use of the land where the facility is located.

9. No later than February 15, 2018, and annually thereafter, the task force shall submit to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate committee on energy and telecommunications and the chair of the assembly committee on energy, a report containing the following:

a. an assessment of:

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

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

   (iii) workforce retention; and

   (iv) programs implemented to retrain persons employed at the Indian Point nuclear generating facility, such analysis, shall include the number of retraining programs, the content of the retraining programs, the employment outcomes of individuals retrained, and any other information deemed appropriate by the task force;

b. an assessment of compliance with:

   i. any and all federal, state and local laws, regulations and rules related to the closure and decommissioning of a nuclear generating facility;
ii. the agreement related to Indian Point entered into by the state of New York on January 9, 2017, including:
   1. the cessation of operations of nuclear generating units by April 30, 2020 and April 30, 2021;
   2. the submission of all required notices, concurrences, certificates, and permits; and
   3. any other requirement of such agreement; and
iii. any other agreements regarding the closure and decommissioning of the Indian Point nuclear generating facility;
   c. a listing of any enforcement actions initiated for any actual or alleged condition at the nuclear generating facility;
   d. a review of impacts resulting from the closure and decommissioning of any nuclear generating facility in the surrounding region;
   e. recommendations for the projects to be selected pursuant to the community fund established in the agreement related to Indian Point entered into by the state of New York on January 9, 2017, and an assessment of the progress and effectiveness of projects selected;
   f. recommendations related to short term and long term programs the state of New York could establish to provide support and guidance to the affected local municipalities, and the implementation of such programs; and
   g. any information or data the task force deems appropriate.
§ 2. This act shall take effect immediately and shall expire and be deemed repealed April 1, 2027.

PART WW

Section 1. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 52 to read as follows:
§ 52. Strategic investment in workforce development. 1. Pursuant to this section there is hereby established within the corporation, the strategic investment in workforce development program to identify and address workforce needs throughout the state. The corporation shall collaborate with the department of labor, the department of economic development, the state university of New York, the city university of New York, and the state education department to provide support to eligible applicants within amounts available for the strategic investments in workforce development program and shall identify the training needs of employers, employees and prospective employees; identify areas of the state or specific industries where a shortage of a skilled workforce is impacting the ability of those areas of the state or industries to remain competitive and innovative; identify methods and models to train and employ youth workers; and identify ways to serve prospective employees that are currently unemployed or underemployed. The strategic investment in workforce development program shall utilize the information gathered to target workforce training activities, employment credentials or certificate opportunities, and skill development programs to meet the identified needs and to provide necessary training and skill development to youth and individuals who are unemployed or underemployed.
2. Eligible applicants shall include an employer or consortium of employers in conjunction with a labor organization, a not-for-profit, an educational entity or a program or network that provides training and skill development for youth or individuals who are unemployed or underemployed. An entity that works directly with employers to provide
training or retraining, particularly in high-skill occupations or indus-
tries, or an entity that seeks to promote and foster economic develop-
ment and job growth shall also be considered an eligible applicant.
Eligible applicants shall demonstrate a relationship with educational
programs or entities that address the needs of employers, employees or
prospective employees, particularly youth, unskilled workers, unemployed
individuals or underemployed workers.

3. (a) Assistance provided by the corporation to eligible applicants,
may be used for the costs associated with strategic workforce develop-
ment training and skills development. Such costs may include, but is not
limited to, classroom training, on the job training, curriculum develop-
ment, and training materials associated with on the job training, skills
upgrading, skills retraining, and basic skills training that leads to
obtaining appropriate certifications or degrees from accredited insti-
tutions; and

(b) The corporation shall ensure that not less than twenty percent of
the program funds are used in support of projects that assist small
businesses as defined in section one hundred thirty-one of the economic
development law and minority- and women-owned business enterprises.

4. (a) The corporation shall report to the legislature by June thirti-
eth, two thousand eighteen and annually thereafter, identifying the
entities receiving assistance, the type of assistance provided, the
number of individuals trained and newly hired including those who were
previously unemployed, underemployed or economically disadvantaged, and
the number of certifications or degrees conferred from accredited insti-
tutions.

(b) The corporation shall also provide for an independent evaluation
of the program on or before June thirtieth, two thousand nineteen, and
every three years thereafter.

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

PART XX

Section 1. Legislative findings and declaration. The legislature here-
by enacts the "New York state climate and community protection act" and
finds and declares that:

1. Climate change is adversely affecting economic well-being, public
health, natural resources, and the environment of New York. The adverse
impacts of climate change include:
a. an increase in the severity and frequency of extreme weather
events, such as storms, flooding, and heat waves, which can cause direct
injury or death, property damage, and ecological damage (e.g., through
the release of hazardous substances into the environment);
b. rising sea levels, which exacerbate damage from storm surges and
flooding, contribute to coastal erosion and saltwater intrusion, and
inundate low-lying areas, leading to the displacement of or damage to
coastal habitat, property, and infrastructure;
c. a decline in freshwater and saltwater fish populations;
d. increased average temperatures, which increase the demand for air
conditioning and refrigeration among residents and businesses;
e. exacerbation of air pollution; and
f. an increase in the incidences of infectious diseases, asthma
attacks, heart attacks, and other negative health outcomes. These
impacts are having a detrimental effect on some of New York's largest
industries, including agriculture, commercial shipping, forestry, tour-
ism, and recreational and commercial fishing. These impacts also place additional strain on the physical infrastructure that delivers critical services to the citizens of New York, including the state's energy, transportation, stormwater, and wastewater infrastructure.

2. The severity of current climate change and the threat of additional and more severe change will be affected by the actions undertaken by New York and other jurisdictions to reduce greenhouse gas emissions. According to the U.S. Global Change Research Program (USGCRP) and the Intergovernmental Panel on Climate Change (IPCC), substantial reductions in greenhouse gas emissions will be required by mid-century in order to limit global warming to no more than 2°C and ideally 1.5°C, and thus minimize the risk of severe impacts from climate change. Specifically, industrialized countries must reduce their greenhouse gas emissions by at least 80% below 1990 levels by 2050 in order to stabilize carbon dioxide equivalent concentrations at 450 parts per million—-the level required to stay within the 2°C target.

3. Action undertaken by New York to reduce greenhouse emissions will have an impact on global greenhouse gas emissions and the rate of climate change. In addition, such action will encourage other jurisdictions to implement complementary greenhouse gas reduction strategies and provide an example of how such strategies can be implemented. It will also advance the development of green technologies and sustainable practices within the private sector, which can have far-reaching impacts such as a reduction in the cost of renewable energy components, and the creation of jobs and tax revenues in New York.

4. It shall therefore be a goal of the state of New York to reduce greenhouse gas emissions from all anthropogenic sources 100% over 1990 levels by the year 2050, with an incremental target of at least a 50 percent reduction in climate pollution by the year 2030, in line with USGCRP and IPCC projections of what is necessary to avoid the most severe impacts of climate change.

5. Although substantial emissions reductions are necessary to avoid the most severe impacts of climate change, complementary adaptation measures will also be needed to address those risks that cannot be avoided. Some of the impacts of climate change are already observable in New York state and the northeastern United States. Annual average temperatures are on the rise, winter snow cover is decreasing, heat waves and precipitation are intensifying, and sea levels along New York's coastline are approximately one foot higher than they were in 1900. New York has also experienced an increasing number of extreme and unusual weather events, like Hurricanes Irene and Lee and the unprecedented Superstorm Sandy in 2012, which caused at least 53 deaths and $32 billion in damage in New York state.

6. New York should therefore minimize the risks associated with climate change through a combination of measures to reduce statewide greenhouse gas emissions and improve the resiliency of the state with respect to the impacts and risks of climate change that cannot be avoided.

7. Climate change especially heightens the vulnerability of disadvantaged communities, which bear environmental and socioeconomic burdens as well as legacies of racial and ethnic discrimination. Actions undertaken by New York state to mitigate greenhouse gas emissions should prioritize the safety and health of disadvantaged communities, control potential regressive impacts of future climate change mitigation and adaptation policies on these communities, and prioritize the allocation of public investments in these areas.
8. Creating good jobs and a thriving economy is a core concern of New York state. Shaping the ongoing transition in our energy sector to ensure that it creates good jobs and protects workers and communities that may lose employment in the current transition must be key concerns of our climate policy. Setting clear standards for job quality and training standards encourages not only high-quality work but positive economic impacts.

9. Workers are at the front lines of climate change. Construction workers and building service workers were some of the first workers dedicated to cleaning up damage inflicted by recent storms. These workers were often operating in unsafe and toxic environments, cleaning up mold, and working in unstable buildings. In order to protect the health and welfare of these workers, it is in the interest of the state of New York to establish safe and healthy working conditions and proper training for workers involved in climate change related activities. In addition, much of the infrastructure work preparing our state for additional climate change events must happen quickly and efficiently. It is in the interest of the state to ensure labor harmony and promote efficient performance of work on climate change related work sites by requiring workers to be well-trained and adequately compensated.

10. Ensuring career opportunities are created and shared geographically and demographically is necessary to ensure increased access to good jobs for marginalized communities while making the same neighborhoods more resilient. Climate change has a disproportionate impact on low-income people, women, and workers. It is in the interest of the state of New York to protect and promote the interests of these groups against the impacts of climate change and severe weather events and to advance our equity goals by ensuring quality employment opportunities in safe working environments.

11. The complexity of the ongoing energy transition, the uneven distribution of economic opportunity, and the disproportionate cumulative economic and environmental burdens on communities mean that there is a strong state interest in setting a floor statewide for labor standards, but allowing and encouraging individual agencies and local governments to raise standards.

12. By exercising a global leadership role on greenhouse gas mitigation and climate change adaptation, New York will position its economy, technology centers, financial institutions, and businesses to benefit from national and international efforts to address climate change. New York state has already demonstrated leadership in this area by undertaking efforts such as:
   a. executive order no. 24 (2009), establishing a goal to reduce greenhouse gas emissions 80% by the year 2050, creating a climate action council, and calling for preparation of a climate action plan;
   b. chapter 433 of the laws of 2009, establishing a state energy planning board and requiring the board to adopt a state energy plan;
   c. chapter 388 of the laws of 2011, directing the department of environmental conservation to promulgate rules and regulations limiting emissions of carbon dioxide by newly constructed major generating facilities;
   d. the adoption of a state energy plan establishing clean energy goals for the year 2030 aimed at reducing greenhouse gas emission levels by 40% from 1990 levels, producing 50% of electricity from renewable sources, and increasing energy efficiency from 2012 levels by 23%;
   e. collaboration with other states on the Regional Greenhouse Gas Initiative, and the development of a regional low carbon fuel standard;
f. creation of new offices and task forces to address climate change, including the New York state office of climate change, the renewable energy task force, and the sea level rise task force; and
g. the enactment of the Community Risk and Resiliency Act (CRRA), which requires agencies to consider sea level rise and other climate-related events when implementing certain state programs.

This legislation will build upon these past developments by creating a comprehensive regulatory program to reduce greenhouse gas emissions that corresponds with the targets established in executive order no. 24, the state energy plan, and USGCRP and IPCC projections.

§ 2. The environmental conservation law is amended by adding a new article 75 to read as follows:

ARTICLE 75
CLIMATE CHANGE
Section 75-0101. Definitions.
75-0103. New York state climate action council.
75-0105. Greenhouse gas reporting.
75-0107. Statewide greenhouse gas emissions limits.
75-0109. Scoping plan for statewide greenhouse gas emissions reductions.
75-0111. Promulgation of regulations to achieve statewide greenhouse gas emissions reductions.
75-0113. Disadvantaged communities working group.
75-0115. Implementation reporting.

§ 75-0101. Definitions. For the purposes of this article the following terms shall have the following meanings:
1. "Allowance" means an authorization to emit, during a specified year, up to one ton of carbon dioxide equivalent.
2. "Alternative compliance mechanism" means an action undertaken by a greenhouse gas emission source that achieves the equivalent reduction of greenhouse gas emissions over the same time period as a direct emission reduction, and that is approved by the department. Such mechanisms may include but are not limited to a flexible compliance schedule, alternative control technology, a process change, or a product substitution.
3. "Carbon dioxide equivalent" means the amount of carbon dioxide by mass that would produce the same global warming impact as a given mass of another greenhouse gas over an integrated twenty-year time frame after emission, based on the best available science.
5. "Council" means the New York state climate action council established pursuant to section 75-0103 of this article.
6. "Direct emission reduction" means a greenhouse gas emission reduction action made by a greenhouse gas emission source at the source.
7. "Disadvantaged communities" means communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, as identified pursuant to section 75-0113 of this article.
8. "Emissions reduction measures" means programs, measures, standards, and alternative compliance mechanisms authorized pursuant to this chapter, applicable to sources or categories of sources, that are designed to reduce emissions of greenhouse gases.
9. "Greenhouse gas" means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other...
substance emitted into the air that may be reasonably anticipated to
cause or contribute to anthropogenic climate change.

10. "Greenhouse gas emission limit" means an authorization, during a
specified year, to emit up to a level of greenhouse gases specified by
the department, expressed in tons of carbon dioxide equivalent.

11. "Greenhouse gas emission source" or "source" means any source or
category of sources of greenhouse gas emissions, determined by the
department to be capable of being monitored for compliance.

12. " Leakage" means a reduction in emissions of greenhouse gases with-
in the state that is offset by an increase in emissions of greenhouse
gases outside of the state.

13. "Major greenhouse gas emission source" or "major source" means any
source whose emissions are at a level of significance, as determined by
the department, that its participation in the program established under
this article will enable the department to effectively reduce greenhouse
gas emissions and monitor compliance with the statewide greenhouse gas
emissions limits as established in section 75-0107 of this article. Such
sources shall include, at minimum:
a. Manufacturers, producers, and/or distributors of fossil fuels,
including but not limited to oil refineries, oil storage facilities,
natural gas storage facilities, compressor stations, natural gas meter-
ing and regulator stations, and natural gas pipelines;
b. Any electric generating facility of 25 megawatts or more that burns
fossil fuels;
c. Any stationary source of greenhouse gas emissions that emits 25,000
metric tons or more of carbon dioxide equivalent per year;
d. Any other source, capable of being measured, that the department
deems to be a major contributor to greenhouse gas emissions in this
state.

14. "Market-based compliance mechanism" means any of the following:
a. A price on greenhouse gas emissions from regulated sources,
expressed as a fee per ton of carbon dioxide equivalent released in a
given year.
b. A system of market-based declining annual aggregate emissions limi-
tations for sources or categories of sources that emit greenhouse gases.
c. Greenhouse gas emissions exchanges, banking, credits, and other
transactions, governed by rules and regulations established by the
department, following approval by the legislature and after no less than
two public hearings, that result in the same greenhouse gas emission
reduction, over the same time period, as direct compliance with a green-
house gas emission limit or emission reduction measure adopted by the
department pursuant to this article.

15. "Statewide greenhouse gas emissions" means the total annual emis-
sions of greenhouse gases in the state, including, but not limited to,
all emissions of greenhouse gases from the generation of electricity
delivered to and consumed in New York, accounting for transmission and
distribution line losses, whether the electricity is generated in state
or imported. Statewide emissions shall be expressed in tons of carbon
dioxide equivalents.

16. "Statewide greenhouse gas emissions limit" or "statewide emissions
limit" means the maximum allowable level of statewide greenhouse gas
emissions in a specified year, as determined by the department pursuant
to this article.

17. "Environmental justice advisory group" shall mean the permanent
environmental justice advisory group established by a chapter of the
laws of two thousand sixteen amending the environmental conservation law
relating to establishing a permanent environmental justice advisory group and an environmental justice interagency coordinating council, as proposed in legislative bills numbers S.1525 and A.3063, relating to establishing a permanent environmental justice advisory group and an environmental justice interagency coordinating council.

§ 75-0103. New York state climate action council.
1. There is hereby established, within the department, the New York state climate action council ("council") which shall consist of the following twenty-three members:
   a. the commissioners of transportation, health, economic development, agriculture and markets, housing and community renewal, general services, labor, environmental conservation, homeland security and emergency services, the superintendent of financial services, the presidents of the New York state energy research and development; New York power authority; Long Island power authority; New York power authority and dormitory of the state of New York, or their designee.
   b. two members appointed by the governor;
   c. two members to be appointed by the temporary president of the senate;
   d. two members to be appointed by the speaker of the assembly;
   e. one member to be appointed by the minority leader of the senate; and
   f. one member to be appointed by the minority leader of the assembly.
2. The at large members shall include at all times individuals with expertise in environmental issues related to climate change, environmental justice, labor, and regulated industries.
3. Council members shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.
4. The chairperson of the council shall be the commissioner of environmental conservation or his or her designee.
5. A majority of the members of the council shall constitute a quorum.
6. Any vacancies on the council shall be filled in the manner provided for in the initial appointment.
7. The council shall be authorized to convene advisory panels to assist or advise it in areas requiring special expertise or knowledge.
8. The department shall provide the council with such facilities, assistance and data as will enable the council to carry out its powers and duties. Additionally, all other agencies of the state or subdivisions thereof may, at the request of the chairperson, provide the council with such facilities, assistance, and data as will enable the council to carry out its powers and duties.
9. The council shall consult with the disadvantaged communities working group established in section 75-0113 of this article, the department of state utility intervention unit, and the federally designated electric bulk system operator.
10. The council shall advise the department on:
    a. The development of statewide greenhouse gas emissions limit rules and regulations, pursuant to section 75-0107 of this article, and reduced greenhouse gas emissions regulations, pursuant to section 75-0111 of this article.
    b. The preparation of a scoping plan for reducing greenhouse gas emissions, pursuant to the procedures set forth in section 75-0109 of this article.

§ 75-0105. Greenhouse gas reporting.
1. No later than one year after the effective date of this article, the department shall, after at least two public hearings, promulgate rules and regulations requiring annual greenhouse gas emissions reporting from major greenhouse gas emission sources. The regulations shall:
   a. Establish a greenhouse gas emissions registry and reporting system for greenhouse gas emission sources, which includes greenhouse gas emissions from all major greenhouse gas emission sources, expressed in tons of carbon dioxide equivalents;
   b. Account for both direct and indirect greenhouse gas emissions, including emissions from all electricity consumed in the state, regardless of whether such electricity was generated within the state or imported from outside the state, and accounting for transmission and distribution line losses;
   c. Ensure rigorous and consistent accounting of emissions and provide reporting tools and formats to ensure collection of necessary data; and
   d. Ensure that greenhouse gas emission sources maintain comprehensive records of any greenhouse gas emissions reported for at least five years.

2. The department shall:
   a. Review and update emission reporting requirements at least every five years;
   b. Make reasonable efforts to make its reporting regulations consistent with international, federal, and other states' greenhouse gas emissions reporting programs; and
   c. Provide compliance assistance to small businesses pursuant to the provisions of sections 19-0313 and 19-0315 of this chapter.

3. No later than two years after the effective date of this article, and each year thereafter, the department shall issue a report on:
   a. The annual greenhouse gas emissions from all major greenhouse gas emission sources, including the relative contribution of each major greenhouse gas emission source to the statewide greenhouse gas emissions; and
   b. The progress made by the department in achieving the requirements of this section.

§ 75-0107. Statewide greenhouse gas emissions limits.
1. No later than six months after the effective date of this article, the department shall determine what the statewide greenhouse gas emissions level was in 1990, and, pursuant to rules and regulations promulgated after at least one public hearing, establish a statewide greenhouse gas emissions limit as a percentage of 1990 emissions, for the following years as follows:
   a. 2020: 100% of 1990 emissions.
   b. 2025: 75% of 1990 emissions.
   c. 2030: 50% of 1990 emissions.
   d. 2035: 40% of 1990 emissions.
   e. 2040: 30% of 1990 emissions.
   f. 2045: 20% of 1990 emissions.
   g. 2050: 0% of 1990 emissions.

2. In order to ensure the most accurate determination feasible, the department shall utilize the best available scientific, technological, and economic information on greenhouse gas emissions and consult with the council, stakeholders, and the public in order to ensure that all emissions are accurately reflected in its determination of 1990 emissions levels.

§ 75-0109. Scoping plan for statewide greenhouse gas emissions reductions.
1. On or before two years of the effective date of this article, the
deptartment shall prepare and approve a scoping plan outlining the
department's recommendations for attaining the statewide greenhouse gas
emissions limits in accordance with the schedule established in section
75-0107 of this article.
2. The draft scoping plan shall be developed in consultation with the
council, environmental justice advisory group, and the disadvantaged
communities working group established pursuant to section 75-0113 of
this article and other stakeholders.
   a. The department and the council shall hold at least six regional
   public comment hearings on the draft scoping plan, including three meet-
   ings in the upstate region and three meetings in the downstate region,
   and shall allow at least one hundred twenty days for the submission of
   public comment.
   b. The department shall provide meaningful opportunities for public
   comment from all persons who will be impacted by the plan, including
   persons living in disadvantaged communities as identified pursuant to
   section 75-0113 of this article.
   c. On or before thirty months of the effective date of this article,
   the department shall submit the final scoping plan to the governor, the
   speaker of the assembly and the temporary president of the senate and
   post such plan on its website.
3. The scoping plan shall identify and make recommendations on regula-
tory measures and other state actions that will ensure the attainment of
the statewide greenhouse gas emissions limits established pursuant to
section 75-0107 of this article. The measures and actions considered in
such scoping plan shall at a minimum include:
   a. Performance-based standards for sources of greenhouse gas emis-
sions, including but not limited to sources in the transportation,
building, industrial, commercial, and agricultural sectors.
   b. Market-based mechanisms to reduce statewide greenhouse gas emis-
sions or emissions from a particular source category, including an exam-
ination of: the imposition of fees per unit of carbon dioxide equivalent
emitted and the imposition of emissions caps accompanied by a system of
tradable emission allowances.
   c. Measures to reduce emissions from the electricity sector by
displacing fossil-fuel fired electricity with renewable electricity or
energy efficiency.
   d. Land-use and transportation planning measures aimed at reducing
greenhouse gas emissions from motor vehicles.
   e. Measures to achieve long-term carbon sequestration and/or promote
best management practices in land use, agriculture and forestry.
   f. Verifiable, enforceable and voluntary emissions reduction measures.
4. In developing such plan the department shall:
   a. Consider all relevant information pertaining to greenhouse gas
emissions reduction programs in other states, regions, localities, and
nations.
   b. Evaluate, using the best available economic models, emission esti-
mation techniques and other scientific methods, the total potential
costs and potential economic and non-economic benefits of the plan for
reducing greenhouse gases, and make such evaluation publicly available.
In conducting this evaluation, the department shall quantify:
   i. The economic and social benefits of greenhouse gas emissions
reductions, taking into account the federal social cost of carbon, any
other tools that the department deems useful and pertinent for this
analysis, and any environmental, economic and public health co-benefits
3. In promulgating these regulations, the department shall:
   a. Design and implement all regulations in a manner that seeks to be equitable, to minimize costs and to maximize the total benefits to New York, and encourages early action to reduce greenhouse gas emissions.
   b. Ensure that greenhouse gas emissions reductions achieved are real, permanent, quantifiable, verifiable, and enforceable by the department.
   c. Ensure that activities undertaken to comply with the regulations do not result in a net increase in co-pollutant emissions or otherwise disproportionately burden disadvantaged communities as identified pursuant to section 75-0113 of this article.
   d. Prioritize measures to maximize net reductions of greenhouse gas emissions and co-pollutants in disadvantaged communities as identified pursuant to section 75-0113 of this article and encourage early action to reduce greenhouse gas emissions and co-pollutants.
   e. Minimize leakage.
a. The department may, with the approval of the legislature, include in the regulations provisions for the use of market-based compliance mechanisms to comply with the regulations.

b. Prior to the inclusion of any market-based compliance mechanism in the regulations, to the extent feasible and in the furtherance of achieving the statewide greenhouse gas emissions limit, the department shall do all of the following:

i. Consider the potential for direct, indirect, and cumulative emission impacts from these mechanisms, including localized impacts in disadvantaged communities as identified pursuant to section 75-0113 of this article;

ii. Design any market-based compliance mechanism to prevent any increase in the emissions of toxic air contaminants or co-pollutants; and

iii. Maximize additional environmental, public health, and economic benefits for the state of New York and for disadvantaged communities identified pursuant to section 75-0113 of this article, as appropriate.

c. Such regulations shall include provisions governing how market-based compliance mechanisms may be used by regulated entities subject to greenhouse gas emissions limits and mandatory emission reporting requirements to achieve compliance with their greenhouse gas emissions limits.

d. The department shall ensure that forty percent of any funds collected pursuant to any market-based compliance regulations promulgated under this section as a result of legislative authorization, and funds authorized by the public service commission to be collected solely for and directed to the New York state energy research and development authority are invested in a manner which will benefit disadvantaged communities, identified pursuant to section 75-0113 of this article, consistent with the purposes of this article, including, but not limited to, increased access to renewable energy, energy efficiency, weatherization, zero- and low-emission transportation, and adaptation opportunities. The department shall consult with the disadvantaged communities working group in developing and carrying out such investments.

§ 75-0113. Disadvantaged communities working group.

1. There is hereby created within the department, no later than six months after the effective date of this article, a "disadvantaged communities working group." Such working group will be comprised of representatives from: environmental justice communities, the department, the department of health and the department of labor.

a. Environmental justice community representatives shall be members of communities of color, low-income communities, and communities bearing disproportionate pollution and climate change burdens, or shall be representatives of community-based organizations with experience and a history of advocacy on environmental justice issues, and shall include at least three representatives from New York city communities, three representatives from rural communities, and three representatives from upstate urban communities.

b. The working group, in cooperation with the department, the departments of health and labor, and the environmental justice advisory group, will establish criteria to identify disadvantaged communities for the purposes of co-pollutant reductions, greenhouse gas emissions reductions, regulatory impact statements, and the allocation of investments related to this article.
c. Disadvantaged communities shall be identified based on geographic, public health, environmental hazard, and socioeconomic criteria, which shall include but are not limited to:
   (1) areas burdened by cumulative environmental pollution and other hazards that can lead to negative public health effects;
   (2) areas with concentrations of people that are of low income, high unemployment, high rent burden, low levels of home ownership, low levels of educational attainment, or members of groups that have historically experienced discrimination on the basis of race or ethnicity; and
   (3) areas vulnerable to the impacts of climate change such as flooding, storm surges, and urban heat island effects.

2. Before finalizing the criteria for identifying disadvantaged communities and identifying disadvantaged communities pursuant to subdivision one of this section, the department shall publish draft criteria and a draft list of disadvantaged communities and make such information available on its website.
   a. The department shall hold at least six regional public hearings on the draft criteria and the draft list of disadvantaged communities, including three meetings in the upstate region and three meetings in the downstate region, and shall allow at least one hundred twenty days for the submission of public comment.
   b. The department shall also ensure that there are meaningful opportunities for public comment for all persons who will be impacted by the criteria, including persons living in areas that may be identified as disadvantaged communities under the proposed criteria.

3. The group will meet no less than annually to review the criteria and methods used to identify disadvantaged communities and may modify such methods to incorporate new data and scientific findings. The disadvantaged communities working group shall review identities of disadvantaged communities and modify such identities as needed.

§ 75-0115. Implementation reporting.
1. The department shall, not less than every four years, publish a report which shall include recommendations regarding the implementation of greenhouse gas reduction measures.
   a. Whether the state is on track to meet the statewide greenhouse gas emissions limits established in section 75-0107 of this article.
   b. An assessment of existing regulations and whether modifications are needed to ensure fulfillment of the statewide greenhouse gas emissions limits.
   c. An overview of social benefits from the regulations or other measures, including reductions in greenhouse gas emissions and copollutants, diversification of energy sources, and other benefits to the economy, environment, and public health, including women's health.
   d. An overview of compliance costs for regulated entities and for the department and other state agencies.
   e. Whether regulations or other greenhouse gas reduction measures undertaken are equitable, minimize costs and maximize the total benefits to the state, and encourage early action.
   f. Whether activities undertaken to comply with state regulations disproportionately burden disadvantaged communities as identified pursuant to section 75-0113 of this article.
   g. An assessment of local benefits and impacts of any reductions in copollutants related to reductions in statewide and local greenhouse gas emissions.
h. An assessment of disadvantaged communities' access to or community ownership of the services and commodities identified in section eight of the chapter of the laws of two thousand sixteen which added this article.

i. Whether entities that have voluntarily reduced their greenhouse gas emissions prior to the implementation of this article receive appropriate credit for early voluntary reductions.

j. Recommendations for future regulatory and policy action.

3. In preparing this report, the department shall, at a minimum, consult with the council, and the disadvantaged community work group established in section 75-0113 of this article.

4. The report shall be published and posted on the department's website.

§ 3. Subdivision 1 of section 54-1523 of the environmental conservation law is amended by adding a new paragraph h to read as follows:

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

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

§ 66-o. Establishment of a renewable energy program. 1. As used in this section:

(a) "electric distribution company" means an investor-owned utility that distributes electricity within this state;

(b) "prevailing rate of wages" shall have the same meaning as such term is defined in paragraph a of subdivision five of section two hundred twenty of the labor law; and

(c) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, offshore wind and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

2. No later than January first, two thousand eighteen, the commission shall establish a program to require that a minimum of fifty percent of the statewide electric capacity served by electric distribution companies regulated by the commission in two thousand thirty shall be generated by renewable energy systems.

(a) The program shall achieve the following incremental minimum percentage capacity levels of renewable energy systems within the areas served by the electric distribution companies regulated by the commission:

(i) twenty-seven percent by two thousand eighteen;

(ii) thirty percent by two thousand twenty;

(iii) forty percent by two thousand twenty-five; and

(iv) fifty percent by two thousand thirty.

(b) The minimum percentage capacity levels established pursuant to paragraph (a) of this subdivision shall be achieved through minimum proportional obligations on each electric distribution company based on the total annual kilowatt hours distributed as determined by the commission, provided that the commission may require electric distribution corporations to achieve different proportional shares.

(c) The program established by the commission shall be designed to:

(i) be cost-effective; (ii) encourage the deployment of renewable energy systems at the bulk electric system level and behind-the-meter; (iii) allow for diversity in the size and geographic location of renewable
energy systems; (iv) enable the participation of residential and non-residential customers, including special consideration to low-to-moderate income customers; (v) ensure that renewable energy systems will be strategically located to minimize peak load in constrained areas; (vi) support electric system reliability and security; and (vii) achieve any other objectives the commission may establish.

(d) In developing incentives for the program, the commission shall consider the value of renewable energy system components manufactured and assembled within the state and any other considerations deemed appropriate by the commission.

(e) The commission shall order each electric distribution company to file a program plan by June first, two thousand eighteen, for the purpose of fulfilling its obligations established pursuant to this subdivision. The commission shall approve each such plan, or may modify it as it deems appropriate, if the commission finds that the plan would result in achievement of the company's obligations, enhances program efficiency, and maximizes ratepayer value. Nothing in this section shall be construed as limiting the electric distribution companies' ability to propose, or the commission's ability to approve, a joint program plan for one or more electric distribution companies.

3. No later than July first, two thousand eighteen, and every two years thereafter, the commission shall, after notice and provision for the opportunity to comment, issue a comprehensive review of the program established pursuant to this section. The commission shall determine, among other matters: (a) progress of each electric distribution company in meeting its obligations established pursuant to subdivision two of this section and progress in meeting the overall annual targets for deployment of renewable energy systems; (b) the reasonableness of each electric distribution company's obligations; (c) distribution of systems by size and load zone; and (d) annual incentive commitments and expenditures. The commission shall then evaluate the reasonableness of the future annual targets established pursuant to paragraph (b) of subdivision two of this section and determine whether the annual targets should be accelerated, increased or extended. The commission shall also review the incentive structures and electric distribution companies' program plans and make adjustments as necessary in a manner that is cost-effective.

4. The commission may suspend or terminate the program established under this section or suspend an electric distribution company's obligations under such program provided that the commission, after conducting a hearing as provided in section twenty of this chapter, makes a finding that the program impedes the provision of safe and adequate electric service or that there is a significant increase in arrears or utility service disconnections that the commission determines is related to the program.

5. Every contractor employed pursuant to this section, not otherwise required to pay laborers, workers or mechanics the prevailing rate of wages pursuant to article eight of the labor law, shall pay employees under contract for the development of renewable energy systems rated at two hundred fifty kilowatts or more, a wage of not less than the prevailing rate of wages for such work in the locality where such installation occurs. This requirement shall be in effect for the duration of the receipt by the contractor of the incentives established pursuant to this section and in no event shall such requirement extend beyond the availability of such incentives. Every contractor subject to the provisions of this subdivision shall maintain payroll records in accordance with section two hundred twenty of the labor law.
§ 5. Section 1005 of the public authorities law is amended by adding a
new subdivision 26 to read as follows:

26. a. For the purposes of this subdivision, the following terms shall
have the following meanings:
(1) "Prevailing rate of wages" shall have the same meaning as such
term is defined in paragraph a of subdivision five of section two
hundred twenty of the labor law; and
(2) "Renewable energy systems" means systems that generate electricity
or thermal energy through use of the following technologies: solar thermal,
photovoltaics, wind, hydroelectric, geothermal electric, geothermal
ground source heat, tidal energy, wave energy, ocean thermal, offshore
wind and fuel cells which do not utilize a fossil fuel resource in the
process of generating electricity.

b. As deemed feasible and advisable by the trustees, no later than
January first, two thousand eighteen, the authority shall establish a
program to require that a minimum of fifty percent of the electric
capacity served by the authority in two thousand thirty shall be gener-
ated by renewable energy systems. The proposed program shall first be
made available to the public, with notice and opportunity for comment,
before final adoption by the authority's board of trustees.

(1) The program shall achieve the following incremental minimum
percentage capacity levels of renewable energy systems:
(i) twenty-seven percent by two thousand eighteen;
(ii) thirty percent by two thousand twenty;
(iii) forty percent by two thousand twenty-five; and
(iv) fifty percent by two thousand thirty.
(2) The program established by the authority shall be designed to: (i)
be cost-effective; (ii) encourage the deployment of renewable energy
systems at the bulk electric system level and behind-the-meter; (iii)
allow for diversity in the size and geographic location of renewable
energy systems; (iv) enable the participation of residential and non-re-
sidential customers, including special consideration to low-to-moderate
income customers; (v) ensure that renewable energy systems will be stra-
tegically located to minimize peak load in constrained areas; (vi)
support electric system reliability and security; and (vii) achieve any
other objectives the authority may establish.

c. In developing incentives for the program, the authority shall
consider the value of renewable energy system components manufactured
and assembled within the state and any other considerations deemed
appropriate by the authority.

d. No later than July first, two thousand eighteen, and every two
years thereafter, the authority shall, after notice and provision for
the opportunity to comment, issue a comprehensive review of the program
established pursuant to this subdivision. The authority shall determine,
among other matters: (1) progress in meeting its minimum capacity levels
for deployment of renewable energy systems; (2) distribution of systems
by size, and load zone; and (3) annual incentive commitments and expend-
itures. The authority shall evaluate the reasonableness of the future
minimum capacity levels established pursuant to subparagraph one of
paragraph b of this subdivision and determine whether the minimum capac-
ity levels should be accelerated, increased or extended. The authority
shall also review the incentive structures and make adjustments as
necessary in a manner that is cost-effective.

e. The authority may suspend or terminate the program established
under this section after a finding that the program impedes the authori-
ty's duty to obtain and maintain a continuous and adequate supply of dependable electric power and energy.

f. Every contractor employed pursuant to this subdivision, not otherwise required to pay laborers, workers or mechanics the prevailing rate of wages pursuant to article eight of the labor law, shall pay employees under contract for the development of renewable energy systems rated at two hundred fifty kilowatts or more a wage of not less than the prevailing rate of wages for such work in the locality where such installation occurs. This requirement shall be in effect for the duration of the receipt by the contractor of the incentives established pursuant to this subdivision and in no event shall such requirement extend beyond the availability of such incentives. Every contractor subject to the provisions of this paragraph shall maintain payroll records in accordance with section two hundred twenty of the labor law.

§ 6. Sections 1020-ii, 1020-jj and 1020-kk of the public authorities law, as renumbered by chapter 388 of the laws of 2011, are renumbered sections 1020-jj, 1020-kk and 1020-li and a new section 1020-ii is added to read as follows:

§ 1020-ii. Establishment of a renewable energy program. 1. As used in this section:

(a) "prevailing rate of wages" shall have the same meaning as such term is defined in paragraph a of subdivision five of section two hundred twenty of the labor law; and

(b) "renewable energy systems" means systems that generate electricity or thermal energy through the use of the following technologies: solar thermal, photovoltaics, wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, offshore wind and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

2. No later than January first, two thousand eighteen, the authority shall establish a program to require that a minimum of fifty percent of the electric capacity served by the authority in two thousand thirty shall be generated by renewable energy systems. The proposed program shall first be made available to the public, with notice and opportunity for comment, before final adoption by the board.

(a) The program shall achieve the following incremental minimum percentage capacity levels of renewable energy systems:

(i) twenty-seven percent by two thousand eighteen;

(ii) thirty percent by two thousand twenty;

(iii) forty percent by two thousand twenty-five; and

(iv) fifty percent by two thousand thirty.

(b) The program established by the authority shall be designed to: (i) be cost-effective; (ii) encourage the deployment of renewable energy systems at the bulk electric system level and behind-the-meter; (iii) allow for diversity in the size and geographic location of renewable energy systems; (iv) enable the participation of residential and non-residential customers, including special consideration to low-to-moderate income customers; (v) ensure that renewable energy systems will be strategically located to minimize peak load in constrained areas; (vi) support electric system reliability and security; and (vii) achieve any other objectives the authority may establish.

(c) In developing incentives for the program, the authority shall consider the value of renewable energy system components manufactured and assembled within the state and any other considerations deemed appropriate by the authority.
3. No later than July first, two thousand eighteen, and every two years thereafter, the authority shall, after notice and provision for the opportunity to comment, issue a comprehensive review of the program established pursuant to this section. The authority shall determine, among other matters: (a) progress in meeting its minimum capacity levels for deployment of renewable energy systems; (b) distribution of systems by size and load zone; and (c) annual incentive commitments and expenditures. The authority shall evaluate the reasonableness of the future minimum capacity levels established pursuant to paragraph (a) of subdivision two of this section and determine whether the minimum capacity levels should be accelerated, increased or extended. The authority shall also review the incentive structures and make adjustments as necessary in a manner that is cost-effective.

4. The authority may suspend or terminate the program established under this section after a finding that there is a significant increase in arrears or utility service disconnections that the authority determines is related to the program or that the program impedes the authority’s duty to obtain and maintain a continuous and adequate supply of dependable electric power and energy.

5. Every contractor employed pursuant to this section, not otherwise required to pay laborers, workers or mechanics the prevailing rate of wages pursuant to article eight of the labor law, shall pay employees under contract for the development of renewable energy systems rated at two hundred fifty kilowatts or more, a wage of not less than the prevailing rate of wages for such work in the locality where such installation occurs. This requirement shall be in effect for the duration of the receipt by the contractor of the incentives established pursuant to this section and in no event shall such requirement extend beyond the availability of such incentives. Every contractor subject to the provisions of this subdivision shall maintain payroll records in accordance with section two hundred twenty of the labor law.

§ 7. The labor law is amended by adding a new article 8-B to read as follows:

ARTICLE 8-B

LABOR AND JOB STANDARDS AND WORKER PROTECTION

§ 228. Labor and job standards and worker protection. 1. All state agencies involved in implementing the New York state climate and community protection act shall assess and implement strategies to increase employment opportunities and improve job quality. Within one hundred twenty days of the effective date of this section, all state agencies, offices, authorities, and divisions shall report to the legislature on:

a. steps they will take to ensure compliance with this section; and
b. regulations necessary to ensure that they prioritize the statewide goal of creating good jobs and increasing employment opportunities.

2. In considering and issuing permits, licenses, regulations, contracts, and other administrative approvals and decisions pursuant to the New York state climate and community protection act, all state agencies, offices, authorities, and divisions shall apply the following labor, training, and job quality standards to the following project types: public work; projects in receipt of more than one hundred thousand dollars in total financial assistance; or to projects with a total value of more than ten million dollars; and privately-financed projects on public property.

a. the payment of no less than prevailing wages for all employees in construction and building, consistent with article eight of the this
chapter, and building services, consistent with article nine of this chapter;
b. the inclusion of contract language requiring contractors to estab-
lish labor harmony policies; dispute resolution mechanisms; prevailing
wage compliance; safety policies; workers compensation insurance
(including review of contractor experience rating and other factors);
and apprenticeship program appropriate for crafts employed. Procurement
rules should encourage bundling of small contracts and projects to
improve the efficiency of compliance;
c. apprenticeship utilization:
i. that all contractors and subcontractors, including those that
participate in power purchase agreements, energy performance contracts,
or other similar programs, participate in apprenticeship programs in the
trades in which they are performing work;
ii. maximum use of apprentices as per department of labor approved
ratios;
iii. encouragement of affiliated pre-apprentice direct entry programs,
including but not limited to EJM Construction Skills; NYC Helmets to
Hardhats, and Nontraditional Employment for Women (NEW) for the recruit-
ment of local and/or disadvantaged workers;
iv. existing workforce development programs, including those at the
New York state energy research and development authority, should be made
to conform to these standards.
3. The commissioner, the fiscal officer and other relevant agencies
shall promulgate such regulations as are necessary to implement and
administer compliance with the provisions of this section. The depart-
ment and the fiscal officer shall coordinate with organized labor and
local and county level governments to implement a system to track
compliance, accept reports of non-compliance for enforcement action, and
report annually on the adoption of these standards to the legislature
starting one year from the effective date of this section.
a. For the purposes of this section, "fiscal officer" shall mean the
industrial commissioner, except for construction and building service
work performed by or on behalf of a city, in which case "fiscal officer"
shall mean the comptroller or other analogous officer of such city.
b. The provisions of the contract by the recipient of financial
assistance pertaining to prevailing wages are to be considered a
contract for the benefit of construction and building service workers,
upon which such workers shall have the right to maintain action for the
difference between the prevailing wage rate of pay, benefits, and paid
leave and the rates of pay, benefits, and paid leave actually received
by them, and including attorney's fees.
c. i. Where a recipient of financial assistance contracts building
service work to a building service contractor, the contractor is held to
the same obligations with respect to prevailing wages as the recipient.
The recipient must include terms establishing this obligation within any
contract signed with a contractor.
ii. Where a recipient of financial assistance contracts for
construction, excavation, demolition, rehabilitation, repair, reno-
vation, alteration or improvement to a subcontractor, the subcontractor
is held to the same obligations with respect to prevailing wages as the
recipient. The recipient must include terms establishing this obligation
within any contract signed with a subcontractor.
4. For the purposes of this section "financial assistance" means any
provision of public funds to any person, individual, proprietorship,
partnership, joint venture, corporation, limited liability company,
trust, association, organization, or other entity that receives finan-
cial assistance, or any assignee or successor in interest of real prop-
erty improved or developed with financial assistance, for economic
development within the state, including but not limited to cash payments
or grants, bond financing, tax abatements or exemptions, including but
not limited to abatements or exemptions from real property, mortgage
recording, sales, and use taxes, or the difference between any payments
in lieu of taxes and the amount of real property or other taxes that
would have been due if the property were not exempted from such taxes,
tax increment financing, filing fee waivers, energy cost reductions,
environmental remediation costs, write-downs in the market value of
buildings or land, or the cost of capital improvements related to real
property for which the state would not pay absent the development
project, and includes both discretionary and as of right assistance. The
provisions of this section shall only apply to projects receiving more
than one hundred thousand dollars in total financial assistance, or to
projects with a total project value of more than ten million dollars.
5. The commissioner shall evaluate whether there are additional stand-
ards that could be applied to increase wage and benefit standards or to
encourage a safe, well-trained, and adequately compensated workforce.
6. Nothing set forth in this section shall be construed to impede,
infringe, or diminish the rights and benefits which accrue to employees
through bona fide collective bargaining agreements, or otherwise dimin-
ish the integrity of the existing collective bargaining relationship.
7. Nothing set forth in this section shall preclude a local government
from setting additional standards that expand on these state-wide stand-
ards.
§ 8. Report on barriers to, and opportunities for, community ownership
of services and commodities in disadvantaged communities. 1. On or
before two years of the effective date of this act, the department of
environmental conservation, with input from relevant state agencies, the
environmental justice advisory group as defined in section 75-0101 of
the environmental conservation law, the disadvantaged communities work-
ing group as defined in section 75-0113 of the environmental conserva-
tion law and Climate Action Council established in article 75 of the
environmental conservation law, and following at least two public hear-
ings, shall prepare a report on barriers to, and opportunities for,
access to or community ownership of the following services and commod-
ities in disadvantaged communities as identified in article 75 of the
environmental conservation law:
   a. Distributed renewable energy generation.
   b. Energy efficiency and weatherization investments.
   c. Zero-emission and low-emission transportation options.
   d. Adaptation measures to improve the resilience of homes and local
infrastructure to the impacts of climate change including but not limit-
ed to microgrids.
   e. Other services and infrastructure that can reduce the risks associ-
ated with climate-related hazards, including but not limited to:
      i. Shelters and cool rooms during extreme heat events;
      ii. Shelters during flooding events; and
      iii. Medical treatment for asthma and other conditions that could be
      exacerbated by climate-related events.
2. The report, which shall be submitted to the governor, the speaker
of the assembly and the temporary president of the senate and posted on
the department of environmental conservation website, shall include
recommendations on how to increase access to the services and commodities.

3. The department of environmental conservation shall amend the scoping plan for statewide greenhouse gas emissions reductions in accordance with the recommendations included in the report.

§ 9. Climate change actions by state agencies. 1. All state agencies shall assess and implement strategies to reduce their greenhouse gas emissions.

2. In considering and issuing permits, licenses, and other administrative approvals and decisions, including but not limited to the execution of grants, loans, and contracts, all state agencies, offices, authorities, and divisions shall consider whether such decisions are inconsistent with or will interfere with the attainment of the statewide greenhouse gas emissions limits established in article 75 of the environmental conservation law. Where such decisions are deemed to be inconsistent with or will interfere with the attainment of the statewide greenhouse gas emissions limits, each agency, office, authority, or division shall provide a detailed statement of justification as to why such limits/criteria may not be met, and, to the maximum extent practicable, identify alternatives or greenhouse gas mitigation measures to be required where such project is located.

3. In considering and issuing permits, licenses, and other administrative approvals and decisions, including but not limited to the execution of grants, loans, and contracts, pursuant to article 75 of the environmental conservation law, all state agencies, offices, authorities, and divisions shall not disproportionately burden disadvantaged communities as identified pursuant to subdivision 7 of section 75-0101 of the environmental conservation law. All state agencies, offices, authorities, and divisions shall also prioritize reductions of greenhouse gas emissions and co-pollutants in disadvantaged communities as identified pursuant to such subdivision 7 of section 75-0101 of the environmental conservation law.

§ 10. Authorization for other state agencies to promulgate greenhouse gas emissions regulations. 1. The public service commission, the New York State energy research and development authority, the department of health, the department of transportation, the department of state, the department of economic development, the department of agriculture and markets, the department of financial services, the office of general services, the division of housing and community renewal, the public utility authorities established pursuant to titles 1, 1-A, 1-B, 11, 11-A, 11-B, 11-C and 11-D of article 5 of the public authorities law and any other state agency may promulgate regulations to contribute to achieving the statewide greenhouse gas emissions limits established in article 75 of the environmental conservation law. Provided, however, any such regulations shall not limit the department of environmental conservation's authority to regulate and control greenhouse gas emissions pursuant to article 75 of the environmental conservation law.

§ 11. Chapter 355 of the laws of 2014, constituting the "community risk and resiliency act", is amended by adding two new sections 17-a and 17-b to read as follows:

§ 17-a. The department of environmental conservation shall take actions to promote adaptation and resilience, including:

(a) actions to help state agencies and other entities assess the reasonably foreseeable risks of climate change on any proposed projects, taking into account issues such as: sea level rise, tropical and extratropical cyclones, storm surges, flooding, wind, changes in average and
peak temperatures, changes in average and peak precipitation, public
health impacts, and impacts on species and other natural resources.

(b) the most significant climate-related risks, taking into account
the probability of occurrence, the magnitude of the potential harm, and
the uncertainty of the risk.

(c) measures that could mitigate significant climate-related risks, as
well as a cost-benefit analysis and implementation of such measures.

§ 17-b. Major permits for the regulatory programs of subdivision three
of section 70-0107 of the environmental conservation law shall require
applicants to demonstrate that future physical climate risk has been
considered. In reviewing such information the department may require the
applicant to mitigate significant risks to public infrastructure and/or
services, private property not owned by the applicant, adverse impacts
on disadvantaged communities, and/or natural resources in the vicinity
of the project.

§ 12. Nothing in this act shall limit the existing authority of a
state entity to adopt and implement greenhouse gas emissions reduction
measures.

§ 13. Nothing in this act shall relieve any person, entity, or public
agency of compliance with other applicable federal, state, or local laws
or regulations, including state air and water quality requirements, and
other requirements for protecting public health or the environment.

§ 14. Severability. If any word, phrase, clause, sentence, paragraph,
section, or part of this act shall be adjudged by any court of competent
jurisdiction to be invalid, such judgement shall not affect, impair, or
invalidate the remainder thereof, but shall be confined in its operation
to the word, phrase, clause, sentence, paragraph, section, or part ther-
 eof directly involved in the controversy in which such judgement shall
have been rendered.

§ 15. This act shall take effect on the same date and in the same
manner as a chapter of the laws of 2017, amending the environmental
conservation law, relating to establishing a permanent environmental
justice advisory group and an environmental justice interagency coordi-
nating council, as proposed in legislative bills numbers A.2234 and
S.3110, takes effect; provided further, the provisions of section seven
of this act shall take effect on the one hundred eightieth day after it
shall have become a law and shall apply to any grants, loans, and
contracts and financial assistance awarded or renewed on or after such
effective date.

PART YY

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

§ 33-0705. Fee for registration.

The applicant for registration shall pay a fee as follows:

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

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

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

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

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

PART ZZ

Section 1. 1. The metropolitan transportation authority (MTA) shall produce an alternatives analysis for the construction of a light rail system along the west shore of Staten Island. The MTA shall submit such analysis, no later than June 30, 2017, to the governor, the temporary president of the senate and the speaker of the assembly.

2. For purposes of this act, the term "metropolitan transportation authority" or "MTA" shall mean the corporation created by section 1263 of the public authorities law.

§ 2. This act shall take effect immediately.

PART AAA

Section 1. 1. The metropolitan transportation authority (MTA) shall develop and implement a toll rebate plan for the Cross Bay Veterans Memorial Bridge. The toll rebate shall fully reimburse any toll paid by any student, parent or guardian of a student attending school in community school district 27 who utilizes the Cross Bay Veterans Memorial Bridge for purposes of transporting students to and from school. The toll rebate shall fully reimburse any toll paid by any employee of a school in community school district 27 who utilizes the Cross Bay Veterans Memorial Bridge for purposes of employment in said school district.

2. For purposes of this act, the term "metropolitan transportation authority" or "MTA" shall mean the corporation created by section 1263 of the public authorities law.

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

PART BBB

Section 1. 1. Notwithstanding any other law, rule, regulation or order, no zero-emission credits shall be purchased nor shall any costs associated with such credits be recovered or transferred by any entity subject to the order of the New York public service commission, issued August 1, 2016 in cases 15-E-0302 and 16-E-0270, establishing a zero-emission credit ("ZEC") requirement, until the interim chairperson or chairperson of the New York public service commission and the president of the New York state energy research and development authority appear before a joint public hearing of the senate and assembly to testify and answer questions related to, but not limited to, the following:

(a) the public purpose for the ZEC, including, but not limited to, the impacts on local economies;
(b) the methodology used to determine the necessity and pricing of the ZEC;
(c) the determination to allow load serving entities to recover ZEC costs from all ratepayers;
(d) the disproportionate impact of the ZEC on low and fixed income ratepayers;
(e) all benefits, financial and otherwise, received by the Fitzpatrick, Ginna and Nine Mile Point generating facilities in association with reforming the energy vision program;
(f) the consumer cost of the ZEC, throughout the compliance period of twelve years;
(g) all burdens, financial and mechanical, imposed on load serving entities and ratepayers;
(h) a description of the steps taken to promote public participation and transparency prior to the approval of the order; and
(i) the reasons for the proportional share purchase requirements for load serving entities.
Such interim chairperson or chairperson and president shall be required to appear before such joint public hearing of the senate and assembly held pursuant to subdivision one of this section no later than thirty days after the effective date of this act.
§ 2. This act shall take effect immediately.
§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.
§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through BBB of this act shall be as specifically set forth in the last section of such Parts.