

**Amendments to Senate S.7508; Assembly A.9508
(TED Article VII Bill)**

Part B, relating to over-height vehicles on state roadways, is amended to:

- Change the effective date from immediately to 180 days after enactment.

Part F, relating to agreements for fiber optics, is amended to:

- Clarify that explanatory statements would not be required for certain property disposals.

Part G, relating to a merger of the New York State Thruway Authority and New York State Bridge Authority, is amended to:

- Refer to the Bear Mountain bridge as the "Purple Heart Veterans Memorial bridge".
- Clarify the powers of the Thruway Authority in relation to the Bridge Authority's obligations.
- Make various technical amendments.

Part H, relating to penalties for unlicensed operation of ground transportation to and from airports, is amended to:

- Clarify the adjudication process for unlawful solicitation of ground transportation at an airport
- Change the effective date from immediately to 90 days after enactment

Part T, relating to telemarketing and to provide for caller identification transparency, call authentication, and call blocking services, is amended to:

- Make technical amendments.

Part X, relating to filing of certificates with the Department of State, is amended to:

- Make technical amendments.

Part DD, relating to the infrastructure investment act, is amended to:

- Make a technical correction to a reference of law.

Part RR, relating to implementation of the environmental bond act of 2020 "restore mother nature", is amended to:

- Make a technical correction.

Part TT, relating to freshwater wetlands, is amended to:

- Make a technical correction.

Part WW, relating to banning fracking, is amended to:

- Make a technical correction.

Part FFF, relating to prevailing wage requirements is amended to:

- Makes various technical corrections.

New Part HHH, relating to the length of time temporary security guards can be used at specific events, is added to:

- Lengthen the amount of time the type of security guards referred to in the Security Guard Act can be used for at specific events from 15 days to 20 days.

New Part III, relating to the community development financial institutions fund statute, is added to:

- Allow for funds from other sources to be placed within the fund.

New Part JJJ, relating to the acceleration of renewable energy facilities, is added to:

- Consolidate the environmental review and permitting of major renewable energy facilities.
- Create the office of renewable energy siting.

Amend Senate S7508, Assembly A9508, AN ACT to amend the highway law and the transportation law, in relation to consolidated local highway assistance payments...

Page	Line	Amendment
Page 4,	Unnumbered Line 46 (AN ACT CLAUSE),	After "(Part FFF);" strike out "and"
Page 4,	Unnumbered Line 49 (AN ACT CLAUSE),	After "(Part GGG)" insert "; to amend the general business law, in relation to extending the length of time temporary security guards can be used at specific events (Part HHH); to amend the New York state urban development corporation act, in relation to the corporations' authorization to provide financial and technical assistance to community development financial institutions (Part III); and to amend the public service law, the economic development law, the real property tax law, the general municipal law, the public authorities law, the environmental conservation law, the New York state urban development corporation act and the state finance law, in relation to accelerating the growth of renewable energy facilities to meet critical state energy policy goals (Part JJJ)"
Page 5,	Line 2,	After "through" strike out "GGG" and insert "JJJ"
Page 7,	Line 52,	After "effect" strike out "immediately" and insert "on the one hundred eightieth day after it shall have become a law"
Page 16,	Line 31	After "and" insert " <u>provided that</u> " and after " <u>such</u> " insert " <u>disposals</u> "
Page 17,	Line 20	Before "to read" strike out "a new subdivision 6" and insert "new subdivisions 6 and 7"
Page 17,	Between lines 24 and 25	Insert " <u>7. The bridge constructed by the Bear Mountain Hudson River Bridge Company, pursuant to chapter three hundred and fifty-eight of the laws of nineteen hundred twenty-two which is identified and known as the Bear Mountain bridge shall be designated and known as the "Purple Heart Veterans Memorial bridge".</u> "
Page 18,	Line 15	After " <u>bridge authority.</u> " strike out "The" and insert " <u>Simultaneous with the discharge, defeasance, redemption or refunding of the bonds, notes and other obligations of the New York state bridge authority and the discharge and payment of any other obligations whatsoever of the New York state bridge authority by the issuance of bonds or other obligations of the Authority or otherwise, the</u> "

Page	Line	Amendment
Page 18,	Line 25	After " <u>bridge system</u> " strike out ", to provide funds on behalf of the state within the meaning of the provisions of subdivision four of former section five hundred thirty-two of this chapter to defease, redeem or refund the bonds, notes and other obligations of the New York state bridge authority and to discharge and pay any other obligations whatsoever of the New York state bridge authority"
Page 18,	Line 39	After " <u>discharged</u> " insert ", within the meaning of such bond resolution"
Page 19,	Line 38	After "time to time," strike out "after all contract provisions with respect to any bonds, notes or other obligations issued or incurred under any bond resolution of the New York state bridge authority have been provided for and discharged,"
Page 20,	Line 39	After "section" strike out "nine" and insert "eight"
Page 23,	Line 8	<p>After "\$5." strike out "This act shall take effect immediately." and insert "Paragraph 4 of section 1220-b of the vehicle and traffic law is amended to read as follows:</p> <p>4. Any person who engages in the unlawful solicitation of ground transportation services at an airport shall be guilty of a class B misdemeanor punishable by a fine of not less than seven hundred fifty dollars nor more than one thousand five hundred dollars, or by imprisonment of not more than ninety days or by both such fine and imprisonment. Notwithstanding any contrary provision of law, any [charge] <u>accusatory instrument</u> alleging a violation of this section <u>as a class B misdemeanor</u> shall be [returnable before] <u>filed in</u> a court having jurisdiction over [misdemeanors] <u>criminal actions</u>.</p> <p>\$6. This act shall take effect ninety days from the date of enactment."</p>
Page 68,	Line 45,	Before " <u>means</u> " strike out " <u>Customer</u> " and insert " <u>As used in sections 902,905 and 906 of this article, "customer"</u> "
Page 74,	Line 38,	After " <u>networks of</u> " strike out " <u>telephone dialing</u> " and insert " <u>voice</u> "
Page 75,	Line 53,	After " <u>or b.</u> " insert " <u>the public service commission</u> "
Page 76,	Line 21,	After " <u>offer</u> " insert " <u>subscribers</u> " and after " <u>services</u> " strike out " <u>to subscribers</u> " and insert " <u>that are</u> "

Page	Line	Amendment
Page 76,	Lines 22 and 23,	After " <u>calls</u> " strike out " <u>made from an automatic telephone dialing system or using an artificial or pre-recorded voice</u> "
Page 76,	Line 24,	After " <u>basis.</u> " insert " <u>Such call blocking may include sending a call directly to the called subscriber's voicemail, or to a "personal assistant" that answers the call, or to a "CAPTCHA" (Completely Automated Public Turing test to tell Computers and Humans Apart) menu that confronts the calling party and requires it to confirm that it is not a robot.</u> "
Page 76,	Lines 51 and 52,	Strike out " <u>e. Providers of telephone dialing service shall not block a voice call to a subscriber who has requested that no inbound calls be blocked.</u> "
Page 87,	Between lines 21 and 22	<p>Insert, "<u>§ 3. Subdivision 2 of section 97-www of the state finance law, relating to the consumer protection account, as amended by section 52 of chapter 62 of the laws of 2011, is amended to read as follows:</u></p> <p>2. Such account shall consist of all penalties received by the department of state pursuant to section [three hundred ninety- nine-z] <u>nine hundred two</u> of the general business law and any additional monies appropriated, credited or transferred to such account by the Legislature. Any interest earned by the investment of monies in such account shall be added to such account, become part of such account, and be used for the purposes of such account."</p>
Page 87,	Line 22	After "\$" strike out "3" and insert "4"
Page 95,	Line 11,	Before "However" insert "["
Page 95,	Line 14,	After "section." Insert "]"
Page 96,	Line 3,	Before "409" strike out "Section" and insert "Subdivision 4 of section"
Page 96,	Line 17,	After " <u>department of state</u> " insert " <u>or</u> "
Page 96,	Line 18,	Before " <u>State</u> " strike out " <u>the</u> " and insert " <u>this</u> "
Page 103,	Line 27,	Strike, "5" and insert "15"
Page 124,	Line 32,	After "section 2" strike out "of part F"
Page 124	Line 33,	After "section 3" strike out "of part F"
Page 155,	Line 35,	After "part" strike out "XX" and insert "QQ"
Page 163,	Line 6,	Before "of the" strike out "645" and insert "654"

Page	Line	Amendment
Page 187,	Line 17,	After "law" strike out ", as added by chapter 386 of the laws of 2005,"
Page 217,	Line 37,	Before "subdivision" strike out "paragraph c of"
Page 217,	Lines 39 and 40,	After "in" strike out "paragraph c of"
Page 220,	Between lines 24 and 25,	Insert Part HHH (LBD #75020-01-0) Insert Part III (LBD #75022-01-0) Insert Part JJJ (LBD #75023-05-0)
Page 220,	Line 35,	After "through" strike out "GGG" and insert "JJJ"

flood risk; improving water quality; protecting open space and investing in recreational infrastructure; expanding the use of renewable energy to mitigate climate change; and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2020 (Part QQ); to amend the environmental conservation law and the state finance law, in relation to the implementation of the environmental bond act of 2020 "restore mother nature" (Part RR); to amend the environmental conservation law, in relation to a product stewardship program; and to amend the state finance law, in relation to establishing the stewardship organization fund (Part SS); to amend the environmental conservation law, in relation to freshwater wetlands; and to repeal certain provisions of such law relating thereto (Part TT); to authorize the county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart A); to authorize the village of East Rockaway, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart B); and to authorize the village of Rockville Centre, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart C) (Part UU); to amend the environmental conservation law, in relation to financial security for the plugging and site reclamation of regulated wells (Part VV); to amend the environmental conservation law, in relation to banning fracking (Part WW); to amend the vehicle and traffic law, in relation to bicycles with electric assist (Part XX); 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 effectiveness thereof; and to amend chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part YY); to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to extending the effectiveness thereof (Part ZZ); to amend the vehicle and traffic law, in relation to the regulation of the use of electric scooters (Part AAA); to amend the public authorities law, in relation to the centers for advanced technology program; and to repeal section 410 of the economic development law relating to the centers for excellence program (Part BBB); to amend the insurance law, the public authorities law and the tax law, in relation to authorizing the power authority of the state of New York to form a pure captive insurance company (Part CCC); to amend the Hudson river park act, in relation to Pier 76 (Part DDD); to amend the New York Buy American Act, in relation to the report to be provided and to making such provisions permanent (Part EEE); to amend the labor law, in relation to prevailing wage requirements (Part FFF); and to amend the labor law, in relation to classification of digital marketplace workers; and to establish the New York digital marketplace worker classification task force (Part GGG) *LONG TITLE INSERT*

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

- 1 Section 1. This act enacts into law major components of legislation
- 2 which are necessary to implement the state fiscal plan for the 2020-2021



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

10

PART A

11 Section 1. Paragraph (e) of subdivision 4 of section 10-c of the high-
12 way law, as amended by section 2 of subpart B of part C of chapter 97 of
13 the laws of 2011, is amended to read as follows:

14 (e) Funds allocated for local street or highway projects under this
15 subdivision shall be used to undertake work on a project either with the
16 municipality's own forces or by contract, provided however, that whenever
17 the estimate for the construction contract work exceeds one hundred
18 thousand dollars but does not exceed [two] seven hundred fifty thousand
19 dollars such work must be performed either with the municipality's own
20 forces or by contract let by competitive bid in accordance with the
21 provisions of section one hundred three of the general municipal law and
22 provided further, however, that whenever the estimate for the
23 construction contract work exceeds [two] seven hundred fifty thousand
24 dollars such work must be performed by contract let by competitive bid
25 in accordance with the provisions of section one hundred three of the
26 general municipal law.

27 § 2. Subdivision 6 of section 234 of the transportation law, as
28 amended by chapter 369 of the laws of 1979, is amended to read as
29 follows:

30 6. for local street or highway projects, to undertake the work of the
31 project either with its own forces or by contract, however, whenever the
32 estimate for the construction contract work exceeds seven hundred fifty
33 thousand dollars such work must be performed by contract let by the
34 competitive bid process.

35 § 3. This act shall take effect immediately.

36

PART B

37 Section 1. Subdivisions (g) and (h) of section 1800 of the vehicle and
38 traffic law, as added by chapter 221 of the laws of 2008, are amended to
39 read as follows:

40 (g) Notwithstanding the provisions of subdivisions (b) and (c) of this
41 section, a person convicted of a traffic infraction for a violation of
42 any ordinance, order, rule, regulation or local law adopted pursuant to
43 one or more of the following provisions of this chapter: paragraphs two
44 and nine of subdivision (a) of section sixteen hundred twenty-one;
45 subdivision three of section sixteen hundred thirty; or subdivision five
46 of section seventy-one of the transportation law, prohibiting the opera-
47 tion on a highway or parkway of a motor vehicle registered as a commer-
48 cial vehicle and having a gross vehicle weight rating of less than
49 [twenty-six] ten thousand pounds shall, for a first conviction thereof,
50 be punished by a fine of not more than two hundred fifty dollars or by
51 imprisonment of not more than fifteen days or by both such fine and
52 imprisonment; for a conviction of a second violation, both of which were



1 sion, the registration of the vehicle may be suspended for a period not
2 to exceed one year whether at the time of the violation the vehicle was
3 in charge of the owner or his agent. The provisions of section five
4 hundred ten of this chapter shall apply to such suspension except as
5 otherwise provided herein.

6 § 2. Subdivision 18 of section 385 of the vehicle and traffic law, as
7 amended by chapter 549 of the laws of 1985, is amended, and a new subdi-
8 vision 18-a is added, to read as follows:

9 18. Except as provided in subdivision ~~eighteen-a~~ or nineteen of this
10 section, the violation of the provisions of this section including a
11 violation related to the operation, within a city not wholly included
12 within one county, of a vehicle which exceeds the limitations provided
13 for in the rules and regulations of the city department of transporta-
14 tion of such city, shall be punishable by a fine of not less than two
15 hundred nor more than five hundred dollars, or by imprisonment for not
16 more than thirty days, or by both such fine and imprisonment, for the
17 first offense; by a fine of not less than five hundred nor more than one
18 thousand dollars, or by imprisonment for not more than sixty days, or by
19 both such fine and imprisonment, for the second or subsequent offense;
20 provided that a sentence or execution thereof for any violation under
21 this subdivision may not be suspended. For any violation of the
22 provisions of this section, including a violation related to the opera-
23 tion, within a city not wholly included within one county, of a vehicle
24 which exceeds the limitations provided for in the rules and regulations
25 of the city department of transportation of such city, the registration
26 of the vehicle may be suspended for a period not to exceed one year
27 whether at the time of the violation the vehicle was in charge of the
28 owner or his agent. The provisions of section five hundred ten of this
29 chapter shall apply to such suspension except as otherwise provided
30 herein.

31 18-a. A violation of the provisions of subdivision two or fourteen of
32 this section, where the violation relates to the height of the vehicle,
33 including a violation related to the operation, within a city not wholly
34 included within one county, of a vehicle which exceeds the limitations
35 provided for in the rules and regulations of the city department of
36 transportation of such city, shall be punishable by a fine of not more
37 than five thousand dollars, or by imprisonment for not more than thirty
38 days, or by both such fine and imprisonment, for the first offense; by a
39 fine of not more than seven thousand five hundred dollars, or by impri-
40 sonment for not more than sixty days, or by both such fine and imprison-
41 ment, for the second or subsequent offense; provided that a sentence or
42 execution thereof for any violation under this subdivision may not be
43 suspended. For any violation of the provisions of this section, includ-
44 ing a violation related to the operation, within a city not wholly
45 included within one county, of a vehicle which exceeds the limitations
46 provided for in the rules and regulations of the city department of
47 transportation of such city, the registration of the vehicle may be
48 suspended for a period not to exceed one year whether at the time of the
49 violation the vehicle was in charge of the owner or his agent. The
50 provisions of section five hundred ten of this chapter shall apply to
51 such suspension except as otherwise provided herein.

52 § 3. This act shall take effect ~~immediately.~~

53

PART C on the one hundred eightieth day after
it shall have become a law



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1 (hh) Within a distance of approximately .15 miles from the New York
2 state thruway interchange 42 traveling on state route 14 for approxi-
3 mately 750 feet for travel to and from the thruway tandem lot and inter-
4 change 42 where the commissioner of transportation determines that the
5 vehicle or combination of vehicles could operate safely along the desig-
6 nated route and that no applicable federal law, regulation or other
7 requirement prohibits the operation of such vehicle or combination of
8 vehicles on such route .

9 (ii) Within a distance of approximately .1 miles from the New York
10 state interchange 43 traveling on state route 21 for approximately 600
11 feet for travel to and from the thruway tandem lot and interchange 43
12 where the commissioner of transportation determines that the vehicle or
13 combination of vehicles could operate safely along the designated route
14 and that no applicable federal law, regulation or other requirement
15 prohibits the operation of such vehicle or combination of vehicles on
16 such route.

17 § 2. This act shall take effect immediately.

18

PART F

19 Section 1. Paragraph a of subdivision 6 of section 2897 of the public
20 authorities law, as added by chapter 766 of the laws of 2005, is amended
21 and a new paragraph f is added to read as follows:

22 a. All disposals or contracts for disposal of property of a public
23 authority made or authorized by the contracting officer shall be made
24 after publicly advertising for bids except as provided in [paragraph]
25 paragraphs c and f of this subdivision.

26 f. Notwithstanding anything to the contrary in this section, disposals
27 for use of the thruway authority's fiber optic system, or any part ther-
28 eof, may be made through agreements that shall not require public
29 auction, provided that the thruway authority has determined the disposal
30 of such property complies with all applicable provisions of this chapter
31 and such shall not require the explanatory statements required by this
32 section. *disposals*

33 § 2. This act shall take effect immediately.

34

PART G

35 Section 1. Section 351 of the public authorities law is amended by
36 adding a new subdivision 11 to read as follows:

37 11. The term "Cross-Hudson bridge system" shall mean collectively: (a)
38 the Franklin Delano Roosevelt Mid-Hudson bridge, constructed pursuant to
39 chapter nine hundred of the laws of nineteen hundred twenty-three, as
40 amended; (b) the Rip Van Winkle bridge, constructed across the Hudson
41 river north of the village of Catskill and south of the city of Hudson;
42 (c) the Bear Mountain bridge, constructed by the Bear Mountain Hudson
43 River Bridge Company, pursuant to chapter three hundred fifty-eight of
44 the laws of nineteen hundred twenty-two; (d) the Hamilton Fish
45 Newburgh-Beacon bridge, including both spans of the bridge constructed
46 across the Hudson river between a location in the vicinity of the city
47 of Newburgh and a location in the vicinity of the city of Beacon; (e)
48 the Kingston-Rhinecliff bridge, constructed across the Hudson river
49 within five miles of the city of Kingston; and (f) the walkway over the
50 Hudson bridge, the Poughkeepsie-Highland railroad bridge, which was
51 constructed across the Hudson river north of the Franklin Delano Roose-
52 velt Mid-Hudson bridge.



1 § 2. Section 356 of the public authorities law is amended by adding a
2 new subdivision 10 to read as follows:

3 10. The Cross-Hudson bridge system. Including collectively: (a) the
4 Franklin Delano Roosevelt Mid-Hudson bridge, constructed pursuant to
5 chapter nine hundred of the laws of nineteen hundred twenty-three, as
6 amended; (b) the Rip Van Winkle bridge, constructed across the Hudson
7 river north of the village of Catskill and south of the city of Hudson;
8 (c) the Bear Mountain bridge, constructed by the Bear Mountain Hudson
9 River Bridge Company, pursuant to chapter three hundred fifty-eight of
10 the laws of nineteen hundred twenty-two; (d) the Hamilton Fish
11 Newburgh-Beacon bridge, including both spans of the bridge constructed
12 across the Hudson river between a location in the vicinity of the city
13 of Newburgh and a location in the vicinity of the city of Beacon; (e)
14 the Kingston-Rhinecliff bridge, constructed across the Hudson river
15 within five miles of the city of Kingston; and (f) the walkway over the
16 Hudson bridge, the Poughkeepsie-Highland railroad bridge, which was
17 constructed across the Hudson river north of the Franklin Delano Roose-
18 velt Mid-Hudson bridge.

19 § 3. Section 356-a of the public authorities law is amended by adding
20 ~~a new subdivision 6~~ to read as follows: *new subdivisions 6 and 7*

21 6. All that portion of touring route one hundred ninety-nine connect-
22 ing Ulster and Dutchess counties which is identified and known as the
23 Kingston-Rhinecliff bridge shall be designated and known as the "George
24 Clinton Kingston-Rhinecliff bridge". *INSERTED 17*

25 § 4. Section 349-a of the highway law is amended by adding a new
26 subdivision 10 to read as follows:

27 10. The Cross-Hudson bridge system. Including collectively: (a) the
28 Franklin Delano Roosevelt Mid-Hudson bridge, constructed pursuant to
29 chapter nine hundred of the laws of nineteen hundred twenty-three, as
30 amended; (b) the Rip Van Winkle bridge, constructed across the Hudson
31 river north of the village of Catskill and south of the city of Hudson;
32 (c) the Bear Mountain bridge, constructed by the Bear Mountain Hudson
33 River Bridge Company, pursuant to chapter three hundred fifty-eight of
34 the laws of nineteen hundred twenty-two; (d) the Hamilton Fish
35 Newburgh-Beacon bridge, including both spans of the bridge constructed
36 across the Hudson river between a location in the vicinity of the city
37 of Newburgh and a location in the vicinity of the city of Beacon; (e)
38 the Kingston-Rhinecliff bridge; constructed across the Hudson river
39 within five miles of the city of Kingston; and (f) the walkway over the
40 Hudson bridge, the Poughkeepsie-Highland railroad bridge, which was
41 constructed across the Hudson river north of the Franklin Delano Roose-
42 velt Mid-Hudson bridge.

43 § 5. Section 373 of the public authorities law is amended by adding a
44 new subdivision 3 to read as follows:

45 3. Upon abolishment of the New York state bridge authority, the state
46 of New York does pledge to and agree with the holders of any bonds or
47 notes of the authority that the state will not authorize the
48 construction or maintenance of any additional highway crossings for
49 vehicular traffic over, under or across the waters of the Hudson river
50 in addition to the bridges and crossings constituting the Cross-Hudson
51 bridge system authorized by this title which will be competitive with
52 the bridges and crossings constituting the Cross-Hudson bridge system,
53 nor will it limit or alter the rights hereby vested in the authority to
54 establish and collect such charges and tolls as may be convenient or
55 necessary to produce sufficient revenue to meet the expense of mainte-
56 nance and operation and to fulfill the terms of any agreement made with

1 the holders of the bonds or notes, or in any way impair the rights and
 2 remedies of bondholders or noteholders, until the bonds and notes,
 3 together with interest, and all costs and expenses in connection with
 4 any actions or proceedings by or on behalf of the bondholders or note-
 5 holders, are fully met and discharged. For the purposes of this subdivi-
 6 sion, any such bridge or crossing shall be considered as competitive
 7 only if it shall form a connection for vehicular traffic over, under or
 8 across the Hudson river south of a line drawn across the Hudson river
 9 fifteen miles north of the Rip Van Winkle bridge, and north of the Bear
 10 Mountain bridge.

11 § 6. The public authorities law is amended by adding a new section 389
 12 to read as follows:

13 § 389. Additional powers of the authority to undertake and finance
 14 certain projects in connection with the Cross-Hudson bridge system and
 15 the New York state bridge authority. The authority is hereby authorized
 16 as an additional corporate purpose thereof, to assume jurisdiction for
 17 its corporate purposes of the Cross-Hudson bridge system, with all
 18 rights and powers with respect to such system as established in this
 19 title with respect to any thruway section or connection, including, but
 20 not limited to, the power to operate and maintain said system, to fix
 21 and collect such fees, rentals and charges for the use thereof, to issue
 22 its bonds, notes and other obligations in conformity with applicable
 23 provisions of the uniform commercial code for purposes of the acquisi-
 24 tion, design, construction, reconstruction, repair, rehabilitation and
 25 improvement of the Cross-Hudson bridge system, to provide funds on
 26 behalf of the state within the meaning of the provisions of subdivision
 27 four of former section five hundred thirty-two of this chapter to
 28 defease, redeem or refund the bonds, notes and other obligations of the
 29 New York state bridge authority and to discharge and pay any other obli-
 30 gations whatsoever of the New York state bridge authority.

31 § 7. The public authorities law is amended by adding a new section
 32 355-a to read as follows:

33 § 355-a. New York state bridge authority. 1. The New York state bridge
 34 authority created by former section five hundred twenty-seven of this
 35 chapter shall be abolished upon the date upon which all covenants,
 36 agreements and obligations to the holders of bonds, notes or other obli-
 37 gations issued or incurred under any bond resolution of the New York
 38 state bridge authority have been paid in full or otherwise fully met and
 39 discharged, within the meaning of such bond resolution.

40 2. Upon abolishment of the New York state bridge authority, all
 41 rights, functions, powers, duties, obligations, covenants, pledges,
 42 undertakings, properties, debts, agreements, assets and liabilities of
 43 the New York state bridge authority shall be transferred and assigned
 44 to, assumed by and devolved upon the New York state thruway authority.

45 3. Upon abolishment of the New York state bridge authority, all rules,
 46 regulations, acts, orders, determinations, and decisions of such author-
 47 ity in force at the time of such transfer, assignment, assumption or
 48 devolution, shall continue in force and effect as rules, regulations,
 49 acts, orders, determinations and decisions of the New York state thruway
 50 authority until duly modified or abrogated by the New York state thruway
 51 authority.

52 4. Upon abolishment of the New York state bridge authority, the Cross-
 53 Hudson bridge system, as defined in section three hundred fifty-one of
 54 this title shall be added to, and included in, the thruway system as
 55 defined in such section three hundred fifty-one.

INSERT D
 TED 18



1 5. Upon abolishment of the New York state bridge authority, all books,
2 papers, records and property of such authority shall be transferred as
3 assigned to the New York state thruway authority. All employees trans-
4 ferred from the New York state bridge authority to the New York state
5 thruway authority shall be transferred without further examination or
6 qualification and such employees shall retain their respective civil
7 service classifications, status and collective bargaining unit desig-
8 nations and be governed by applicable collective bargaining agreements.

9 6. Upon abolishment of the New York state bridge authority, any busi-
10 ness or other matters undertaken or commenced by the New York state
11 bridge authority and pending on the date of abolishment may be conducted
12 and completed by the New York state thruway authority in the same manner
13 and under the same terms and conditions and with the same effect as if
14 conducted by the New York state bridge authority.

15 7. Upon abolishment of the New York state bridge authority, whenever
16 the New York state bridge authority, or the chairman or the executive
17 director or other officer, member or employee thereof, is referred to or
18 designated in any law, contract or document, such reference or design-
19 ation shall be deemed to refer to the New York state thruway authority.

20 8. No existing right or remedy of any character shall be lost,
21 impaired or affected by reason of this section.

22 9. No action pending at the time the New York state bridge authority
23 is abolished, brought by or against the New York state bridge authority,
24 or the chairman or executive director thereof, shall be affected by any
25 provision of this section, but the same may be prosecuted or defended in
26 the name of the New York state thruway authority or the executive direc-
27 tor or chairman thereof, and the proper party shall, upon application to
28 the court, be substituted as a party.

29 10. Upon abolishment of the New York state bridge authority act, the
30 rights and remedies of bondholders, other creditors or persons having
31 claims or contracts with the New York state bridge authority shall not
32 be limited, impaired or otherwise altered by the merger of the New York
33 state bridge authority facilities and operations into the New York state
34 thruway authority.

35 § 8. Title 2 of article 3 of the public authorities law is REPEALED.

36 § 9. Notwithstanding any provision of this act or any other provisions
37 of law, general, special or local, the New York state bridge authority
38 shall from time to time, after all contract provisions with respect to
39 any bonds, notes or other obligations issued or incurred under any bond
40 resolution of the New York state bridge authority have been provided for
41 and discharged, take any action necessary and proper to assist the New
42 York state thruway authority in effecting such discharge, including, but
43 not limited to directing the trustee under its agreement with New York
44 state bridge authority bondholders to apply available and necessary
45 funds to such discharge and otherwise take such actions consistent with
46 such agreement to effectuate such discharge, and transfer and pay over
47 to the New York state thruway authority all remaining funds; and may
48 accept and use any moneys transferred and paid over to it by the New
49 York state thruway authority to implement such discharge.

50 § 10. Subdivision 1 of section 352 of the public authorities law, as
51 amended by chapter 766 of the laws 2005, is amended to read as follows:

52 1. A board to be known as "New York state thruway authority" is hereby
53 created. Such board shall be a body corporate and politic constituting a
54 public corporation. It shall consist of [seven] eight members appointed
55 by the governor by and with the advice and consent of the senate. One
56 member shall be, at the time of appointment, a resident of one of the

1 following counties: Orange, Rockland, Westchester, Putnam, Dutchess,
2 Ulster, Greene or Columbia. The members first appointed shall serve for
3 terms ending three, six and nine years, respectively from January first
4 next succeeding their appointment. Provided, however, that two board
5 members first appointed on or after the effective date of the chapter of
6 the laws of two thousand five which amended this subdivision shall serve
7 an initial term of two years; provided further that two other board
8 members first appointed on or after the effective date of the chapter of
9 the laws of two thousand five which amended this subdivision shall serve
10 an initial term of three years. Their successors shall be appointed for
11 terms of nine years each. A member to be designated as chairman in his
12 or her appointment as a member shall be chairman of such board until his
13 or her term as member expires. The chairman and the other members shall
14 serve without salary or other compensation, but shall be entitled to
15 reimbursement for their actual and necessary expenses incurred in the
16 performance of their official duties.

17 § 11. Nothing contained in this act shall be deemed to limit or alter
18 in any way the rights and obligations of the New York state bridge
19 authority or after the abolishment of the New York state bridge authori-
20 ty, the New York state thruway authority, to establish and collect such
21 fees, rentals and other charges as may be necessary or required to
22 produce sufficient revenues to meet and to fulfill the terms and
23 provisions of the contracts made with the holders and registered owners
24 of the bonds, notes or other obligations or in any way impair the
25 constitutional rights of the holders and registered owners of the bonds,
26 notes or other obligations.

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

30 § 13. If any provision of any section of this act or the application
31 thereof to any person or circumstance shall be adjudged invalid by a
32 court of competent jurisdiction, such order or judgment shall be
33 confined in its operation to the controversy in which it was rendered,
34 and shall not affect or invalidate the remainder of any provision of any
35 section of this act or the application thereof to any other person or
36 circumstance and to this end the provisions of each section of this act
37 are hereby declared to be severable.

38 § 14. This act shall take effect immediately, provided, however, that
39 section ~~nine~~ of this act shall take effect when all covenants, agree- eight
40 ments and obligations to the holders of bonds, notes or other obli-
41 gations issued or incurred under any bond resolution of the New York
42 state bridge authority are fully discharged and satisfied; provided,
43 that the New York state thruway authority shall notify the legislative
44 bill drafting commission when all covenants, agreements and obligations
45 to the holders of bonds, notes or other obligations of the New York
46 state bridge authority are fully discharged and satisfied in order that
47 the commission may maintain an accurate and timely effective data base
48 of the official text of the laws of the state of New York in furtherance
49 of effectuating the provisions of section 44 of the legislative law and
50 section 70-b of the public officers law.

51

PART H

52 Section 1. Section 1220-b of the vehicle and traffic law is amended by
53 adding four new subdivisions 5, 6, 7 and 8 to read as follows:



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1 related to ground transportation service as defined by section twelve
2 hundred-twenty-b of the vehicle and traffic law at airports leased by
3 the port authority within the city of New York ("city") to the same
4 extent as the City or any of its subdivisions.

5 § 4. The commissioner of motor vehicles shall be authorized to estab-
6 lish rules or regulations and take all other actions deemed reasonably
7 necessary to effectuate this act.

8 ~~§ 5. This act shall take effect immediately.~~ < INSERT E TEO 23

9

PART I

10 Section 1. Subdivision 12 of section 1269 of the public authorities
11 law, as amended by section 4 of part NN of chapter 54 of the laws of
12 2016, is amended to read as follows:

13 12. The aggregate principal amount of bonds, notes or other obli-
14 gations issued after the first day of January, nineteen hundred ninety-
15 three by the authority, the Triborough bridge and tunnel authority and
16 the New York city transit authority to fund projects contained in capi-
17 tal program plans approved pursuant to section twelve hundred sixty-
18 nine-b of this title for the period nineteen hundred ninety-two through
19 two thousand [nineteen] twenty-four shall not exceed [fifty-five] ninety
20 billion [four] one hundred [ninety-seven] million dollars. Such aggre-
21 gate principal amount of bonds, notes or other obligations or the
22 expenditure thereof shall not be subject to any limitation contained in
23 any other provision of law on the principal amount of bonds, notes or
24 other obligations or the expenditure thereof applicable to the authori-
25 ty, the Triborough bridge and tunnel authority or the New York city
26 transit authority. The aggregate limitation established by this subdivi-
27 sion shall not include (i) obligations issued to refund, redeem or
28 otherwise repay, including by purchase or tender, obligations thereto-
29 fore issued either by the issuer of such refunding obligations or by the
30 authority, the New York city transit authority or the Triborough bridge
31 and tunnel authority, (ii) obligations issued to fund any debt service
32 or other reserve funds for such obligations, (iii) obligations issued or
33 incurred to fund the costs of issuance, the payment of amounts required
34 under bond and note facilities, federal or other governmental loans,
35 security or credit arrangements or other agreements related thereto and
36 the payment of other financing, original issue premiums and related
37 costs associated with such obligations, (iv) an amount equal to any
38 original issue discount from the principal amount of such obligations or
39 to fund capitalized interest, (v) obligations incurred pursuant to
40 section twelve hundred seven-m of this article, (vi) obligations
41 incurred to fund the acquisition of certain buses for the New York city
42 transit authority as identified in a capital program plan approved
43 pursuant to chapter fifty-three of the laws of nineteen hundred ninety-
44 two, (vii) obligations incurred in connection with the leasing, selling
45 or transferring of equipment, and (viii) bond anticipation notes or
46 other obligations payable solely from the proceeds of other bonds, notes
47 or other obligations which would be included in the aggregate principal
48 amount specified in the first sentence of this subdivision, whether or
49 not additionally secured by revenues of the authority, or any of its
50 subsidiary corporations, New York city transit authority, or any of its
51 subsidiary corporations, or Triborough bridge and tunnel authority.
52 § 2. This act shall take effect immediately.

53

PART J



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1 Any officer participating in such inquiry and any person examined as a
 2 witness upon such inquiry who shall disclose to any person other than
 3 the attorney general the name of any witness examined or any other
 4 information obtained upon such inquiry, except as directed by the attor-
 5 ney general, shall be guilty of a misdemeanor.

6 (e) Notwithstanding any law to the contrary, all monies recovered or
 7 obtained under this article by a state agency or state official or
 8 employee acting in their official capacity shall be subject to subdivi-
 9 sion eleven of section four of the state finance law.

10 7. The attorney general may adopt and promulgate rules as may be
 11 necessary in carrying out the provisions of this section.

12 § 2. Separability clause; construction. If any part or provision of
 13 this act or the application thereof to any person or circumstances be
 14 adjudged invalid by any court of competent jurisdiction, such judgment
 15 shall be confined in its operation to the part, provision or application
 16 directly involved in the controversy in which such judgment shall have
 17 been rendered and shall not affect or impair the validity of the remain-
 18 der of this act or the application thereof to other provisions or
 19 circumstances.

20 § 3. This act shall take effect on the one hundred eightieth day after
 21 it shall have become a law. Effective immediately, the addition, amend-
 22 ment and/or repeal of any rule or regulation necessary for the implemen-
 23 tation of this act on its effective date are authorized to be made and
 24 completed on or before such effective date.

PART T

25
 26 Section 1. The general business law is amended by adding a new article
 27 40 to read as follows:

ARTICLE 40

TELEPHONE CALL ABUSE PREVENTION

29 Section 900. Short title.

30 901. Definitions.

31 902. Telemarketing sales calls mandates, prohibitions, and Do
 32 Not Call registry.

33 903. Telephone call authentication framework.

34 904. Telephone call blocking.

35 905. Use of automatic telephone dialing systems and placement of
 36 consumer telephone calls.

37 906. Telemarketing and consumer fraud and abuse prevention act.

38 § 900. Short title. This article may be cited as the "telephone call
 39 abuse prevention act".

40 § 901. Definitions. Unless otherwise indicated, as used in this arti-
 41 cle, the following terms shall have the following meanings:

42 1. "Department" means the department of state.

43 2. "Secretary" means the secretary of state.

44 3. "Customer" means any natural person who is or may be required to
 45 pay for or to exchange consideration for goods and services offered
 46 through telemarketing.

47 4. "Doing business in this state" means conducting telephonic sales
 48 calls: a. from a location in this state; or b. from a location outside
 49 of this state to consumers residing in this state.

50 5. "Goods and services" means any goods and services, and such term
 51 shall include any real property or any tangible personal property or
 52 services of any kind.

As used
 in
 sections
 902, 905
 and 906

of this article, "customer"



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1 15. When the department has reason to believe a person has engaged in
2 repeated unlawful acts in violation of this section, or when a notice of
3 hearing has been issued pursuant to subdivision sixteen of this section,
4 the department may request in writing the production of relevant docu-
5 ments and records as part of its investigation. If the person upon whom
6 such request was made fails to produce the documents or records within
7 fourteen days after the date of the request, the department may issue
8 and serve subpoenas to compel the production of such documents and
9 records. If any person shall refuse to comply with a subpoena issued
10 under this section, the department may petition a court of competent
11 jurisdiction to enforce the subpoena, and to request a civil penalty not
12 to exceed one thousand dollars per day, actual damages sustained by
13 reason of the failure to comply and such sanctions as the court may
14 direct.

15 16. a. Where it is determined after an opportunity for a hearing that
16 any person has violated one or more provisions of this section, the
17 secretary, or any person deputized or so designated by him or her, may
18 assess a fine not to exceed twenty-two thousand dollars for each
19 violation.

20 b. Any proceeding conducted pursuant to paragraph a of this subdivi-
21 sion shall be subject to the state administrative procedure act.

22 c. Nothing in this subdivision shall be construed to restrict any
23 right which any person may have under any other statute or at common
24 law.

25 17. The department shall prescribe rules and regulations to administer
26 this section.

27 18. If any clause, sentence, paragraph or part of this section shall
28 be adjudged by any court of competent jurisdiction to be invalid, such
29 judgment shall not affect, impair or invalidate the remainder thereof,
30 but shall be confined in its operation to the clause, sentence, para-
31 graph or part thereof directly involved in the controversy in which such
32 judgment shall have been rendered.

33 § 903. Telephone call authentication framework. 1. Not later than
34 January first, two thousand twenty-one:

35 a. A voice service provider shall implement the STIR/SHAKEN authenti-
36 cation framework, or alternative technology that provides compatible or
37 superior capability, to verify and authenticate caller identification
38 information in the internet protocol networks of ~~telephone dialing~~ voice
39 service providers.

40 b. A voice service provider shall take reasonable measures to imple-
41 ment an effective call authentication framework, or alternative technol-
42 ogy that provides compatible or superior capability, to verify and
43 authenticate caller identification information in the non-internet
44 protocol networks of the voice service provider.

45 2. STIR/SHAKEN certificate authorities providing credentials to
46 commercial, government and not-for-profit organizations using New York
47 state automatic number identifications shall be responsible for investi-
48 gating and vetting the entities they certify, and shall provide the
49 department annually with all information required under this subdivi-
50 sion. Required due diligence in selecting and managing certificate
51 recipients shall include a minimum of the following:

52 a. Background checks which establish that the entity, its officers and
53 persons responsible for authorizing official acts of such entity have
54 never been convicted of frauds, felonies or other serious or relevant
55 offenses.



1 b. Establishment of one or more physical address locations in the
2 United States. All such information shall be confirmed and updated annu-
3 ally.

4 c. Any person acting as a certificate authority shall provide a
5 personal assurance that the certificates will be granted in a reputable
6 and lawful manner, and any such person shall be responsible jointly and
7 severally for penalties related to fraud or willful violations.

8 3. Where the federal communications commission has granted a delay of
9 required compliance for any provider or class of providers of voice
10 service or type of voice calls, compliance under paragraph b of subdivi-
11 sion one of this section may be delayed, but only to the extent that
12 such a provider or class of providers of voice service or type of voice
13 calls, materially relies on a non-internet protocol network for the
14 provision of such service or calls, until a call authentication protocol
15 has been developed for calls delivered over non-internet protocol
16 networks and is reasonably available.

17 4. On or before January first, two thousand twenty-one, and thereafter
18 at least once every three years, all voice service providers shall
19 review the best available technology to authenticate caller identifica-
20 tion information and deploy any such technology which may better accom-
21 plish the purpose of this section. Any such upgrades shall be deployed
22 to all subscribers as soon as feasible and at no additional surcharge or
23 fee to such subscribers.

24 5. Deployment of any call authentication technology shall result in no
25 additional surcharge or fee to the subscriber.

26 6. By July thirty-first of the year following the effective date of
27 this section, and annually thereafter, every voice service provider
28 shall file with both the department, and the secretary to the public
29 service commission, a report setting forth its deployment and review of
30 the best available call authentication technology required by this
31 section, as well as any available upgrades thereto and deployment there-
32 of to persons or entities, as well as any other information that the
33 department, in consultation with the department of public service, may
34 require. Such report shall include:

35 a. an analysis of the extent to which voice service providers have
36 implemented the call authentication frameworks described in this
37 section, including whether the availability of necessary equipment and
38 equipment upgrades has impacted such implementation;

39 b. an assessment of the efficacy of the call authentication frameworks
40 described in paragraph b of subdivision one of this section, in address-
41 ing all aspects of call authentication; and

42 c. a sworn statement by a principal or officer of the voice service
43 provider that the information provided is current and accurate.

44 7. Any voice service provider that knowingly fails or neglects to
45 comply with this section, or a rule or regulation adopted thereunder,
46 shall forfeit to the people of the state of New York a sum not less than
47 ten thousand dollars and no more than one hundred thousand dollars
48 constituting a civil penalty for each and every offense and, in the case
49 of a continuing violation, each day shall be deemed a separate and
50 distinct offense.

51 8. Whenever there shall be a violation of this section, an application
52 may be made by either a. the attorney general in the name of the people
53 of the state of New York, or b. in the case of a voice service provider
54 subject to the jurisdiction of the public service commission, to a court
55 or justice having jurisdiction, to issue an injunction, and upon notice
56 to the defendant of not less than five days, to enjoin and restrain the

the
public
service
commission



1 continuance of such violations, and for the enforcement of the penalties
2 provided in this section.

3 9. When the department has reason to believe a person or voice service
4 provider has violated any provision of this section, the department may
5 request in writing the production of relevant documents and records. If
6 the person upon whom such request was made fails to produce the docu-
7 ments or records within fourteen days after the date of the request, the
8 department may issue and serve subpoenas to compel the production of
9 such documents and records. If any person shall refuse to comply with a
10 subpoena issued under this section, the department may petition a court
11 of competent jurisdiction to enforce the subpoena and, notwithstanding
12 any other provision of law, to request a civil penalty not to exceed one
13 thousand dollars per day, actual damages sustained by reason of the
14 failure to comply, and such sanctions as the court may direct.

15 10. The public service commission and the department may promulgate
16 any rules or regulations necessary to implement and enforce the
17 provisions of this section.

18 § 904. Telephone call blocking. 1. Consistent with authorization
19 provided by federal law and rules or orders of the federal communi-
20 cations commission or its successors:

21 a. Voice service providers shall offer services ~~to subscribers~~ capable
22 of blocking calls ~~made from an automatic telephone dialing system or~~
23 ~~using an artificial or pre-recorded voice~~ to a telephone or other
24 device, on an opt-out basis. Voice service providers shall, in a manner
25 that is clear for a subscriber to understand: (i) offer sufficient
26 information to subscribers so that subscribers can make an informed
27 choice as to whether they wish to opt-out of such service; and (ii)
28 clearly disclose to subscribers what types of calls may be blocked and
29 the risks of blocking wanted calls.

30 b. Voice service providers shall block a call made to a telephone or
31 other device when the subscriber to which the originating number is
32 assigned has requested that calls purporting to originate from that
33 number be blocked because the number is used for inbound calls only.

34 c. Voice service providers shall block calls made to a telephone or
35 other device originating from the following numbers:

36 (i) a number that is not a valid North American numbering plan number;

37 (ii) a valid North American numbering plan number that is not allo-
38 cated to a provider by the North American numbering plan administrator
39 or the pooling administrator; and

40 (iii) a valid North American numbering plan number that is allocated
41 to a provider by the North American number plan administrator or pooling
42 administrator, but is unused, so long as the provider blocking the calls
43 is the allocatee of the number and confirms that the number is unused or
44 has obtained verification from the allocatee that the number is unused
45 at the time of the blocking. An unused number is a number that is not
46 assigned to a subscriber or otherwise set aside for outbound call use.

47 d. Voice service providers shall not block any call made to a tele-
48 phone or other device if (i) the call is made for emergency alert
49 purposes, or (ii) it is a call from a law enforcement or public safety
50 entity.

51 ~~e. Providers of telephone dialing service shall not block a voice call~~
52 ~~to a subscriber who has requested that no inbound calls be blocked.~~

53 2. Nothing in this section shall be construed to require blocking of
54 international telephone calls from purported non-North American number-
55 ing plan numbers.

subscribers
that are

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1 section, unless such person takes reasonable measures to prevent and
2 correct any conduct that violates this section.

3 d. Nothing in this section shall be construed to restrict any right
4 which any person may have under any other statute or the common law.

5 13. Criminal penalties. Any person who is convicted of knowingly
6 violating paragraph a or b of subdivision two of this section, or
7 subparagraph (ii), (iii), (iv) or (v) of paragraph a of subdivision five
8 of this section shall be guilty of a class B misdemeanor. Any person who
9 is convicted of knowingly violating subparagraph (xi) or (xii) of para-
10 graph a of subdivision five of this section shall be guilty of a class A
11 misdemeanor.

12 14. Separability clause; construction. If any part or provision of
13 this section or the application thereof to any person or circumstances
14 be adjudged invalid by any court of competent jurisdiction, such judg-
15 ment shall be confined in its operations to the part, provision or
16 application directly involved in the controversy in which such judgment
17 shall have been rendered and shall not affect or impair the validity of
18 the remainder of this section or the application thereof to other
19 persons or circumstances.

20 § 2. Sections 399-z, 399-p and 399-pp of the general business law are
21 REPEALED.

22 4. This act shall take effect immediately.

insert 87

23

PART U

24 Section 1. Section 70 of the state law is amended to read as follows:
25 § 70. Description of the arms of the state and the state flag. The
26 device of arms of this state[, as adopted March sixteenth, seventeen
27 hundred and seventy-eight,] is hereby declared to be correctly described
28 as follows:

29 Charge. Azure, in a landscape, the sun in fess, rising in splendor or,
30 behind a range of three mountains, the middle one the highest; in base a
31 ship and sloop under sail, passing and about to meet on a river,
32 bordered below by a grassy shore fringed with shrubs, all proper.

33 Crest. On a wreath azure and or, an American eagle proper, rising to
34 the dexter from a two-thirds of a globe terrestrial, showing the north
35 Atlantic ocean with outlines of its shores.

36 Supporters. On a quasi compartment formed by the extension of the
37 scroll.

38 Dexter. The figure of Liberty proper, her hair disheveled and deco-
39 rated with pearls, vested azure, sandaled gules, about the waist a cinct-
40 ture or, fringed gules, a mantle of the last depending from the shoul-
41 ders behind to the feet, in the dexter hand a staff ensigned with a
42 Phrygian cap or, the sinister arm embowed, the hand supporting the
43 shield at the dexter chief point, a royal crown by her sinister foot
44 dejected.

45 Sinister. The figure of Justice proper, her hair disheveled and deco-
46 rated with pearls, vested or, about the waist a cincture azure, fringed
47 gules, sandaled and mantled as Liberty, bound about the eyes with a
48 fillet proper, in the dexter hand a straight sword hilted or, erect,
49 resting on the sinister chief point of the shield, the sinister arm
50 embowed, holding before her her scales proper.

51 Motto. On a scroll below the shield argent, in sable, two lines. On
52 line one, Excelsior and on line two, E pluribus unum.



1 file such statements again until such time as they would have filed, had
2 this subdivision not been amended.

3 4. The provisions of paragraph (g) of section one hundred four of this
4 chapter shall not be applicable to filings pursuant to this section.

5 5. The provisions of this section and section 409 of this article
6 shall not apply to a farm corporation. For the purposes of this subdivi-
7 sion, the term "farm corporation" shall mean any domestic corporation or
8 foreign corporation authorized to do business in this state under this
9 chapter engaged in the production of crops, livestock and livestock
10 products on land used in agricultural production, as defined in section
11 301 of the agriculture and markets law. [However, this exception shall
12 not apply to farm corporations that have filed statements with the
13 department of state which have been submitted through the department of
14 taxation and finance pursuant to paragraph eight of this section.]

15 6. No such statement shall be accepted for filing when a certificate
16 of resignation for receipt of process has been filed under section three
17 hundred six-A of this chapter unless the corporation has stated a
18 different address for process which does not include the name of the
19 party previously designated in the address for process in such certifi-
20 cate.

21 7. A domestic corporation or foreign corporation may amend its state-
22 ment to change the information required by subparagraphs (a) and (b) of
23 paragraph one of this section. Such amendment shall be made on forms
24 prescribed by the secretary of state. It shall be signed and delivered
25 to the department of state. No fee shall be collected for the filing of
26 the amendment.

27 [8. (a) The commissioner of taxation and finance and the secretary of
28 state may agree to allow corporations to provide the statement specified
29 in paragraph one of this section on tax reports filed with the depart-
30 ment of taxation and finance in lieu of biennial statements. This agree-
31 ment may apply to tax reports due for tax years starting on or after
32 January first, two thousand sixteen.

33 (b) If the agreement described in subparagraph (a) of this paragraph
34 is made, each corporation required to file the statement specified in
35 paragraph one of this section that is also subject to tax under article
36 nine or nine-A of the tax law shall include such statement annually on
37 its tax report filed with the department of taxation and finance in lieu
38 of filing a statement under this section with the department of state
39 and in a manner prescribed by the commissioner of taxation and finance.
40 However, each corporation required to file a statement under this
41 section must continue to file the biennial statement required by this
42 section with the department of state until the corporation in fact has
43 filed a tax report with the department of taxation and finance that
44 includes all required information. After that time, the corporation
45 shall continue to deliver annually the statement specified in paragraph
46 one of this section on its tax report in lieu of the biennial statement
47 required by this section.

48 (c) If the agreement described in subparagraph (a) of this paragraph
49 is made, the department of taxation and finance shall deliver to the
50 department of state for filing the statement specified in paragraph one
51 of this section for each corporation that files a tax report containing
52 such statement. The department of taxation and finance must, to the
53 extent feasible, also include the current name of the corporation,
54 department of state identification number for such corporation, the
55 name, signature and capacity of the signer of the statement, name and



Subdivision
4 of section

1 street address of the filer of the statement, and the email address, if
2 any, of the filer of the statement.]

3 ~~§ 4. Section 409 of the business corporation law is REPEALED.~~

4 § 5. Subdivision 16 of section 96 of the executive law, as added by
5 chapter 561 of the laws of 1990, is amended to read as follows:

6 16. (a) Consistent with the provisions of the corporate laws of the
7 state of New York, the department of state [shall] may produce or
8 reproduce the content of any informational systems maintained pursuant
9 to such laws. The secretary of state shall establish the type and amount
10 of the reasonable fees to be collected by the department of state for
11 such informational systems. Such fees shall be subject to approval of
12 the director of the budget and shall be promulgated in the official
13 rules and regulations of the department of state in accordance with the
14 provisions of the state administrative procedure act.

15 (b) Notwithstanding paragraph (a) of this subdivision, the department
16 of state may make the content of any such information systems available
17 to the public on any website maintained by the department of state by
18 the state without charge. ~~or~~

THIS

19 § 6. Section 209 of the limited liability company law is amended to
20 read as follows:

21 § 209. Filing with the department of state. A signed articles of
22 organization and any signed certificate of amendment or other certifi-
23 cates filed pursuant to this chapter or of any judicial decree of
24 amendment or cancellation shall be delivered to the department of state.
25 If the instrument that is delivered to the department of state for
26 filing complies as to form with the requirements of law and the filing
27 fee required by any statute of this state in connection therewith has
28 been paid, the instrument shall be filed and indexed by the department
29 of state. The department of state shall not review such articles or
30 certificates for legal sufficiency; its review shall be limited to
31 determining that the form has been completed. The instrument's date of
32 filing shall be the date the instrument was received by the department
33 of state for filing. An instrument that is determined by the department
34 of state to be unacceptable for filing shall be returned to the person
35 filing the instrument with an explanation of the reason for the refusal
36 to file. If the filer returns the corrected instrument within thirty
37 days from the date it was originally received by the department of state
38 and it is determined by the department of state to be acceptable for
39 filing, the instrument shall be filed and indexed by the department of
40 state and the filing date of the instrument shall be the filing date
41 that would have been applied had the original instrument been acceptable
42 for filing.

43 § 7. Subdivision (e) of section 301 of the limited liability company
44 law, as amended by section 5 of part S of chapter 59 of the laws of
45 2015, is amended to read as follows:

46 (e) [(1) Except as otherwise provided in this subdivision, every]
47 Every limited liability company to which this chapter applies, shall
48 biennially in the calendar month during which its articles of organiza-
49 tion or application for authority were filed, or effective date thereof
50 if stated, file on forms prescribed by the secretary of state, a state-
51 ment setting forth:

52 (i) the post office address within or without this state to which the
53 secretary of state shall mail a copy of any process accepted against it
54 served upon him or her. Such address shall supersede any previous
55 address on file with the department of state for this purpose.



1 cation of the proclamation through the date of the filing of the state-
2 ment with the department of state. If, after the publication of such
3 proclamation, it shall be determined by the department of state that the
4 name of any New York registered foreign limited liability partnership
5 was erroneously included in such proclamation, the department of state
6 shall make appropriate entry on its records, which entry shall have the
7 effect of annulling all of the proceedings theretofore taken for the
8 revocation of the status of such New York registered foreign limited
9 liability partnership under this subdivision and (1) such New York
10 registered foreign limited liability partnership shall have such powers,
11 rights, duties and obligations as it had on the date of the publication
12 of the proclamation, with the same force and effect as if such proclama-
13 tion had not been made or published and (2) such publication shall not
14 affect the applicability of the laws of the jurisdiction governing the
15 agreement under which such New York registered foreign limited liability
16 partnership is operating (including laws governing the liability of
17 partners) to any debt, obligation or liability incurred, created or
18 assumed from the date of publication of the proclamation through the
19 date of the making of the entry on the records of the department of
20 state. Whenever a New York registered foreign limited liability partner-
21 ship whose status was revoked shall have filed a statement pursuant to
22 this subdivision or if the name of a New York registered foreign limited
23 liability partnership was erroneously included in a proclamation and
24 such proclamation was annulled, the department of state shall publish a
25 notice thereof in the state register.

15 26 § 15. Subdivision 5 of section 192 of the tax law is REPEALED.

27 § 16. Subdivision 17 of section 211 of the tax law is REPEALED.

28 § 17. Subparagraph (e) of paragraph 3 of subsection (c) of section 658
29 of the tax law is REPEALED.

30 § 18. Subsection (v) of section 1085 of the tax law is REPEALED.

31 § 19. Subsection (dd) of section 685 of the tax law is REPEALED.

32 § 20. This act shall become effective upon the development of a new
33 computerized filing system currently being developed by the department
34 of state; provided further, however, that the secretary of state shall
35 notify the legislative bill drafting commission upon the occurrence of
36 the development of a new computerized filing system being developed by
37 the department of state in order that the commission may maintain an
38 accurate and timely effective data base of the official text of the laws
39 of the state of New York in furtherance of effectuating the provisions
40 of section 44 of the legislative law and section 70-b of the public
41 officers law; and provided, however, sections two, three, four, six,
42 seven, eight, twelve, fourteen, fifteen, sixteen, seventeen, eighteen
43 and nineteen of this act shall take effect April 1, 2021.

44

PART Y

45 Section 1. Expenditures of moneys appropriated in a chapter of the
46 laws of 2020 to the department of agriculture and markets from the
47 special revenue funds-other/state operations, miscellaneous special
48 revenue fund-339, public service account shall be subject to the
49 provisions of this section. Notwithstanding any other provision of law
50 to the contrary, direct and indirect expenses relating to the department
51 of agriculture and markets' participation in general ratemaking
52 proceedings pursuant to section 65 of the public service law or certifi-
53 cation proceedings pursuant to article 7 or 10 of the public service
54 law, shall be deemed expenses of the department of public service within



1 the purposes of installing communications facilities on utility or
2 department owned poles or new wireless provider owned poles. The commis-
3 sioner shall include elements in such an agreement he or she deems
4 appropriate to maintain the safety and effective management of state
5 roadways. Such statewide agreement may include a fee, not to exceed the
6 greater of the department's direct costs, or an amount set forth in the
7 agreement for use and occupancy of the right of way, per small wireless
8 facility as that term is defined in subdivision twenty-four of section
9 three hundred of the general municipal law. Nothing in this section
10 shall be deemed to prohibit the department from collecting any other fee
11 it has established for any other permit the department issues or any
12 other fee the department assesses any individual for any activity in the
13 department's normal course of business.

14 § 3. This act shall take effect on the thirtieth day after it shall
15 have become a law.

16

PART CC

17 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the
18 public authorities law relating to the powers and duties of the dormito-
19 ry authority of the state of New York relative to the establishment of
20 subsidiaries for certain purposes, as amended by section 1 of part X of
21 chapter 58 of the laws of 2018, is amended to read as follows:

22 § 2. This act shall take effect immediately and shall expire and be
23 deemed repealed on July 1, [2020] 2024; provided however, that the expi-
24 ration of this act shall not impair or otherwise affect any of the
25 powers, duties, responsibilities, functions, rights or liabilities of
26 any subsidiary duly created pursuant to subdivision twenty-five of
27 section 1678 of the public authorities law prior to such expiration.
28 § 2. This act shall take effect immediately.

29

PART DD

30 Section 1. Subdivision (a) of section 2 and section 3 of part F of
31 chapter 60 of the laws of 2015 constituting the infrastructure invest-
32 ment act, subdivision (a) of section 2 ~~of part F~~ as amended by section 1
33 of part M of chapter 39 of the laws of 2019, and section 3 ~~of part F~~ as
34 amended by section 3 of part RRR of chapter 59 of the laws of 2017, are
35 amended to read as follows:

36 (a) (i) "authorized state entity" shall mean the New York state thru-
37 way authority, the department of transportation, the office of parks,
38 recreation and historic preservation, the department of environmental
39 conservation [and], the New York state bridge authority, the office of
40 general services, the dormitory authority, the urban development corpo-
41 ration, the state university construction fund, the New York state Olym-
42 pic regional development authority and the battery park city authority.

43 (ii) Notwithstanding the provisions of subdivision 26 of section 1678
44 of the public authorities law, section 8 of the public buildings law,
45 sections 8 and 9 of section 1 of chapter 359 of the laws of 1968 as
46 amended, section 103 of the general municipal law, and the provisions of
47 any other law to the contrary, the term "authorized state entity" shall
48 also refer to only those agencies or authorities identified below solely
49 in connection with the following authorized projects, provided that such
50 an authorized state entity may utilize the alternative delivery method
51 referred to as design-build contracts solely in connection with the

1 4. No moneys received by the state from the sale of bonds and/or notes
2 sold pursuant to the environmental bond act of 2020 "restore mother
3 nature" shall be expended for any project until funds therefor have been
4 allocated pursuant to the provisions of this section and copies of the
5 appropriate certificates of approval filed with the chair of the senate
6 finance committee, the chair of the assembly ways and means committee
7 and the state comptroller.

8 § 3. Section 61 of the state finance law is amended by adding a new
9 subdivision 32 to read as follows:

10 32. Thirty years. For the payment of "restore mother nature" projects,
11 as defined in article fifty-eight of the environmental conservation law
12 and undertaken pursuant to a chapter of the laws of two thousand twenty,
13 enacting and constituting the environmental bond act of 2020 "restore
14 mother nature". Thirty years for flood control infrastructure, other
15 environmental infrastructure, wetland and other habitat restoration,
16 water quality projects, acquisition of land, including acquisition of
17 real property, and renewable energy projects. Notwithstanding the fore-
18 going, for the purposes of calculating annual debt service, the state
19 comptroller shall apply a weighted average period of probable life of
20 restore mother nature projects, including any other works or purposes to
21 be financed with state debt. Weighted average period of probable life
22 shall be determined by computing the sum of the products derived from
23 multiplying the dollar value of the portion of the debt contracted for
24 each work or purpose (or class of works or purposes) by the probable
25 life of such work or purpose (or class of works or purposes) and divid-
26 ing the resulting sum by the dollar value of the entire debt after
27 taking into consideration any original issue premium or discount.

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

34 § 5. This act shall take effect only in the event that section 1 of
35 part ~~xx~~² of a chapter of the laws of 2020, enacting the environmental
36 bond act of 2020 "restore mother nature" is submitted to the people at
37 the general election to be held in November 2020 and is approved by a
38 majority of all votes cast for and against it at such election. Upon
39 such approval, this act shall take effect immediately. Effective imme-
40 diately, the addition, amendment, and/or repeal of any rule or regu-
41 lation necessary for the implementation of the foregoing sections of
42 this act are authorized and directed to be made and completed on or
43 before such effective date.

44 PART SS

45 Section 1. Article 27 of the environmental conservation law is amended
46 by adding a new title 32 to read as follows:

47 TITLE 32

48 PRODUCT STEWARDSHIP

49 Section 27-3201. Definitions.

50 27-3203. Stewardship organization responsibilities.

51 27-3205. Producer responsibilities.

52 27-3207. Retailer and distributor responsibilities.

53 27-3209. Department responsibilities.

54 27-3211. Rules and regulations.



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

3 § 3. Subdivisions 6, 7 and 8 of section 24-0301 of the environmental
4 conservation law, subdivision 6 as amended by chapter 16 of the laws of
5 2010, and subdivision 7 as amended and subdivision 8 as added by chapter → 654
6 ~~645~~ of the laws of 1977, are amended to read as follows:

7 [6.] 1. Except as provided in subdivision [eight] three of this
8 section, the commissioner shall supervise the maintenance of [such boun-
9 dary] freshwater wetlands maps, which shall be available to the public
10 [for inspection and examination at the regional office of the department
11 in which the wetlands are wholly or partly located and in the office of
12 the clerk of each county in which each such wetland or a portion thereof
13 is located] on the department's website. The commissioner may readjust
14 the map [thereafter to clarify the boundaries of the wetlands, to
15 correct any errors on the map, to effect any additions, deletions or
16 technical changes on the map, and to reflect changes as have occurred as
17 a result of the granting of permits pursuant to section 24-0703 of this
18 article, or natural changes which may have occurred through erosion,
19 accretion, or otherwise. Notice of such readjustment shall be given in
20 the same manner as set forth in subdivision five of this section for the
21 promulgation of final freshwater wetlands maps. In addition, at the time
22 notice is provided pursuant to subdivision five of this section, the
23 commissioner shall update any digital image of the map posted on the
24 department's website to reflect such readjustment] at any time to more
25 accurately depict the approximate location of wetlands.

26 [7.] 2. Except as provided in subdivision [eight] three of this
27 section, the commissioner may, upon his own initiative, and shall, upon
28 a written request by a landowner whose land or a portion thereof may be
29 included within a wetland, or upon the written request of another person
30 or persons or an official body whose interests are shown to be affected,
31 cause to be delineated [more precisely] the boundary line or lines of a
32 freshwater wetland or a portion thereof. [Such more precise delineation
33 of a freshwater wetland boundary line or lines shall be of appropriate
34 scale and sufficient clarity to permit the ready identification of indi-
35 vidual buildings and of other major man-made structures or facilities or
36 significant geographical features with respect to the boundary of any
37 freshwater wetland.] The commissioner shall undertake to delineate the
38 boundary of a particular wetland or wetlands, or a particular part of
39 the boundary thereof only upon a showing by the applicant therefor of
40 good cause for such [more precise] delineation and the establishment of
41 such [more precise] line.

42 [8.] 3. The supervision of the maintenance of any freshwater wetlands
43 map or portion thereof applicable to wetlands within the Adirondack
44 park, the readjustment and precise delineation of wetland boundary lines
45 and the other functions and duties ascribed to the commissioner by
46 subdivisions [six and seven] one and two of this section shall be
47 performed by the Adirondack park agency, which shall make such maps
48 available [for public inspection and examination at its headquarters] on
49 the agency's website.

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

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



1 further require filing of such information pursuant to the provisions of
2 the oil, gas and solution mining law. Upon the request of the state
3 geologist, the department shall cause such samples or copies of records
4 and reports to be furnished to the state geologist.

5 j. Give notice to persons engaged in underground mining operations of
6 the commencement of any phase of geothermal, stratigraphic and brine
7 disposal well operations which may affect the safety of such underground
8 mining operations or of the mining properties involved. The department
9 shall not be required to furnish any notice required by this paragraph
10 unless the person or persons engaged in underground mining operations or
11 having rights in mining properties have notified the department of the
12 existence and location of such underground mining operations or proper-
13 ties.

14 § 5. This act shall take effect immediately.

15

PART WW

16 Section 1. Subdivision 3 of section 23-0501 of the environmental
17 conservation law, ~~as added by chapter 386 of the laws of 2005,~~ is renum-
18 bered subdivision 4 and a new subdivision 3 is added to read as follows:

19 3. No permits shall be issued authorizing an applicant to drill, deep-
20 en, plug back, or convert wells that use high-volume hydraulic fractur-
21 ing to complete or recomplete natural gas resources. For purpose of this
22 section, high-volume hydraulic fracturing shall be defined as the stimu-
23 lation of a well using three hundred thousand or more gallons of water
24 as the base fluid for hydraulic fracturing for all stages in a well
25 completion, regardless of whether the well is vertical or directional,
26 including horizontal.

27 § 2. This act shall take effect immediately.

28

PART XX

29 Section 1. The vehicle and traffic law is amended by adding a new
30 section 102-c to read as follows:

31 § 102-c. Bicycle with electric assist. Every motor vehicle, including
32 one partially powered by human power, other than one registered or capa-
33 ble of being registered pursuant to this chapter as a motorcycle or
34 limited use motorcycle, having a seat or a saddle for the use of the
35 rider and designed to travel on two wheels which has an electric motor
36 no greater than seven hundred fifty watts, equipped with operable
37 pedals, meeting the equipment and manufacturing requirements for bicy-
38 cles adopted by the Consumer Product Safety Commission under 16 C.F.R.
39 Part 1512.1 et seq. and meeting the requirements of one of the following
40 three classes:

41 (a) "Class one bicycle with electric assist." A bicycle with electric
42 assist having an electric motor that provides assistance only when the
43 person operating such bicycle with electric assist is pedaling, and that
44 ceases to provide assistance when such bicycle with electric assist
45 reaches a speed of twenty miles per hour.

46 (b) "Class two bicycle with electric assist." A bicycle with electric
47 assist having an electric motor that may be used exclusively to propel
48 such bicycle with electric assist, and that is not capable of providing
49 assistance when such bicycle with electric assist reaches a speed of
50 twenty miles per hour.

51 (c) "Class three bicycle with electric assist." Solely within a city
52 having a population of one million or more, a bicycle with electric



1 to a worksite by posting a copy of such order in a conspicuous location
2 at the worksite. The order shall remain in effect until the fiscal offi-
3 cer directs that the stop-work order be removed, upon a final determi-
4 nation on the complaint or where such failure to comply or evade has
5 been deemed corrected. If the person against whom such order is issued
6 shall within thirty days after issuance of the stop-work order makes an
7 application in affidavit form for a redetermination review of such order
8 the fiscal officer shall make a decision in writing on the issues raised
9 in such application. The fiscal officer may direct a conditional release
10 from a stop-work order upon a finding that such person has taken mean-
11 ingful and good faith steps to comply with the provisions of this arti-
12 cle.

13 § 224-c. Public subsidy board. 1. A board on public subsidies, herein-
14 after "the board", is hereby created, to consist of eleven members. The
15 eleven members shall be appointed by the governor as follows: one member
16 upon the recommendation of the temporary president of the senate, one
17 member upon the recommendation of the speaker of the assembly, the
18 commissioner, the president of the empire state development corporation,
19 the director of the division of the budget, one person representing
20 employees in the construction industry, and one person representing
21 employers in the construction industry. The commissioner shall act as
22 the chair. The members shall serve at the pleasure of the authority
23 recommending, designating, or otherwise appointing such member and shall
24 serve without salary or compensation but shall be reimbursed for neces-
25 sary expenses incurred in the performance of their duties.

26 2. The board shall meet on an as needed basis and shall have the power
27 to conduct public hearings. The board may also consult with employers
28 and employees, and their respective representatives, in the construction
29 industry and with such other persons, including the commissioner, as it
30 shall determine. No public officer or employee appointed to the board
31 shall forfeit any position or office by virtue of appointment to such
32 board. Any proceedings of the board which relate to a particular indi-
33 vidual or project shall be confidential.

34 3. The board may examine and make recommendations which shall have the
35 full force and effect of law, regarding the following:

36 (a) the minimum threshold percentage of public funds set forth in
37 paragraph c of subdivision one of section two hundred twenty-four-a of
38 this article;

39 (b) the minimum dollar threshold of projects set forth in paragraph c
40 of subdivision one of section two hundred twenty-four-a of this article;

41 (c) construction work excluded as a covered project, as set forth in
42 subparagraphs (i), (ii) and (iii) of paragraph c of subdivision four of
43 section two hundred twenty-four-a of this article;

44 (d) the definition of construction for purposes of section two hundred
45 twenty-four-a of this article; or

46 (e) particular instances of benefits, monies or credits as to whether
47 or not they should constitute public funds.

48 4. In making its recommendations, the board shall examine the impact
49 of such thresholds and circumstances on private development in light of
50 available public subsidies, existing labor market conditions, prevailing
51 wage and supplement practices, and shall consider the extent to which
52 adjustments to such thresholds and circumstances could ameliorate
53 adverse impacts, if any, or expand opportunities for prevailing wage and
54 supplement standards on publicly subsidized private construction
55 projects in any region or regions of the state.



1 b. (1) The commissioner is hereby authorized to promulgate regulations
2 determining the appropriate classification of individuals providing
3 services for a digital marketplace company as defined in subdivision a
4 of this section and such regulations shall have the force and effect of
5 law.

6 (2) Such regulations shall set forth the appropriate standard for
7 determination of whether a worker should be classified as an employee or
8 an independent contractor, and shall consider the following conditions:
9 (i) whether the individual is free from the control and direction of the
10 digital marketplace company in connection with the performance of the
11 work; (ii) whether the individual performs work that is outside the
12 usual course of the digital marketplace company's business; and (iii)
13 whether the individual is customarily engaged in an independently estab-
14 lished trade, occupation, profession or business that is similar to the
15 service at issue.

16 (3) Workers classified as employees as provided for in this section or
17 who satisfy any other legal test for employment, or have been determined
18 by a court or administrative agency to be employees, shall not have any
19 rights or protections diminished by application of this section.

20 c. The commissioner may exempt any company from application of this
21 section, provided such company has entered into a collectively negoti-
22 ated agreement with a recognized collective bargaining agent.

23 § 5. This act shall take effect immediately; provided, however, that
24 section four of this act shall take effect May 1, 2020.

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

34 § 3. This act shall take effect immediately provided, however, that
35 the applicable effective date of Parts A through G of this act shall
36 be as specifically set forth in the last section of such Parts. JJ

INSERT Part HHH (LBD# 75020-01-0)

PART III (LBD# 75022-01-0)

PART JJJ (LBD# 75023-05-0)



TED Inserts

LONG TITLE INSERT

; to amend the general business law, in relation to extending the length of time temporary security guards can be used at specific events (Part HHH); to amend the New York state urban development corporation act, in relation to the corporations' authorization to provide financial and technical assistance to community development financial institutions (Part III); and to amend the public service law, the economic development law, the real property tax law, the general municipal law, the public authorities law, the environmental conservation law, the New York state urban development corporation act and the state finance law, in relation to accelerating the growth of renewable energy facilities to meet critical state energy policy goals (Part JJJ)

INSERT C – TED 17

7. The bridge constructed by the Bear Mountain Hudson River Bridge Company, pursuant to chapter three hundred and fifty-eight of the laws of nineteen hundred twenty-two which is identified and known as the Bear Mountain bridge shall be designated and known as the "Purple Heart Veterans Memorial bridge.

INSERT D – TED 18

Simultaneous with the discharge, defeasance, redemption or refunding of the bonds, notes and other obligations of the New York state bridge authority and the discharge and payment of any other obligations whatsoever of the New York state bridge authority by the issuance of bonds or other obligations of the Authority or otherwise, the

INSERT E – TED 23

Paragraph 4 of section 1220-b of the vehicle and traffic law is amended to read as follows:

4. Any person who engages in the unlawful solicitation of ground transportation services at an airport shall be guilty of a class B misdemeanor punishable by a fine of not less than seven hundred fifty dollars nor more than one thousand five hundred dollars, or by imprisonment of not more than ninety days or by both such fine and imprisonment. Notwithstanding any contrary provision of law, any [charge] accusatory instrument alleging a violation of this section as a class B misdemeanor shall be [returnable before] filed in a court having jurisdiction over [misdemeanors] criminal actions.

§6. This act shall take effect ninety days from the date of enactment.

TED Inserts

INSERT TED 76

Such call blocking may include sending a call directly to the called subscriber's voicemail, or to a "personal assistant" that answers the call, or to a "CAPTCHA" (Completely Automated Public Turing test to tell Computers and Humans Apart) menu that confronts the calling party and requires it to confirm that it is not a robot.

INSERT TED 87

§ 3. Subdivision 2 of section 97-www of the state finance law, relating to the consumer protection account, as amended by section 52 of chapter 62 of the laws of 2011, is amended to read as follows:

2. Such account shall consist of all penalties received by the department of state pursuant to section [three hundred ninety- nine-z] nine hundred two of the general business law and any additional monies appropriated, credited or transferred to such account by the Legislature. Any interest earned by the investment of monies in such account shall be added to such account, become part of such account, and be used for the purposes of such account."

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the general business law, in relation to extending the length of time temporary security guards can be used at specific events (Part);

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

1 PART ____

2 Section 1. Section 89-w of the general business law, as added by chapter 634 of the laws of 1994, is amended to read as follows:

3 § 89-w. Applicability. The provisions of this article shall not apply
4 to a not-for-profit security guard company or public entity which hires
5 a security guard or guards for a specific event or events solely for its
6 own proprietary use and which employs such security guards only on a
7 temporary basis for a total period not exceeding [fifteen] twenty days
8 per year.

9 § 2. This act shall take effect immediately.

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the New York state urban development corporation act, in relation to the corporations' authorization to provide financial and technical assistance to community development financial institutions (Part __);

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

1 PART __

2 Section 1. Subdivision 3 of section 16-o of section 1 of chapter 174
3 of the laws of 1968 constituting the New York state urban development
4 corporation act, as added by chapter 186 of the laws of 2007, is amended
5 to read as follows:

6 3. Establishment and purposes. The corporation shall establish a fund
7 to be known as the "community development financial institutions fund"
8 and shall pay into such fund any monies made available to the corpo-
9 ration for such fund from any source. The monies held in or credited to
10 the fund shall be expended solely for the purposes set forth in this
11 section. The corporation shall not commingle the monies of such fund
12 with any other monies of the corporation or any monies held in trust by
13 the corporation. The corporation is authorized, [within] subject to
14 available [appropriations] funding, to provide financial and technical
15 assistance to community development financial institutions that make
16 loans and provide development services to specific investment areas or
17 targeted populations.

18 § 2. This act shall take effect immediately.

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the public service law, the economic development law, the real property tax law, the general municipal law, the public authorities law, the environmental conservation law, the New York state urban development corporation act and the state finance law, in relation to accelerating the growth of renewable energy facilities to meet critical state energy policy goals (Part);

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

1 PART ____

2 Section 1. This act shall be known as the "accelerated renewable ener-
3 gy growth and community benefit act".

4 § 2. Legislative findings and statement of purpose. The legislature
5 hereby finds, determines and declares:

6 1. Chapter 106 of the laws of 2019 enacted the New York state climate
7 leadership and community protection act (the "CLCPA") among other
8 things:

9 (a) directed the department of environmental conservation to establish
10 a statewide greenhouse gas emissions limit as a percentage of 1990 emis-
11 sions as follows: (i) 2030: 60% of 1990 emissions; and (ii) 2050: 15% of
12 1990 emissions;

13 (b) directed the public service commission ("commission") to establish
14 programs to require that a minimum of 70% statewide electric generation
15 be produced by renewable energy systems by 2030, and that by the year

1 2040 the statewide electrical demand system will generate zero emis-
2 sions; and

3 (c) directed the commission to require the procurement by the state's
4 jurisdictional load serving entities of at least 9 gigawatts of offshore
5 wind electricity generation by 2035 and six gigawatts of photovoltaic
6 solar generation by 2025, and to support three gigawatts of statewide
7 energy storage capacity by 2030 (collectively, the "CLCPA targets").

8 2. In order to achieve the CLCPA targets, the state shall take appro-
9 priate action to ensure that:

10 (a) new renewable energy generation projects can be sited in a timely
11 and cost-effective manner; and

12 (b) renewable energy can be efficiently and cost effectively injected
13 into the state's distribution and transmission system for delivery to
14 regions of the state where it is needed. In particular, the state shall
15 provide for timely construction of new, expanded and upgraded distrib-
16 ution and transmission infrastructure as may be needed to access and
17 deliver renewable energy resources, which may include alternating
18 current transmission facilities, high voltage direct current trans-
19 mission infrastructure facilities, and submarine transmission facilities
20 needed to interconnect off-shore renewable generation resources to the
21 state's transmission system.

22 3. A public policy purpose would be served and the interests of the
23 people of the state would be advanced by directing the public service
24 commission to make a comprehensive study of the state's power grid to
25 identify distribution and transmission infrastructure needed to enable
26 the state to meet the CLCPA targets, and based on such study, develop
27 definitive plans that: (a) provide for the timely development of local
28 transmission and distribution system upgrades by the state's regulated

1 utilities and the Long Island power authority; (b) identify bulk trans-
2 mission investments that should be undertaken, including projects that
3 should be undertaken immediately and on an expedited basis by the power
4 authority of the state of New York; and (c) otherwise advance the poli-
5 cies of this act.

6 4. A public policy purpose would be served and the interests of the
7 people of the state would be advanced by:

8 (a) expediting the regulatory review for the siting of major renewable
9 energy facilities and transmission infrastructure necessary to meet the
10 CLCPA targets, in recognition of the importance of these facilities and
11 their ability to lower carbon emissions;

12 (b) making available to developers of clean generation resources
13 build-ready sites for the construction and operation of such renewable
14 energy facilities;

15 (c) developing uniform permit standards and conditions that are appli-
16 cable to classes and categories of renewable energy facilities, that
17 reflect the environmental benefits of such facilities and addresses
18 common conditions necessary to minimize impacts to the surrounding
19 community and environment;

20 (d) providing for workforce training, especially in disadvantaged
21 communities;

22 (e) implementing one or more programs to provide benefits to owners of
23 land and communities where renewable energy facilities and transmission
24 infrastructure would be sited;

25 (f) incentivizing the re-use or adaptation of sites with existing or
26 abandoned commercial or industrial uses, such as brownfields, landfills,
27 and former commercial or industrial sites, for the development of major

1 renewable energy facilities and to restore and protect the value of
2 taxable land and leverage existing resources; and

3 (g) establishing additional mechanisms to facilitate the achievement
4 of a net conservation benefit to endangered or threatened species which
5 may be impacted by the construction or operation of major renewable
6 energy facilities.

7 § 3. Paragraphs (c) and (d) of subdivision 4 of section 162 of the
8 public service law, as added by chapter 388 of the laws of 2011, are
9 amended and a new subdivision (e) is added to read as follows:

10 (c) To a major electric generating facility (i) constructed on lands
11 dedicated to industrial uses, (ii) the output of which shall be used
12 solely for industrial purposes, on the premises, and (iii) the generat-
13 ing capacity of which does not exceed two hundred thousand kilowatts;
14 [or]

15 (d) To a major electric generating facility if, on or before the
16 effective date of the rules and regulations promulgated pursuant to this
17 article and section 19-0312 of the environmental conservation law, an
18 application has been made for a license, permit, certificate, consent or
19 approval from any federal, state or local commission, agency, board or
20 regulatory body, in which application the location of the major electric
21 generating facility has been designated by the applicant; or if the
22 facility is under construction at such time[.]; or

23 (e) To a major renewable energy facility as such term is defined in
24 article twenty-three of the economic development law. Any person intend-
25 ing to construct a major renewable energy facility that has filed an
26 application for a certificate pursuant to section one hundred sixty-four
27 of this article which is pending with the commission as of the effective
28 date of this paragraph, may, by written notice to the secretary of the

1 commission, elect to become subject to the provisions of article twen-
2 ty-three of the economic development law.

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

6 § 16-bb. Green energy siting. There is hereby established within the
7 corporation an office to implement the goals and objectives of title
8 nine-B of article eight of the public authorities law. Such office shall
9 work collaboratively with the New York state energy research and devel-
10 opment authority, department of environmental conservation, and the New
11 York state department of public service in the location, identification,
12 assessment, acquisition, development, marketing and disposition of sites
13 within the state that appear suitable for the development of major
14 renewable energy facilities including sites to be developed as build-
15 ready sites; to enter into any contract necessary to effectuate the
16 parties responsibilities under this section and other applicable law; to
17 request and receive assistance from any department, division, office,
18 commission or other agency of the state or any political subdivision
19 thereof to support the administration of the activities set forth here-
20 in; and to take all other actions that may be deemed necessary or
21 convenient to implement the purposes of this section.

22 § 5. Section 100 of the economic development law is amended by adding
23 a new subdivision 46-a to read as follows:

24 46-a. The department, by and through the commissioner, shall be
25 authorized to conduct hearings and dispute resolution proceedings, issue
26 permits, and adopt such rules, regulations and procedures as may be
27 necessary, convenient, or desirable to effectuate the purposes of arti-
28 cle twenty-three of this chapter.

§ 6. The economic development law is amended by adding a new article 23 to read as follows:

ARTICLE 23

MAJOR RENEWABLE ENERGY DEVELOPMENT PROGRAM

Section 451. Purpose.

453. Definitions.

455. Office of renewable energy siting; responsibilities.

457. Applicability.

459. Application and review.

461. Powers of municipalities and state agencies and authorities; scope of article.

463. Fees; local agency account.

§ 451. Purpose. It is the purpose of this article to consolidate the environmental review and permitting of major renewable energy facilities in this state and to provide a single forum in which the office of renewable energy siting created by this article may undertake a coordinated and timely review of proposed major renewable energy facilities to meet the state's renewable energy goals while ensuring the protection of the environment and consideration of all pertinent social, economic and environmental factors in the decision to permit such facilities as more specifically provided in this article.

§ 453. Definitions. 1. "Commissioner" shall mean the commissioner of the department of economic development.

2. "CLCPA targets" shall mean the public policies established in the climate leadership and community protection act enacted in chapter one hundred six of the laws of two thousand nineteen, including the requirement that a minimum of seventy percent of the statewide electric generation be produced by renewable energy systems by two thousand thirty,

1 that by the year two thousand forty the statewide electrical demand
2 system will generate zero emissions and the procurement of at least nine
3 gigawatts of offshore wind electricity generation by two thousand thir-
4 ty-five, six gigawatts of photovoltaic solar generation by two thousand
5 twenty-five and to support three gigawatts of statewide energy storage
6 capacity by two thousand thirty.

7 3. "Local agency account" or "account" shall mean the account estab-
8 lished by the department pursuant to section four hundred sixty-three of
9 this article.

10 4. "Local agency" means any local agency, board, district, commission
11 or governing body, including any city, county, and other political
12 subdivision of the state.

13 5. "Office" shall mean the office of renewable siting established
14 pursuant to this article.

15 6. "Department" shall mean the department of economic development.

16 7. "Major renewable energy facility" means any renewable energy
17 system, as such term is defined in section sixty-six-p of the public
18 service law as added by chapter one hundred six of the laws of two thou-
19 sand nineteen, with a nameplate generating capacity of twenty-five thou-
20 sand kilowatts or more, and any co-located system storing energy gener-
21 ated from such a renewable energy system prior to delivering it to the
22 bulk transmission system, including all associated appurtenances to
23 electric plants as defined under section two of the public service law,
24 including electric transmission facilities of any capacity or length in
25 order to provide access to load and to integrate such facilities into
26 the state's bulk electric transmission system.

1 8. "Siting permit" shall mean the major renewable energy facility
2 siting permit established pursuant to this article and the rules and
3 regulations promulgated by the department.

4 § 455. Office of renewable energy siting; responsibilities. 1. There
5 shall be created in the department an office of renewable energy siting
6 charged with accepting applications for evaluating, issuing, amending,
7 approving the assignment and/or transfer of, and enforcing siting
8 permits.

9 2. The office shall establish a set of uniform standards and condi-
10 tions for the siting, design, construction and operation of major renew-
11 able energy facilities relevant to issues that are common for particular
12 classes and categories of major renewable energy facilities, in consul-
13 tation with the New York state energy research and development authori-
14 ty, the department of environmental conservation, the department of
15 public service, the department of agriculture and markets, and other
16 relevant state agencies and authorities with subject matter expertise.

17 3. The uniform standards and conditions established pursuant to this
18 section shall be designed to avoid or minimize any potential significant
19 adverse environmental impacts related to the siting, design,
20 construction and operation of a major renewable energy facility, taking
21 into account the CLCPA targets and the environmental benefits of the
22 proposed major renewable energy facility. Such uniform standards and
23 conditions shall apply to those environmental impacts the department
24 determines are common to major renewable energy facilities.

25 4. In its review of an application for a permit to develop a major
26 renewable energy facility, the office shall identify those site-specific
27 environmental impacts, if any, that may be caused or exacerbated by a
28 specific proposed major renewable energy facility and are unable to be

1 addressed in accordance with the uniform standards and conditions. Where
2 appropriate, the department shall draft site specific permit terms and
3 conditions for such impacts, including provisions for the mitigation
4 thereof, taking into account the CLCPA targets and the environmental
5 benefits of the proposed major renewable energy facility. Such terms and
6 conditions may provide for an applicant's payment of a specified amount
7 in lieu of physical mitigation. Amounts paid by an applicant pursuant to
8 such terms and conditions for mitigation of impacts to endangered and
9 threatened species shall be deposited into the endangered and threatened
10 species mitigation fund established pursuant to section ninety-nine-hh
11 of the state finance law.

12 5. The department shall promulgate rules and regulations with respect
13 to all necessary requirements to implement the siting permit program
14 established in this article and promulgate modifications to such rules
15 and regulations as it deems necessary.

16 6. At the request of the office, all other state agencies and authori-
17 ties are hereby authorized to provide support and render services to the
18 office within their respective functions.

19 § 457. Applicability. 1. Following the effective date of this article,
20 no person shall commence the physical preparation of a site for, or
21 begin the construction of a major renewable energy facility in the
22 state, or increase the capacity of an existing major renewable energy
23 facility, without having first obtained a siting permit pursuant to this
24 article. Any such major renewable energy facility with respect to which
25 a siting permit is issued shall not thereafter be built, maintained, or
26 operated except in conformity with such siting permit and any terms,
27 limitations, or conditions contained therein, provided that nothing in

1 this section shall exempt such major renewable energy facility from
2 compliance with federal laws and regulations.

3 2. A siting permit issued by the office may be transferred or
4 assigned, subject to the prior written approval of the office, to a
5 person that agrees to comply with the terms, limitations and conditions
6 contained in such siting permit.

7 3. The office may amend any siting permit issued under this article.

8 4. Any hearings or dispute resolution proceedings initiated under this
9 article or pursuant to rules or regulations promulgated pursuant to this
10 article may be conducted by the commissioner or any person to whom the
11 commissioner shall delegate the power and authority to conduct such
12 hearings or proceedings in the name of the department at any time and
13 place.

14 5. This article shall not apply:

15 (a) to a major renewable energy facility, or any portion thereof, over
16 which any agency or department of the federal government has exclusive
17 siting jurisdiction, or has siting jurisdiction concurrent with that of
18 the state and has exercised such jurisdiction to the exclusion of regu-
19 lation of the facility by the state; provided, however, nothing herein
20 shall be construed to expand federal jurisdiction;

21 (b) to normal repairs, maintenance, replacements, non-material modifi-
22 cations and improvements of a major renewable energy facility, whenever
23 built, which are performed in the ordinary course of business and which
24 do not constitute a violation of any applicable existing permit;

25 (c) to a major renewable energy facility if, on or before the effec-
26 tive date of this article, an application has been made or granted for a
27 license, permit, certificate, consent or approval from any federal,
28 state or local commission, agency, board or regulatory body, including

1 article ten of the public service law, in which application the location
2 of the major renewable energy facility has been designated by the appli-
3 cant, except in the case of a person who elects to be subject to this
4 article as authorized by paragraph e of subdivision four of section one
5 hundred sixty-two of the public service law.

6 6. Any person intending to construct a major renewable energy facility
7 excluded from this article pursuant to paragraph (b) or (c) of subdivi-
8 sion five of this section may elect to become subject to the provisions
9 of this article by filing an application for a siting permit. This arti-
10 cle shall thereafter apply to each major renewable energy facility iden-
11 tified in such notice from the date of its receipt by the office. With
12 respect to such major renewable energy facilities, the rules and regu-
13 lations promulgated pursuant to this article shall set forth an expe-
14 dited permitting process to account for matters and issues already
15 presented in relevant alternative permitting proceedings.

16 7. Any person intending to construct a facility that is a renewable
17 energy system, as such term is defined in section sixty-six-p of the
18 public service law as added by chapter one hundred six of the laws of
19 two thousand nineteen, with a nameplate capacity of at least ten thou-
20 sand but less than twenty-five thousand kilowatts or more, may apply to
21 become subject to the provisions of this article by filing an applica-
22 tion for a siting permit. Upon submission of such application, the
23 subject renewable energy facility shall be treated as a "major renewable
24 energy facility" exclusively for purposes of permitting under this arti-
25 cle.

26 § 459. Application and review. 1. Until the department establishes
27 uniform standards and conditions required by section four hundred
28 fifty-five of this article or promulgates regulations specifying the

1 content of an application for a siting permit, an application for a
2 siting permit submitted to the department shall conform substantially to
3 the form and content of an application required by section one hundred
4 sixty-four of the public service law.

5 2. Notwithstanding any law to the contrary, the office shall, within
6 sixty days of its receipt of an application for a siting permit deter-
7 mine whether the application is complete and notify the applicant of its
8 determination. If the department does not deem the application complete,
9 the department shall set forth in writing delivered to the applicant all
10 of the reasons why it has determined the application to be incomplete.
11 If the department fails to make a determination within the foregoing
12 sixty-day time period, the application shall be deemed complete.

13 3. a. No later than sixty days following the date upon which an
14 application has been deemed complete, and following consultation with
15 any relevant state agency or authority, the department shall publish for
16 public comment draft permit conditions prepared by the department, which
17 comment period shall be for a minimum of sixty days from public notice
18 thereof.

19 b. For any municipality, political subdivision or an agency thereof
20 that has received notice of the filing of an application, the munici-
21 pality shall within the timeframes established by this subdivision
22 submit a statement to the office indicating whether the proposed facili-
23 ty is designed to operate in compliance with applicable local laws and
24 regulations, if any, concerning the environment, public health and safe-
25 ty.

26 4. General expressions of disagreement with or general opposition to
27 the siting, design, construction and/or operation of a major renewable
28 energy facility during the public comment period shall not be considered

1 to be substantive or significant for purposes of this section. If public
2 comment on a draft permit condition published by the department pursuant
3 to this section, including comments provided by a municipality, raises a
4 substantive and significant issue that requires adjudication, the
5 department shall promptly fix a date for hearing to hear arguments and
6 consider evidence with respect thereto.

7 5. Following the expiration of the public comment period set forth in
8 this section, or following the conclusion of a hearing undertaken pursu-
9 ant to this section, as applicable the office shall promptly issue a
10 final siting permit to the applicant that includes such conditions the
11 office determines to be necessary to mitigate any potential significant
12 adverse environmental impact, and the office may elect not to apply, in
13 whole or in part, any local law or ordinance which would otherwise be
14 applicable if it finds that, as applied to the proposed major renewable
15 energy facility, is unreasonably burdensome in view of the CLCPA targets
16 and the environmental benefits of the proposed major renewable energy
17 facility.

18 6. In all respects, and notwithstanding any other deadline made appli-
19 cable by this article, the office shall make a final decision on a
20 siting permit for any major renewable energy project within one year
21 from the date the application was deemed complete, or within six months
22 from the date the application was deemed complete if the major renewable
23 energy facility is proposed to be sited on an existing or abandoned
24 commercial use, including without limitation, brownfields, landfills,
25 former commercial or industrial sites, and abandoned or otherwise under-
26 utilized sites, as further defined by the regulations promulgated by
27 this article. If a final siting permit decision has not been made by the
28 office within such time period then such siting permit shall be deemed

1 to have been automatically granted for all purposes set forth in this
2 article and all uniform conditions or site specific permit conditions
3 issued for public comment shall constitute enforceable provisions of the
4 siting permit.

5 7. Any party aggrieved by the issuance or denial of a permit under
6 this article may seek judicial review thereof only in a proceeding
7 pursuant to article seventy-eight of the civil practice law and rules by
8 filing of a petition within thirty days of the issuance or denial of the
9 permit.

10 § 461. Powers of municipalities and state agencies and authorities;
11 scope of article. 1. Notwithstanding any other provision of law,
12 including without limitation article eight of the environmental conser-
13 vation law and article seven of the public service law, no other state
14 agency, department or authority, or any local agency or political subdi-
15 vision or any agency thereof may, except as expressly authorized under
16 this article or the rules and regulations promulgated under this arti-
17 cle, require any approval, consent, permit, certificate, contract,
18 agreement, or other condition for the development, design, construction,
19 operation, or decommissioning of a major renewable energy facility with
20 respect to which an application for a siting permit has been filed,
21 provided in the case of a municipality, political subdivision or an
22 agency thereof, such entity has received notice of the filing of the
23 application therefor. Notwithstanding the foregoing, the department of
24 environmental conservation shall be the permitting agency for permits
25 issued pursuant to federally delegated or federally approved programs.

26 2. This article shall not impair or abrogate any federal, state or
27 local labor laws or any otherwise applicable state law for the

1 protection of employees engaged in the construction and operation of a
2 major renewable energy facility.

3 § 463. Fees; local agency account. 1. Each application for a siting
4 permit shall be accompanied by a fee in an amount equal to one thousand
5 dollars for each thousand kilowatts of capacity of the proposed major
6 renewable energy facility, and the office may update the fee period-
7 ically solely to account for inflation, to be deposited in an account to
8 be known as the local agency account established for the benefit of
9 local agencies by the New York state energy research and development
10 authority and maintained in a segregated account in the custody of the
11 commissioner of taxation and finance. The proceeds of such account shall
12 be disbursed by the office, in accordance with eligibility and proce-
13 dures established by the rules and regulations promulgated by the
14 department pursuant to this article, for the participation of local
15 agencies in public comment periods or hearing procedures established by
16 this article, including the rules and regulations promulgated hereto.

17 2. All funds so held by the New York state energy research and devel-
18 opment authority shall be subject to an annual independent audit as part
19 of such authority's audited financial statements, and such authority
20 shall prepare an annual report summarizing account balances and activ-
21 ities for each fiscal year ending March thirty-first and provide such
22 report to the office no later than ninety days after commencement of
23 such fiscal year.

24 3. With respect to a person who has filed an application for a siting
25 permit pursuant to section four hundred fifty-seven of this article, the
26 department of public service is hereby directed to refund to that person
27 any amounts held in an intervenor account established pursuant to arti-
28 cles seven and ten of the public service law, as applicable, and with

1 respect to such persons, the office shall address the appropriate treat-
2 ment of funds already disbursed from the intervenor fund in taking and
3 assessing application fees pursuant to this section.

4 4. In addition to the fees established pursuant to subdivision one of
5 this section, the department, pursuant to regulations adopted pursuant
6 to this section, may assess a fee for the purpose of recovering the
7 costs the department incurs related to reviewing and processing an
8 application submitted under this article.

9 § 7. Subdivision 7 of section 487 of the real property tax law, as
10 amended by chapter 515 of the laws of 2002, is amended to read as
11 follows:

12 7. If the assessor is satisfied that the applicant is entitled to an
13 exemption pursuant to this section, he or she shall approve the applica-
14 tion and enter the taxable assessed value of the parcel for which an
15 exemption has been granted pursuant to this section on the assessment
16 roll with the taxable property, with the amount of the exemption set
17 forth in a separate column as computed pursuant to subdivision two of
18 this section and, if applicable section five hundred seventy-five-b of
19 this chapter in a separate column. In the event that real property
20 granted an exemption pursuant to this section ceases to be used primari-
21 ly for eligible purposes, the exemption granted pursuant to this section
22 shall cease.

23 § 8. Subparagraph (a) of subdivision 9 of section 487 of the real
24 property tax law, as amended by chapter 344 of the laws of 2014, is
25 amended and a new subparagraph (c) is added to read as follows:

26 (a) A county, city, town, village or school district, except a school
27 district under article fifty-two of the education law, that has not
28 acted to remove the exemption under this section may require the owner

1 of a property which includes a solar or wind energy system which meets
2 the requirements of subdivision four of this section, to enter into a
3 contract for payments in lieu of taxes. Such contract may require annual
4 payments in an amount not to exceed the amounts which would otherwise be
5 payable but for the exemption under this section. [If the owner or
6 developer of such a system provides written notification to a taxing
7 jurisdiction of its intent to construct such a system, then in order to
8 require the owner or developer of such system to enter into a contract
9 for payments in lieu of taxes, such taxing jurisdiction must notify such
10 owner or developer of its intent to require a contract for payments in
11 lieu of taxes within sixty days of receiving the written notification.]

12 (c) A county, city, town, village or school district that intends to
13 require a contract for payments in lieu of taxes pursuant to this
14 section shall, prior to execution of such contract, consult with the New
15 York state energy research and development authority in determining the
16 annual payments to be required in such contracts.

17 § 9. The real property tax law is amended by adding a new section
18 575-b to read as follows:

19 § 575-b. Solar or wind energy systems. The assessed value for solar or
20 wind energy system, as such term is defined in section four hundred
21 eighty-seven of this chapter, shall be determined by an income capital-
22 ization or discounted cash flow approach that includes the following:

23 1. An appraisal model identified and published by the department and
24 the New York state energy research and development authority; and

25 2. A discount rate published annually by the department and the New
26 York state energy research and development authority.

1 § 10. The third undesignated paragraph of section 852 of the general
2 municipal law, as amended by chapter 630 of the laws of 1977, is amended
3 to read as follows:

4 It is hereby further declared to be the policy of this state to
5 protect and promote the health of the inhabitants of this state and to
6 increase trade through promoting the development of facilities to
7 provide recreation for the citizens of the state and to attract tourists
8 from other states and to promote the development of renewable energy
9 projects to support the state's renewable energy goals as may be estab-
10 lished or amended from time to time.

11 § 11. Subdivision 4 of section 854 of the general municipal law, as
12 amended by section 6 of part J of chapter 59 of the laws of 2013, is
13 amended to read as follows:

14 (4) "Project" - shall mean any land, any building or other improve-
15 ment, and all real and personal properties located within the state of
16 New York and within or outside or partially within and partially outside
17 the municipality for whose benefit the agency was created, including,
18 but not limited to, machinery, equipment and other facilities deemed
19 necessary or desirable in connection therewith, or incidental thereto,
20 whether or not now in existence or under construction, which shall be
21 suitable for manufacturing, warehousing, research, commercial, renewable
22 energy or industrial purposes or other economically sound purposes iden-
23 tified and called for to implement a state designated urban cultural
24 park management plan as provided in title G of the parks, recreation and
25 historic preservation law and which may include or mean an industrial
26 pollution control facility, a recreation facility, educational or
27 cultural facility, a horse racing facility, a railroad facility, renewa-
28 ble energy project or an automobile racing facility, provided, however,

1 no agency shall use its funds or provide financial assistance in respect
2 of any project wholly or partially outside the municipality for whose
3 benefit the agency was created without the prior consent thereto by the
4 governing body or bodies of all the other municipalities in which a part
5 or parts of the project is, or is to be, located, and such portion of
6 the project located outside such municipality for whose benefit the
7 agency was created shall be contiguous with the portion of the project
8 inside such municipality.

9 § 12. Section 854 of the general municipal law is amended by adding a
10 new subdivision 21 to read as follows:

11 (21) "Renewable energy project" shall mean any project and associated
12 real property on which the project is situated, that utilizes any system
13 or equipment as set forth in section four hundred eighty-seven of the
14 real property tax law or as defined pursuant to paragraph b of subdivi-
15 sion one of section sixty-six-p of the public service law as added by
16 chapter one hundred six of the laws of two thousand nineteen.

17 § 13. The opening paragraph of section 858 of the general municipal
18 law, as amended by chapter 478 of the laws of 2011, is amended to read
19 as follows:

20 The purposes of the agency shall be to promote, develop, encourage and
21 assist in the acquiring, constructing, reconstructing, improving, main-
22 taining, equipping and furnishing industrial, manufacturing, warehous-
23 ing, commercial, research, renewable energy and recreation facilities
24 including industrial pollution control facilities, educational or
25 cultural facilities, railroad facilities, horse racing facilities, auto-
26 mobile racing facilities, renewable energy projects and continuing care
27 retirement communities, provided, however, that, of agencies governed by
28 this article, only agencies created for the benefit of a county and the

1 agency created for the benefit of the city of New York shall be author-
2 ized to provide financial assistance in any respect to a continuing care
3 retirement community, and thereby advance the job opportunities, health,
4 general prosperity and economic welfare of the people of the state of
5 New York and to improve their recreation opportunities, prosperity and
6 standard of living; and to carry out the aforesaid purposes, each agency
7 shall have the following powers:

8 § 14. Paragraph (b) of subdivision 5 of section 859-a of the general
9 municipal law, as added by chapter 563 of the laws of 2015, is amended
10 to read as follows:

11 (b) a written cost-benefit analysis by the agency that identifies the
12 extent to which a project will create or retain permanent, private
13 sector jobs; the estimated value of any tax exemptions to be provided;
14 the amount of private sector investment generated or likely to be gener-
15 ated by the proposed project; the contribution of the project to the
16 state's renewable energy goals and emission reduction targets as set
17 forth in the state energy plan adopted pursuant to section 6-104 of the
18 energy law; the likelihood of accomplishing the proposed project in a
19 timely fashion; and the extent to which the proposed project will
20 provide additional sources of revenue for municipalities and school
21 districts; and any other public benefits that might occur as a result of
22 the project;

23 § 15. Section 859-a of the general municipal law is amended by adding
24 a new subdivision 7 to read as follows:

25 7. Each agency shall consult with and seek advice and assistance from
26 the New York state energy research and development authority, as defined
27 in section eighteen hundred fifty-one of the public authorities law, in
28 calculating payments in lieu of taxes for renewable energy projects.

1 § 16. Subdivision 2 of section 1852 of the public authorities law, as
2 amended by chapter 156 of the laws of 2014, is amended to read as
3 follows:

4 2. The membership of the authority shall consist of [~~thirteen~~] fifteen
5 members, to be as follows: the commissioner of the department of trans-
6 portation, the commissioner of the department of environmental conserva-
7 tion, the chair of the public service commission, the president and
8 chief executive officer of the power authority of the State of New York,
9 and the chair of the New York state urban development corporation, all
10 of whom shall serve ex-officio; and [~~nine~~] ten members appointed by the
11 governor by and with the advice and consent of the senate; one of whom
12 shall be an engineer or a research scientist with a degree in the phys-
13 ical sciences or engineering who has not been employed in the nuclear
14 fission field for three years preceding the appointment and who shall
15 not be so employed during his or her term; one of whom shall have
16 significant expertise in the siting of renewable energy facilities who
17 has not been employed by a renewable energy generator for three years
18 preceding the appointment and whom shall not be so employed during his
19 or her term; one of whom shall be an economist who shall not have
20 received more than one-tenth of his or her income from an electric util-
21 ity or gas utility for three years preceding the appointment and who
22 shall not so derive more than one-tenth of his or her income during such
23 term; one of whom who shall be a member of a not-for-profit environ-
24 mental group; one of whom shall be a member of a not-for-profit consumer
25 group; one of whom who shall be an officer of a utility primarily
26 engaged in the distribution of gas; and one of whom shall be an officer
27 of an electric utility. The governor shall designate the chair. Of the
28 nine members appointed by the governor, two shall be appointed for terms

1 expiring April first, nineteen hundred seventy-eight, two for terms
2 expiring April first, nineteen hundred eighty, two for terms expiring
3 April first, nineteen hundred eighty-one, and three for terms expiring
4 April first, nineteen hundred eighty-two. Persons appointed by the
5 governor for full terms as successors to such members shall serve for
6 terms of six years each commencing as of April first. In the event of a
7 vacancy occurring in the office of a member by death, resignation or
8 otherwise, the governor shall appoint a successor, by and with the
9 advice and consent of the senate, to serve the balance of the unexpired
10 term.

11 § 17. The opening paragraph of section 1854 of the public authorities
12 law, as amended by chapter 558 of the laws of 1980, is amended to read
13 as follows:

14 The purposes of the authority shall be to work in collaboration with
15 the department of economic development, the New York state urban devel-
16 opment corporation and any of their affiliates, to develop, invest in
17 and implement new energy technologies and projects consistent with
18 economic development and investment, social and environmental objec-
19 tives, to develop and encourage energy conservation technologies and
20 projects, to promote, develop, invest in, encourage and assist in the
21 acquiring, constructing, improving, maintaining, equipping and furnish-
22 ing of industrial, manufacturing, warehousing, commercial, research and
23 industrial pollution control facilities at the Saratoga Research and
24 Development Center, and to promote, develop, encourage and assist
25 special energy projects and thereby advance job opportunities, health,
26 general prosperity and economic welfare of the people of the state of
27 New York. In carrying out such purposes, the authority shall, with
28 respect to the activities specified, have the following powers:

1 § 18. Article 8 of the public authorities law is amended by adding a
2 new title 9-B to read as follows:

3 Title 9-B

4 CLEAN ENERGY RESOURCES DEVELOPMENT AND INCENTIVES PROGRAM

5 Section 1900. Statement of legislative intent.

6 1901. Definitions.

7 1902. Powers and duties.

8 1903. Eligibility.

9 1904. Funding.

10 § 1900. Statement of legislative intent. It is the intent of the
11 legislature in enacting this title to empower the New York state energy
12 research and development authority to establish effective programs and
13 other mechanisms to: (1) foster and encourage the orderly and expedient
14 siting and development of major renewable energy facilities consistent
15 with applicable law for the purpose of enabling the state to meet emis-
16 sions, renewable energy and other targets in the New York state climate
17 leadership and community protection act; (2) incentivize the re-use of
18 previously developed sites to protect the value of taxable land, capi-
19 talize on existing infrastructure; and (3) support the provision of
20 reasonable benefits to communities that host major renewable energy
21 facilities.

22 § 1901. Definitions. As used in this title, the following terms shall
23 have the following meanings:

24 1. "Act" means the accelerated renewable energy growth and community
25 benefit act.

26 2. "Authority" shall have the same meaning as in subdivision two of
27 section eighteen hundred fifty-one of this article.

28 3. "Commission" shall mean the public service commission.

1 4. "Departments" shall mean the department of environmental conserva-
2 tion, the department of agriculture and markets, the department of
3 economic development and the department of public service.

4 5. "Host community" shall mean any municipality within which a major
5 renewable energy facility, or any portion thereof, has been proposed for
6 development.

7 6. "Major renewable energy facility" shall mean facilities as defined
8 in subdivision six of section four hundred fifty-three of the economic
9 development law and facilities intending or anticipating to be consid-
10 ered as major renewable energy facilities pursuant to subdivision five
11 of section four hundred fifty-seven of the economic development law.

12 7. "Municipality" shall mean a county, city, town or village or poli-
13 tical subdivision.

14 8. "Build-ready site" shall mean a site for which the authority has
15 secured permits, property interests, agreements and/or other authori-
16 zations which the authority determines are reasonably adequate under the
17 circumstances in order to offer such site for further development,
18 construction and operation in accordance with the other provisions of
19 this title.

20 § 1902. Powers and duties. The authority is hereby authorized and
21 directed to undertake such actions it deems necessary or convenient to
22 foster and encourage the siting and development of major renewable ener-
23 gy facilities at appropriate locations throughout the state in accord-
24 ance with this title, work in collaboration with the New York state
25 urban development corporation and any of their affiliates, including
26 without limitation:

27 1. (a) Locate, identify and assess sites within the state that appear
28 suitable for the development of major renewable energy facilities

1 including for the specific purpose of producing build-ready sites. Such
2 assessment may include but need not be limited to the following consid-
3 erations:

4 (i) natural conditions at the site that are favorable to renewable
5 energy generation;

6 (ii) current land uses at or near the site;

7 (iii) environmental conditions at or near the site;

8 (iv) the availability and characteristics of any transmission or
9 distribution facilities on or near the site that could be used to facil-
10 itate the delivery of energy from the site, including existing or poten-
11 tial constraints on such facilities;

12 (v) the potential for the development of energy storage facilities at
13 or near the site;

14 (vi) potential impacts of development on disadvantaged communities;
15 and

16 (vii) expressions of commercial interest in the site or general
17 location by developers of major renewable energy facilities.

18 (b) In making such assessment the authority is authorized to and to
19 give priority to existing or abandoned commercial uses, including with-
20 out limitation brownfields, landfills, former commercial or industrial
21 sites, and abandoned or otherwise underutilized sites;

22 2. Notwithstanding any provision of law to the contrary, negotiate and
23 enter into agreements with persons who own or control interests in
24 favorable sites for the purpose of securing the rights and interests
25 necessary to enable the authority to establish build-ready sites;

26 3. Establish procedures and protocols for the purpose of establishing
27 build-ready sites;

1 4. Undertake all work and secure such permits as the authority deems
2 necessary or convenient to facilitate the process of establishing build-
3 ready sites and for the transfer of the build-ready sites to developers
4 selected pursuant to the process authorized by this title or any other
5 process authorized by law;

6 5. Notwithstanding any other law to the contrary, including title
7 five-A of article nine of this chapter, establish a program, including
8 eligibility and other criteria, pursuant to which the authority would,
9 through a competitive process, transfer rights and other interests in
10 build-ready sites and development rights to developers for the purpose
11 of facilitating the development of major renewable energy facilities on
12 such build-ready sites. Such transactions may include the transfer of
13 rights, interests and obligations existing under agreements providing
14 for host community benefits negotiated by the authority pursuant to
15 programs established pursuant to subdivision six of this section on such
16 terms and conditions as the authority deems appropriate;

17 6. Establish one or more programs pursuant to which property owners
18 and communities would receive incentives to host major renewable energy
19 facilities developed for the purpose of advancing the state policies
20 embodied in this article. Such program may include without limitation,
21 and notwithstanding any other provision of law to the contrary,
22 provisions for the authority to negotiate and enter into agreements with
23 property owners and host communities providing for incentives, including
24 a payment in lieu of taxes, the transfer of the authority's interests in
25 such agreements to developers to whom build-ready sites are transferred,
26 and the provision of information and guidance to stakeholders concerning
27 incentives;

1 7. Procure the services of one or more service providers, including
2 without limitation environmental consultants, engineers and attorneys,
3 to support the authority's responsibilities under this section and
4 perform such other functions as the authority deems appropriate;

5 8. In consultation with the department of economic development, the
6 department of labor and other state agencies and authorities having
7 experience with job training programs, assess the need for and avail-
8 ability of workforce training in the local area of build-ready sites to
9 support renewable energy development with special attention to disadvan-
10 tagged communities and, subject to available funding, establish one or
11 more programs pursuant to which financial support can be made available
12 for the local workforce and under-employed populations in the area;

13 9. Manage, allocate and spend any monies made available to the author-
14 ity in furtherance of this title as the authority determines to be
15 appropriate for the proper administration of programs created pursuant
16 to this title;

17 10. Where the authority determines that it would be beneficial to the
18 policy embodied in this title, the authority may offer financing or
19 other incentives to eligible developers, including without limitation
20 measures and activities undertaken by the authority in conjunction with
21 its administration of the state's clean energy standard or similar
22 program as established in commission orders, including without limita-
23 tion orders issued in commission case number 15-E-0302;

24 11. Request and receive the assistance of, the departments or any
25 other state agency or authority, within their respective relevant
26 subject matter expertise, to support the administration of the program
27 created pursuant to this title; and

1 12. Exercise such other powers and take all other actions the authori-
2 ty deems necessary or convenient for the proper administration of the
3 program created pursuant to this title.

4 § 1903. Eligibility. The authority may establish and revise any eligi-
5 bility and evaluation criteria it deems appropriate for the proper
6 administration of the programs created pursuant to this title.

7 § 1904. Funding. 1. The authority may seek funding from any authorized
8 or other available source to administer this program.

9 2. Without limiting the foregoing, the authority may submit a petition
10 or other appropriate filing to the commission describing the activities
11 it has taken and plans to undertake in furtherance of the policy
12 embodied in this title. Such filing may include a request for funding to
13 allow such activities to proceed promptly and for a period of at least
14 five years from the date of the order responding to such petition. The
15 commission shall, in accordance with and as promptly as authorized by
16 existing law and regulation but in no event more than four months
17 following the submission of the petition, issue an order responding to
18 such petition subject to any necessary and reasonable limitations based
19 on the public service law.

20 § 19. State power grid study and program to achieve CLCPA targets. 1.
21 As used in this section:

22 (a) "CLCPA targets" means the public policies established in the
23 climate leadership and community protection act enacted in chapter 106
24 of the laws of 2019, including the requirements that a minimum of 70%
25 statewide electric generation be produced by renewable energy systems by
26 2030, by the year 2040 the statewide electrical demand system will
27 generate zero emissions, and the state's jurisdictional load serving
28 entities will procure at least 9 gigawatts of offshore wind electricity

1 generation by 2035, six gigawatts of photovoltaic solar generation by
2 2025, and support 3 gigawatts of statewide energy storage capacity by
3 2030, as such policies may from time to time be amended.

4 (b) "Commission" means the public service commission.

5 (c) "Department" means the department of public service.

6 (d) "Distribution upgrade" means a new distribution facility or an
7 improvement, enhancement, replacement, or other modification to the
8 electric power grid at the distribution level in a utility's service
9 territory that facilitates achievement of the CLCPA targets.

10 (e) "Local transmission upgrade" means a new transmission facility
11 that is identified within a utility's local transmission capital plan,
12 an upgrade to local transmission facility as defined in the tariff of
13 the state grid operator, or an improvement, enhancement, replacement, or
14 other modification to a transmission facility in a utility's service
15 territory that facilitates achievement of the CLCPA targets.

16 (f) "Major renewable energy facility" has the same meaning as in
17 subdivision 6 of section 453 of the economic development law.

18 (g) "Bulk transmission investment" means a new transmission facility
19 or an improvement, enhancement, replacement, or other modification to
20 the state's bulk electric transmission grid that facilitates achievement
21 of the CLCPA targets and includes without limitation alternating current
22 facilities and high voltage direct current facilities, including subma-
23 rine transmission facilities.

24 (h) "State grid operator" means the federally designated electric bulk
25 system operator for New York state.

26 (i) "Utility" means an electric transmission or delivery utility or
27 any other person owning or maintaining an electric transmission or
28 delivery system, over which the commission has jurisdiction.

1 2. The department, in consultation with the New York state energy
2 research and development authority, the power authority of the state of
3 New York, the Long Island power authority, the state grid operator, and
4 the utilities shall undertake a comprehensive study for the purpose of
5 identifying distribution upgrades, local transmission upgrades and bulk
6 transmission investments that are necessary or appropriate to facilitate
7 the timely achievement of the CLCPA targets (collectively, "power grid
8 study"). The power grid study shall address needed distribution upgrades
9 and local transmission upgrades for each utility service territory and
10 separately address needed bulk transmission system investments. In
11 performing the study, the department may consider such issues it deter-
12 mines to be appropriate including by way of examples system reliability;
13 safety; cost-effectiveness of upgrades and investments in promoting
14 development of major renewable energy facilities and relieving or avoid-
15 ing constraints; and factors considered by the office of renewable ener-
16 gy siting in issuing and enforcing renewable energy siting permits
17 pursuant to article 23 of the economic development law. In carrying out
18 the study, the department is authorized to gather input from owners and
19 developers of competitive transmission projects, the state grid opera-
20 tor, and providers of transmission technology and smart grid solutions,
21 and to utilize information available to the department from other perti-
22 nent studies or research relating to modernization of the state's power
23 grid. To enable the state to meet the CLCPA targets in an orderly and
24 cost-effective manner, the department may issue findings and recommenda-
25 tions as part of the power grid study at reasonable intervals but shall
26 make an initial report of findings and recommendations within 270 days
27 of the effective date of this section.

1 3. The commission shall, within 30 days of the initial findings and
2 recommendations required by subdivision 2 of this section, or at such
3 earlier time as the commission determines to be appropriate, commence a
4 proceeding to establish a distribution and local transmission capital
5 plan for each utility in whose service territory the power grid study
6 identified distribution upgrades and local transmission upgrades that
7 the department determines are necessary or appropriate to achieve the
8 CLCPA targets (the "state distribution and local transmission upgrade
9 programs"). The state distribution and local transmission upgrade
10 programs shall establish a prioritized schedule upon which each such
11 upgrade shall be accomplished. Concurrently, the Long Island power
12 authority shall establish a capital program to address identified
13 distribution and local transmission upgrades in its service territory.

14 4. The commission shall, within thirty days of the initial findings
15 and recommendations required by subdivision 2 of this section, commence
16 a proceeding to establish a bulk transmission system investment program
17 that identifies bulk transmission investments that the commission deter-
18 mines are necessary or appropriate to achieve the CLCPA targets (the
19 "state bulk transmission investment plan"). The commission shall estab-
20 lish a prioritized schedule for implementation of the state bulk trans-
21 mission investment plan, and in particular shall identify projects which
22 shall be completed expeditiously to meet the CLCPA targets. The commis-
23 sion shall periodically review and update the state bulk transmission
24 investment plan, and its designation of projects in that plan which
25 shall be completed expeditiously. The state bulk transmission invest-
26 ment plan shall be submitted by the commission to the state grid opera-
27 tor for appropriate incorporation into the state grid operator's studies
28 and plans.

1 5. The legislature finds and determines that timely development of the
2 bulk transmission investments identified in the state bulk transmission
3 investment plan is in the public interest of the people of the state of
4 New York. The legislature further finds and determines that the power
5 authority of the state of New York owns and operates backbone electric
6 transmission assets in New York, has rights-of-way that can support in
7 whole or in part bulk transmission investment projects, and has the
8 financial stability, access to capital, technical expertise and experi-
9 ence to effectuate expeditious development of bulk transmission invest-
10 ments needed to help the state meet the CLCPA targets, and thus it is
11 appropriate for the power authority of the state of New York, subject to
12 the approval of its trustees, by itself or in collaboration with other
13 parties as it determines to be appropriate, to develop those bulk trans-
14 mission improvements found by the commission to be needed expeditiously
15 to achieve CLCPA targets.

16 6. For the state distribution and local transmission upgrade program,
17 the commission shall address implementation of such upgrades pursuant to
18 the existing processes under the public service law. The department
19 shall also make recommendations to the Long Island power authority for
20 upgrades for purposes of assisting the state to achieve the CLCPA
21 targets.

22 7. No later than January 1, 2023, and every 4 years thereafter, the
23 commission shall, after notice and provision for the opportunity to
24 comment, issue a comprehensive review of the actions taken pursuant to
25 this section and their impacts on grid congestion and achievement of the
26 CLCPA targets, and shall institute new proceedings as the commission
27 determines to be necessary to address any deficiencies identified there-
28 with.

1 8. The power authority of the state of New York and the New York state
2 energy research and development authority, are each authorized, as
3 deemed feasible and advisable by their respective boards, to contribute
4 to the cost of the power grid study required by subdivision 2 of this
5 section.

6 9. The power authority of the state of New York is authorized and
7 directed to use existing rights-of-way when undertaking bulk trans-
8 mission investments identified in the state bulk transmission investment
9 plan.

10 10. Nothing in this section is intended to:

11 (a) limit, impair, or affect the legal authority of the power authori-
12 ty that existed as of the effective date of this section; or

13 (b) limit the authority of the power authority to undertake any trans-
14 mission project, including bulk transmission investments, and recover
15 costs under any other process or procedure authorized by state or feder-
16 al law as the authority determines to be appropriate.

17 § 20. Host community benefit. 1. Definitions. As used in this section,
18 the following terms shall have the following meanings:

19 (a) "Renewable host community" shall mean any municipality within
20 which a major renewable energy facility defined in article 23 of the
21 economic development law, or any portion thereof, has been proposed for
22 development.

23 (b) "Renewable owner" shall mean the owner of a major renewable energy
24 facility constructed after the effective date of this section that is
25 proposed to be located in a host community, for which the New York state
26 energy research and development authority has executed an agreement for
27 the acquisition of environmental attributes related to a solicitation
28 issued by such authority after the effective date of this section.

1 (c) "Utility" means an electric distribution utility regulated pursu-
2 ant to section 66 of the public service law and serving customers within
3 a host community.

4 2. The public service commission shall, within 60 days from the effec-
5 tive date hereof, commence a proceeding to establish a program under
6 which renewable owners would fund a program to provide a discount or
7 credit on the utility bills of the utility's customers in a renewable
8 host community, or a compensatory or environmental benefit to such
9 customers. Such proceeding shall determine the amount of such discount,
10 credit, compensatory or environmental benefit based on all factors
11 deemed appropriate by the commission, including the expected average
12 electrical output of the facility, the average number of customers with-
13 in the renewable host community, and the expected aggregate annual elec-
14 tric consumption within such renewable host community, the potential
15 impact on disadvantaged communities, and the role of utilities, if any,
16 in implementing any aspect of such program. The Long Island power
17 authority shall establish a program for renewable facilities in its
18 service territory to achieve the same objectives.

19 § 21. Subdivision 3 of section 123 of the public service law, as added
20 by chapter 252 of the laws of 2002, is amended to read as follows:

21 3. Unless otherwise stipulated by the applicant[, a final determi-
22 nation regarding an application for a certificate to construct trans-
23 mission facilities for interconnection with a wind energy production
24 facility located in the county of Lewis shall be rendered within six
25 months from the date of receipt of a compliant application.]:

26 (a) proceedings on an application for a major utility transmission
27 facility as defined in paragraph a of subdivision two of section one
28 hundred twenty of this article shall be completed in all respects,

1 including a final decision by the commission, within twelve months from
2 the date of a determination by the secretary of the commission that an
3 application complies with section one hundred twenty-two of this arti-
4 cle; provided, however, the commission may extend the deadline in
5 reasonable circumstances by no more than six months in order to give
6 consideration to specific issues necessary to develop an adequate
7 record, because the applicant has been unable to obtain necessary
8 approvals and/or consents related to highway crossings or for other
9 reasons deemed in the public interest. The commission shall render a
10 final decision on the application by the aforementioned deadlines unless
11 such deadlines are waived by the applicant or if the applicant notices
12 the application for settlement, in which case the timeframes established
13 in this paragraph are tolled until such time that settlement discussions
14 are suspended. If, at any time subsequent to the commencement of the
15 hearing, there is a substantive and significant amendment to the appli-
16 cation, the deadlines may be extended by no more than six months, unless
17 such deadline is waived by the applicant, to consider such amendment.

18 (b) the commission shall promulgate rules or regulations to establish
19 an expedited process for proceedings on applications for a major utility
20 transmission facility as defined in paragraph a of subdivision two of
21 section one hundred twenty of this article that (i) would be constructed
22 within existing rights of way, (ii) the commission determines would not
23 result in any significant adverse environmental impacts considering
24 current uses and conditions existing at the site, or (iii) would neces-
25 sitate expanding the existing rights-of-way but such expansion is only
26 for the purpose of complying with law, regulations, or industry prac-
27 tices relating to electromagnetic fields.

1 (c) for purposes of this subdivision, the following terms shall have
2 the following meanings:

3 (i) "Expedited process" shall mean a process for proceedings on appli-
4 cations for a major electric transmission facility that is completed in
5 all respects, including a final decision by the commission, within nine
6 months from the date of a determination by the secretary of the commis-
7 sion that an application complies with section one hundred twenty-two of
8 this article; provided, however, that if the applicant notices the
9 application for settlement, the timeframe established in this paragraph
10 shall be tolled until such time that settlement discussions are
11 suspended.

12 (ii) "Right-of-way" shall mean (a) real property that is used or
13 authorized to be used for electric utility purposes, or (b) real proper-
14 ty owned or controlled by or under the jurisdiction of the state, a
15 distribution utility, or a state public authority including by means of
16 ownership, lease or easement, that is used or authorized to be used for
17 transportation or canal purposes.

18 § 22. Paragraphs (c) and (d) of subdivision 1 of section 126 of the
19 public service law, paragraph (c) as amended by chapter 406 of the laws
20 of 1987 and paragraph (d) as amended by chapter 521 of the laws of 2015,
21 are amended, paragraph (h) of subdivision 1 is relettered paragraph (i)
22 and a new paragraph (h) is added to read as follows:

23 (c) that the facility [represents the minimum] minimizes to the extent
24 practicable any significant adverse environmental impact, considering
25 the state of available technology and the nature and economics of the
26 various alternatives, and other pertinent considerations including but
27 not limited to, the effect on agricultural lands, wetlands, parklands
28 and river corridors traversed;

(d) that the facility [represents a minimum] minimizes to the extent practicable any significant adverse impact on active farming operations that produce crops, livestock and livestock products, as defined in section three hundred one of the agriculture and markets law, considering the state of available technology and the nature and economics of various alternatives, and the ownership and easement rights of the impacted property;

(h) with respect to any bulk transmission investment identified in the state bulk transmission investment plan developed under the act that added this subdivision for which the commission has found that expeditious construction is necessary to meet the climate leadership and community protection act targets and for which the power authority of the state of New York alone or in collaboration with other parties is the applicant;

§ 23. Notwithstanding any other law to the contrary, including sections 2879-a and 2897 of the public authorities law, the power authority of the state of New York, the Long Island power authority and the New York state energy research and development authority may each negotiate and enter into agreements with other parties providing for the conveyance of interests in real property provided that in the case of any such conveyance such entity determines that the conveyance will further the purposes of this act or provide other benefits to the entity or the state.

§ 24. The environmental conservation law is amended by adding a new section 11-0535-c to read as follows:

§ 11-0535-c. Endangered and threatened species mitigation bank fund.

1. The department is hereby authorized to utilize funds in the endangered and threatened species mitigation bank fund, established pursuant

1 to section ninety-nine-hh of the state finance law, for the purposes of
2 facilitating the achievement of a net conservation benefit to endangered
3 or threatened species which may be impacted by the construction or oper-
4 ation of a major renewable energy facility or other jurisdictional
5 activities reviewed by the department pursuant to this title.

6 2. Such fund shall consist of contributions, in an amount determined
7 by the department, deposited by an applicant granted a permit pursuant
8 to this title or otherwise given approval for projects which may have an
9 impact on endangered or threatened species, including a siting permit to
10 construct a major renewable energy facility, where such applicant has
11 been ordered to mitigate harm to a threatened or endangered species or
12 its habitat.

13 3. In administering the provisions of this article, the commissioner:

14 a. May, in the name of the state, enter into contracts with not-for-
15 profit corporations, private or public universities, and private
16 contractors for services contemplated by this title. Such contracts
17 shall be subject to approval by the state comptroller and, as to form,
18 by the attorney general.

19 b. Shall approve vouchers for payments pursuant to an approved
20 contract. All such payments shall be paid on the audit and warrant of
21 the state comptroller;

22 c. May, in the name of the state, enter into contracts with a not-for-
23 profit corporation to administer grants made pursuant to this title,
24 including the approval and payment of vouchers for approved contracts;
25 and

26 d. May perform such other and further acts as may be necessary, prop-
27 er, or desirable to carry out the provisions of this article.

1 4. Nothing in this article shall be construed to limit or restrict any
2 powers of the commissioner or any other agency pursuant to any other
3 provision of law.

4 5. The commissioner is authorized and directed to promulgate any regu-
5 lations deemed necessary to implement this section.

6 § 25. The state finance law is amended by adding a new section 99-hh
7 to read as follows:

8 § 99-hh. Endangered and threatened species mitigation bank fund. 1.
9 There is hereby established in the joint custody of the comptroller and
10 the commissioner of taxation and finance a special fund to be known as
11 the "Endangered and threatened species mitigation bank fund".

12 2. Such fund shall consist of all revenues received pursuant to the
13 provisions of section 11-0535-c of the environmental conservation law
14 and all other moneys appropriated, credited, or transferred thereto from
15 any other fund or source pursuant to law.

16 3. All moneys deposited in the endangered and threatened species miti-
17 gation bank fund shall be available for projects undertaken to facili-
18 tate a net conservation benefit to endangered and threatened species
19 potentially impacted by approvals provided by the department for activ-
20 ities, such as construction of a major renewable energy facility or by
21 any other proposed activities as determined by the department pursuant
22 to subdivision one of section 11-0535-c of the environmental conserva-
23 tion law.

24 4. Monies shall be payable from the fund on the audit and warrant of
25 the comptroller on vouchers approved and certified by the commissioner
26 of environmental conservation.

27 § 26. Severability. If any clause, sentence, paragraph, section or
28 part of this act shall be adjudged by any court of competent jurisdic-

1 tion to be invalid, such judgment shall not affect, impair or invalidate
2 the remainder thereof, but shall be confined in its operation to the
3 clause, sentence, paragraph, section or part thereof directly involved
4 in the controversy in which such judgment shall have been rendered.

5 § 27. This act shall take effect immediately.