

STATE OF NEW YORK

3008--B

IN ASSEMBLY

February 1, 2023

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

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); to amend part PP of chapter 54 of the laws of 2016, amending the public authorities law relating to the New York transit authority and the metropolitan transportation authority, in relation to making permanent certain tax increment financing provisions; to amend the public authorities law, in relation to contracts entered into by the metropolitan commuter transportation district (Part C); intentionally omitted (Part D); intentionally omitted (Part E); intentionally omitted (Part F); to amend chapter 929 of the laws of 1986 amending the tax law and other laws relating to the metropolitan transportation authority, in relation to extending certain provisions thereof applicable to the resolution of labor disputes (Part G); intentionally omitted (Part H); intentionally omitted (Part I); to amend part FF of chapter 55 of the laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to the effectiveness thereof (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to amend the vehicle and traffic law, in relation to county clerk retention of fees (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend the racing, pari-mutuel wagering and breeding law, the state finance law and the public authorities law, in relation to the disposition of money from certain gaming activity; and providing for the repeal of such provisions upon expiration thereof (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); to amend

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

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chapter 97 of the laws of 2019 amending the public authorities law relating to the award of contracts to small businesses, minority-owned business enterprises and women-owned business enterprises, in relation to extending the effectiveness thereof (Part BB); intentionally omitted (Part CC); to amend the New York state urban development corporation act, in relation to establishing a matching grant program for certain small businesses receiving funding under the federal small business innovation research program or the small business technology transfer program (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act relating to the powers of the New York state urban development corporation to make loans, in relation to extending loan powers (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); to amend the New York state urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part JJ); intentionally omitted (Part KK); to amend part BB of chapter 58 of the laws of 2012, amending the public authorities law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to the effectiveness thereof (Part LL); to amend the vehicle and traffic law and the parks, recreation and historic preservation law, in relation to fees for the registration of snowmobiles and fees collected for the snowmobile trail and maintenance fund (Part MM); intentionally omitted (Part NN); to amend the general municipal law, in relation to purchase contracts for New York state grown, harvested, or produced food and food products (Part OO); intentionally omitted (Part PP); to amend the environmental conservation law, in relation to environmental restoration projects (Part QQ); to amend the environmental conservation law and chapter 55 of the laws of 2021 amending the environmental conservation law relating to establishing a deer hunting pilot program, in relation to extending the youth deer hunting program (Part RR); to amend the environmental conservation law, in relation to pesticide registration timetables and fees and to amend chapter 67 of the laws of 1992, amending the environmental conservation law relating to pesticide product registration timetables and fees, in relation to the effectiveness thereof (Part SS); intentionally omitted (Part TT); to amend the local finance law, in relation to providing a period of probable usefulness for lead service line replacement programs as a capital asset (Part UU); to authorize utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of environmental conservation, department of state, and the office of parks, recreation and historic preservation from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part VV); to amend the energy law, the public authorities law and the public buildings law, in relation to enacting the "all-electric building and state decarbonization act" (Part WW); intentionally omitted (Part XX); intentionally omitted (Part YY); in relation to authorizing the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation from an assessment on gas and electric corporations (Part ZZ); intentionally omitted (Part AAA); to

amend the economic development law, in relation to establishing the New York youth jobs connector program (Part BBB); to amend the general municipal law, in relation to providing Suffolk county certain fees for the services of the Suffolk county traffic and parking violations agency (Part CCC); to amend the New York state urban development corporation act, in relation to establishing a small business inflation assistance grant program (Part DDD); to amend the public authorities law, in relation to establishing the empower plus program (Part EEE); and to amend the public service law, in relation to the administration of the energy affordability program (Part FFF)

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

1 Section 1. This act enacts into law major components of legislation
 2 necessary to implement the state transportation, economic development
 3 and environmental conservation budget for the 2023-2024 state fiscal
 4 year. Each component is wholly contained within a Part identified as
 5 Parts A through FFF. The effective date for each particular provision
 6 contained within such Part is set forth in the last section of such
 7 Part. Any provision in any section contained within a Part, including
 8 the effective date of the Part, which makes a reference to a section "of
 9 this act", when used in connection with that particular component, shall
 10 be deemed to mean and refer to the corresponding section of the Part in
 11 which it is found. Section three of this act sets forth the general
 12 effective date of this act.

13 PART A

14 Intentionally Omitted

15 PART B

16 Intentionally Omitted

17 PART C

18 Section 1. Section 3 of part PP of chapter 54 of the laws of 2016,
 19 amending the public authorities law relating to the New York transit
 20 authority and the metropolitan transportation authority, as amended by
 21 section 1 of part J of chapter 58 of the laws of 2022, is amended to
 22 read as follows:

23 § 3. This act shall take effect immediately; provided that the amend-
 24 ments to subdivision 1 of section 119-r of the general municipal law
 25 made by section two of this act shall expire and be deemed repealed
 26 April 1, [2023] 2033, and provided further that such repeal shall not
 27 affect the validity or duration of any contract entered into before that
 28 date pursuant to paragraph f of such subdivision.

29 § 2. Subdivision 1 of section 1265-a of the public authorities law, as
 30 amended by section 1-a of subpart C of part ZZZ of chapter 59 of the
 31 laws of 2019, is amended to read as follows:

32 1. The provisions of this section shall only apply to procurements by
 33 the authority commenced during the period from April first, nineteen

1 hundred eighty-seven until December thirty-first, nineteen hundred nine-
2 ty-one, and during the period from December sixteenth, nineteen hundred
3 ninety-three until [June thirtieth] April first, two thousand [twenty-
4 three] twenty-four; provided, however, that the provisions of this
5 section shall not apply to (i) the award of any contract of the authori-
6 ty if the bid documents for such contract so provide and such bid docu-
7 ments are issued within sixty days of the effective date of this section
8 or within sixty days of December sixteenth, nineteen hundred ninety-
9 three, or (ii) for a period of one hundred eighty days after the effec-
10 tive date of this section or for a period of one hundred eighty days
11 after December sixteenth, nineteen hundred ninety-three, the award of
12 any contract for which an invitation to bid, solicitation, request for
13 proposal, or any similar document has been issued by the authority prior
14 to the effective date of this section or during the period from January
15 first, nineteen hundred ninety-two until December sixteenth, nineteen
16 hundred ninety-three.

17 § 3. This act shall take effect immediately.

18 PART D

19 Intentionally Omitted

20 PART E

21 Intentionally Omitted

22 PART F

23 Intentionally Omitted

24 PART G

25 Section 1. Section 45 of chapter 929 of the laws of 1986 amending the
26 tax law and other laws relating to the metropolitan transportation
27 authority, as amended by chapter 120 of the laws of 2021, is amended to
28 read as follows:

29 § 45. This act shall take effect immediately; except that: (a) para-
30 graph (d) of subdivision 3 of section 1263 of the public authorities
31 law, as added by section twenty-six of this act, shall be deemed to have
32 been in full force and effect on and after August 5, 1986; (b) sections
33 thirty-three and thirty-four of this act shall not apply to a certified
34 or recognized public employee organization which represents any public
35 employees described in subdivision 16 of section 1204 of the public
36 authorities law and such sections shall expire on July 1, [2023] 2025
37 and nothing contained within these sections shall be construed to divest
38 the public employment relations board or any court of competent juris-
39 diction of the full power or authority to enforce any order made by the
40 board or such court prior to the effective date of this act; (c) the
41 provisions of section thirty-five of this act shall expire on March 31,
42 1987; and (d) provided, however, the commissioner of taxation and
43 finance shall have the power to enforce the provisions of sections two
44 through nine of this act beyond December 31, 1990 to enable such commis-
45 sioner to collect any liabilities incurred prior to January 1, 1991.

1 § 2. This act shall take effect immediately.

2 PART H

3 Intentionally Omitted

4 PART I

5 Intentionally Omitted

6 PART J

7 Section 1. Section 3 of part FF of chapter 55 of the laws of 2017,
8 relating to motor vehicles equipped with autonomous vehicle technology,
9 as amended by section 1 of part GG of chapter 58 of the laws of 2021, is
10 amended to read as follows:

11 § 3. This act shall take effect April 1, 2017; provided, however, that
12 section one of this act shall expire and be deemed repealed April 1,
13 [2023] 2024.

14 § 2. This act shall take effect immediately.

15 PART K

16 Intentionally Omitted

17 PART L

18 Intentionally Omitted

19 PART M

20 Section 1. Subdivisions 3 and 3-a of section 205 of the vehicle and
21 traffic law, subdivision 3 as amended by section 3 of part G of chapter
22 59 of the laws of 2008, and subdivision 3-a as added by section 1 of
23 part F of chapter 58 of the laws of 2012, are amended to read as
24 follows:

25 3. Each such county clerk shall retain from fees collected for any
26 motor vehicle related service described in subdivision one of this
27 section processed by such county clerk an amount based on a percentage
28 of gross receipts collected. For purposes of this section, the term
29 "gross receipts" shall include all fines, fees and penalties collected
30 pursuant to this chapter by a county clerk acting as agent of the
31 commissioner, but shall not include any state or local sales or compen-
32 sating use taxes imposed under or pursuant to the authority of articles
33 twenty-eight and twenty-nine of the tax law and collected by such clerk
34 on behalf of the commissioner of taxation and finance. The retention
35 percentage shall be [12.7] 10.75 percent [and shall take effect April
36 first, nineteen hundred ninety-nine; provided, however, the retention
37 percentage shall be thirty percent of the thirty dollar fee established
38 in paragraph (e) of subdivision two of section four hundred ninety-one
39 and paragraph f-one of subdivision two of section five hundred three of
40 this chapter].

1 3-a. In addition to the fees retained pursuant to subdivision three of
2 this section, each county clerk acting as the agent of the commissioner
3 pursuant to subdivision one of this section shall retain [four percent]
4 a percentage of "enhanced internet and electronic partner revenue"
5 collected by the commissioner. For the purposes of this subdivision,
6 "enhanced internet and electronic partner revenue" shall mean the amount
7 of gross receipts attributable to all transactions conducted on the
8 internet by residents of such county and by designated partners of the
9 department on behalf of such residents for the current calendar year
10 [that exceeds the amount of such revenue collected by the commissioner
11 during calendar year two thousand eleven]. The commissioner shall certi-
12 fy the amounts to be retained by each county clerk pursuant to this
13 subdivision. [Provided, however, that if the aggregate amount of fees
14 retained by county clerks pursuant to this subdivision in calendar years
15 two thousand twelve and two thousand thirteen combined exceeds eighty-
16 eight million five hundred thousand dollars, then the percentage of fees
17 to be retained thereafter shall be reduced to a percentage that, if
18 applied to the fees collected during calendar years two thousand twelve
19 and two thousand thirteen combined, would have resulted in an aggregate
20 retention of eighty-eight million five hundred thousand dollars or 2.5
21 percent of enhanced internet and electronic partner revenue, whichever
22 is higher. If the aggregate amount of fees retained by county clerks
23 pursuant to this subdivision in calendar years two thousand twelve and
24 two thousand thirteen combined is less than eighty-eight million five
25 hundred thousand dollars, then the percentage of fees to be retained
26 thereafter shall be increased to a percentage that, if applied to the
27 fees collected during calendar years two thousand twelve and two thou-
28 sand thirteen combined, would have resulted in an aggregate retention of
29 eighty-eight million five hundred thousand dollars, or six percent of
30 enhanced internet and electronic partner revenue, whichever is less. On
31 and after April first, two thousand sixteen, the percent of enhanced
32 internet and electronic partner revenue to be retained by county clerks
33 shall be the average of the annual percentages that were in effect
34 between April first, two thousand twelve and March thirty-first, two
35 thousand sixteen.] The retention percentage shall be 10.75 percent.

36 § 2. This act shall take effect January 1, 2024.

37 PART N

38 Intentionally Omitted

39 PART O

40 Intentionally Omitted

41 PART P

42 Intentionally Omitted

43 PART Q

44 Intentionally Omitted

1

PART R

2 Section 1. Subdivisions 1 and 2 of section 1352 of the racing, pari-
3 mutuel wagering and breeding law, as added by chapter 174 of the laws of
4 2013, is amended to read as follows:

5 1. (a) The commission shall pay into an account, to be known as the
6 commercial gaming revenue fund as established pursuant to section nine-
7 ty-seven-nnnn of the state finance law, under the joint custody of the
8 comptroller and the commissioner of taxation and finance, all taxes and
9 fees imposed by this article paid by a gaming facility licensed under
10 title two of this article; any interest and penalties imposed by the
11 commission relating to those taxes; the appropriate percentage of the
12 value of expired gaming related obligations; all penalties levied and
13 collected by the commission; and the appropriate funds, cash or prizes
14 forfeited from gambling activity.

15 (b) For any gaming facility licensed under title two-A of this arti-
16 cle, the commission shall pay, without appropriation, into the metropol-
17 itan transportation authority finance fund established under section one
18 thousand two hundred seventy-h of the public authorities law the follow-
19 ing:

20 (i) for any gaming facility not located within the city of New York,
21 eighty percent of the taxes and licensing fees imposed by this article,
22 and any interest and penalties imposed by the commission relating to
23 those taxes.

24 (ii) for any gaming facility located within the city of New York, one
25 hundred percent of the taxes and licensing fees imposed by this article,
26 and any interest and penalties imposed by the commission relating to
27 those taxes.

28 (iii) (1) notwithstanding subparagraphs (i) and (ii) of this para-
29 graph, if a gaming facility licensed under title two-A of this article
30 was previously authorized to operate video lottery gaming pursuant to
31 section one thousand six hundred seventeen-a of the tax law, an amount
32 equal to the amount determined in clause two of this subparagraph shall
33 be deposited into the state lottery fund. Any remaining funds shall be
34 transferred in accordance with this subdivision.

35 (2) The amount to be deducted shall be equal to the greater of (A) the
36 revenue received from the facility for education aid deposits into the
37 state lottery fund for the twelve months immediately preceding the date
38 on which such facility began operations as a commercial casino pursuant
39 to title two-A of this article, or (B) the revenue received from the
40 facility for education aid deposits into the state lottery fund for
41 state fiscal year two thousand twenty-two.

42 (c) For any gaming facility licensed under title two-A of this arti-
43 cle, the commission shall pay into the commercial gaming revenue fund
44 established under section ninety-seven-nnnn of the state finance law the
45 following:

46 (i) for any gaming facility not located within the city of New York,
47 ten percent of the taxes and licensing fees imposed by this article, and
48 any interest and penalties imposed by the commission relating to those
49 taxes. Such funds shall be allocated in accordance with the provisions
50 of paragraph b of subdivision three of section ninety-seven-nnnn of the
51 state finance law.

52 (ii) for any gaming facility not located within the city of New York,
53 ten percent of the taxes and licensing fees imposed by this article, and
54 any interest and penalties imposed by the commission relating to those
55 taxes among counties within the region, as defined by section one thou-



1 sand three hundred ten of this article, hosting said facility for the
2 purpose of real property tax relief and for education assistance. Such
3 distribution shall be made among the counties on a per capita basis,
4 subtracting the population of host municipality and county. Such funds
5 shall be allocated in accordance with the provisions of paragraph c of
6 subdivision three of section ninety-seven-nnnn of the state finance law.

7 2. The commission shall require at least monthly deposits by the
8 licensee of any payments pursuant to section one thousand three hundred
9 fifty-one of this article, at such times, under such conditions, and in
10 such depositories as shall be prescribed by the state comptroller. The
11 deposits shall be deposited to the credit of the commercial gaming
12 revenue fund as established by section ninety-seven-nnnn of the state
13 finance law or to the metropolitan transportation authority finance fund
14 established under section one thousand two hundred seventy-h of the
15 public authorities law, according to the requirements of subdivision one
16 of this section. The commission may require a monthly report and recon-
17 ciliation statement to be filed with it on or before the tenth day of
18 each month, with respect to gross revenues and deposits received and
19 made, respectively, during the preceding month.

20 § 1-a. Subdivision 3 of section 1321-e of the racing, pari-mutuel
21 wagering and breeding law, as added by section 7 of part RR of chapter
22 56 of the laws of 2022, is amended to read as follows:

23 3. The board shall determine a licensing fee to be paid by a licensee
24 within thirty days after the [award] selection of the license which
25 shall be deposited [into the commercial gaming revenue fund] in accord-
26 ance with paragraph (b) of subdivision one of section 1352 of this arti-
27 cle, provided however that no licensing fee shall be less than five
28 hundred million dollars. The license shall set forth the conditions to
29 be satisfied by the licensee before the gaming facility shall be opened
30 to the public. The commission shall set any renewal fee for such license
31 based on the cost of fees associated with the evaluation of a licensee
32 under this article which shall be deposited into the commercial gaming
33 fund. Such renewal fee shall be exclusive of any subsequent licensing
34 fees under this section.

35 § 2. Subdivision 2 of section 97-nnnn of the state finance law, as
36 added by chapter 174 of the laws of 2013, is amended to read as follows:

37 2. Such account shall consist of all revenues [from all taxes and fees
38 imposed by article thirteen of the racing, pari-mutuel wagering and
39 breeding law; any interest and penalties imposed by the New York state]
40 received from the gaming commission [relating to those taxes; the
41 percentage of the value of expired gaming related obligations; and all
42 penalties levied and collected by the commission. Additionally, the
43 state gaming commission shall pay into the account any appropriate
44 funds, cash or prizes forfeited from gambling activity] pursuant to
45 paragraphs (a) and (c) of subdivision one of section thirteen hundred
46 fifty-two of the racing, pari-mutuel wagering and breeding law.

47 § 3. Subdivision 2 of section 1270-h of the public authorities law, as
48 amended by section 13 of part UU of chapter 59 of the laws of 2018, is
49 amended to read as follows:

50 2. The comptroller shall deposit into the metropolitan transportation
51 authority finance fund (a) monthly, pursuant to appropriation, the
52 moneys deposited in the mobility tax trust account of the metropolitan
53 transportation authority financial assistance fund pursuant to any
54 provision of law directing or permitting the deposit of moneys in such
55 fund, [and] (b) without appropriation, the revenue including taxes,
56 interest and penalties collected in accordance with article twenty-three

1 of the tax law, and (c) without appropriation, the revenue including
2 taxes and licensing fees collected in accordance with the relevant
3 provisions of paragraph (b) of subdivision one of section thirteen
4 hundred fifty-two of the racing, pari-mutuel wagering and breeding law.

5 § 4. This act shall take effect immediately and shall expire and be
6 deemed repealed 10 years after such date.

7 PART S

8 Intentionally Omitted

9 PART T

10 Intentionally Omitted

11 PART U

12 Section 1. Section 4 of chapter 495 of the laws of 2004, amending the
13 insurance law and the public health law relating to the New York state
14 health insurance continuation assistance demonstration project, as
15 amended by section 4 of part T of chapter 58 of the laws of 2022, is
16 amended to read as follows:

17 § 4. This act shall take effect on the sixtieth day after it shall
18 have become a law; provided, however, that this act shall remain in
19 effect until July 1, [2023] 2024 when upon such date the provisions of
20 this act shall expire and be deemed repealed; provided, further, that a
21 displaced worker shall be eligible for continuation assistance retroac-
22 tive to July 1, 2004.

23 § 2. This act shall take effect immediately.

24 PART V

25 Intentionally Omitted

26 PART W

27 Intentionally Omitted

28 PART X

29 Intentionally Omitted

30 PART Y

31 Intentionally Omitted

32 PART Z

33 Intentionally Omitted

1

PART AA

2

Intentionally Omitted

3

PART BB

4 Section 1. Section 2 of chapter 97 of the laws of 2019 amending the
5 public authorities law, is amended to read as follows:

6 § 2. This act shall take effect immediately and shall expire July 1,
7 [2023] 2027 when upon such date the provisions of this act shall be
8 deemed repealed.

9 § 2. This act shall take effect immediately.

10

PART CC

11

Intentionally Omitted

12

PART DD

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

16 § 52-a. Small business innovation research and small business technol-
17 ogy transfer matching grant program. 1. The corporation, in consultation
18 with the department of economic development's division for small-busi-
19 ness, shall establish a matching grant program to provide funds to small
20 businesses who have been awarded phase one or phase two grants under the
21 federal small business innovation research program or the small business
22 technology transfer program within the last four years. Such grants
23 shall be awarded based on a company's potential for commercialization
24 and job growth. As used in this section, "small business" shall have the
25 same meaning as provided for in section one hundred thirty-one of the
26 economic development law.

27 2. The matching grant program established pursuant to this section
28 shall be staged over a period of three years. The funding amounts for
29 such grant program shall be as follows:

30 (a) For small businesses that have been awarded phase one funding
31 under the federal small business innovation research program or the
32 small business technology transfer program, the amount shall be one
33 hundred thousand dollars in year one, two hundred thousand dollars in
34 year two, and five hundred thousand dollars in year three.

35 (b) For small businesses that have been awarded phase two funding
36 under the federal small business innovation research program or the
37 small business technology transfer program, the amount shall be one
38 hundred thousand dollars in year one, two hundred thousand dollars in
39 year two, and five hundred thousand dollars in year three.

40 3. (a) In the first year of the program, twenty small businesses shall
41 be awarded grants of one hundred thousand dollars.

42 (b) In the second year of the program, ten small businesses shall be
43 chosen from the companies that were awarded a grant in the first year,
44 to receive grants in the amount of two hundred thousand dollars.

45 (c) In the third year of the program, four small businesses shall be
46 chosen from the companies that were awarded a grant in the second year,

1 to receive grants or equity, depending on the situation, in the amount
2 of five hundred thousand dollars.

3 4. (a) Such funds awarded pursuant to this section shall be used to
4 expedite commercialization and generally used to cover expenses not
5 allowed under the federal small business innovation research program or
6 the small business technology transfer program, including but not limit-
7 ed to business planning, commercialization, patents and marketing
8 studies in sales efforts.

9 (b) Companies applying to the federal programs named herein shall
10 receive a commitment letter from the corporation that may be included
11 in their applications to the small business innovation research program
12 or the small business technology transfer program or to be used to
13 secure grants from other funding sources. Such commitment letter shall
14 demonstrate contingent state support, and therefore increasing their
15 likelihood of receiving federal funding. State matching grants shall
16 only be provided to small businesses that are selected for an award
17 through the federal small business innovation research program or the
18 small business technology transfer program.

19 5. Such funds shall be awarded on condition that the small business
20 recipient remains headquartered and operates or manufactures in the
21 state for at least five years following the successful commercialization
22 of the business's product or products. Any small business that has
23 received funding under this program that is not headquartered and oper-
24 ates or manufactures in the state for at least five years following the
25 successful commercialization of the business's product or products shall
26 return all grant awards to the state. If the small business ceases oper-
27 ations before five years after the commercialization of its product or
28 products, such business shall be eligible for a waiver of this clawback
29 provision, as determined by the corporation, in consultation with the
30 department of economic development's division of small business.

31 6. The corporation, in consultation with the department of economic
32 development's division for small business, shall establish the form and
33 manner in which applications for grant awards shall be submitted and
34 shall establish guidelines for the grant program. Preference for grant
35 awards shall be for applicants that can demonstrate to the satisfaction
36 of the corporation that: (a) green and sustainable development is a
37 priority in their business planning, operations or manufacturing. For
38 the purposes of this section, "green and sustainable development" shall
39 mean a business model that promotes the use of products or product
40 components, manufactures, develops technologies or processes that are
41 primarily targeted at reducing greenhouse gas emissions or supporting
42 the use of clean energy in a socially equitable manner;

43 (b) such grant awardees' business headquarters and operations or manu-
44 facturing shall be located in New York state; and

45 (c) grant awardees shall certify to the corporation that future
46 research and development shall be performed principally in this state.

47 The corporation shall review each application for compliance with the
48 eligibility criteria and other requirements set forth in the program
49 guidelines established by the commissioner. The corporation may approve
50 or reject each application or may return an application for modifica-
51 tions, if necessary.

52 7. The corporation, beginning on June first, two thousand twenty-four,
53 and annually thereafter, provided program funds remain, shall submit a
54 report to the governor, the temporary president of the senate, and the
55 speaker of the assembly. Such annual report shall include, but need not
56 be limited to: the number of applicants by stage; the number of appli-

1 cants approved to receive grants; the total amount of grants awarded and
2 the average amount of such grants awarded; and such other information as
3 the corporation determines necessary and appropriate. Such report shall
4 be included on the corporation's website and any other publicly accessi-
5 ble state databases that list economic development programs, as deter-
6 mined by the corporation.

7 § 2. This act shall take effect one year after it shall have become a
8 law. Effective immediately, the addition, amendment and/or repeal of any
9 rule or regulation necessary for the implementation of this act on its
10 effective date are authorized to be made and completed on or before such
11 effective date.

12 PART EE

13 Intentionally Omitted

14 PART FF

15 Intentionally Omitted

16 PART GG

17 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
18 New York state urban development corporation act, relating to the powers
19 of the New York state urban development corporation to make loans, as
20 amended by section 1 of part Y of chapter 58 of the laws of 2022, is
21 amended to read as follows:

22 § 2. This act shall take effect immediately provided, however, that
23 section one of this act shall expire on July 1, [2023] 2024, at which
24 time the provisions of subdivision 26 of section 5 of the New York state
25 urban development corporation act shall be deemed repealed; provided,
26 however, that neither the expiration nor the repeal of such subdivision
27 as provided for herein shall be deemed to affect or impair in any manner
28 any loan made pursuant to the authority of such subdivision prior to
29 such expiration and repeal.

30 § 2. This act shall take effect immediately.

31 PART HH

32 Intentionally Omitted

33 PART II

34 Intentionally Omitted

35 PART JJ

36 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
37 of the laws of 1968 constituting the New York state urban development
38 corporation act, as amended by section 1 of part Z of chapter 58 of the
39 laws of 2022, is amended to read as follows:

1 3. The provisions of this section shall expire, notwithstanding any
2 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
3 the laws of 1996 or of any other law, on July 1, [2023] 2024.
4 § 2. This act shall take effect immediately.

5 PART KK

6 Intentionally Omitted

7 PART LL

8 Section 1. Section 2 of part BB of chapter 58 of the laws of 2012
9 amending the public authorities law, relating to authorizing the dormi-
10 tory authority to enter into certain design and construction management
11 agreements, as amended by section 1 of part II of chapter 58 of the laws
12 of 2021, is amended to read as follows:

13 § 2. This act shall take effect immediately and shall expire and be
14 deemed repealed April 1, [2023] 2025.

15 § 2. The dormitory authority of the state of New York shall provide a
16 report providing information regarding any project undertaken pursuant
17 to a design and construction management agreement, as authorized by part
18 BB of chapter 58 of the laws of 2012, between the dormitory authority of
19 the state of New York and the department of environmental conservation
20 and/or the office of parks, recreation and historic preservation to the
21 governor, the temporary president of the senate and speaker of the
22 assembly. Such report shall include but not be limited to a description
23 of each such project, the project identification number of each such
24 project, if applicable, the projected date of completion, the status of
25 the project, the total cost or projected cost of each such project, and
26 the location, including the names of any county, town, village or city,
27 where each such project is located or proposed. In addition, such a
28 report shall be provided to the aforementioned parties by the first day
29 of March of each year that the authority to enter into such agreements
30 pursuant to part BB of chapter 58 of the laws of 2012 is in effect.

31 § 3. This act shall take effect immediately and shall be deemed to
32 have been in full force and effect on and after April 1, 2023.

33 PART MM

34 Section 1. Subdivision 4-a of section 2222 of the vehicle and traffic
35 law, as amended by chapter 609 of the laws of 2005, is amended to read
36 as follows:

37 4-a. Additional fee. In addition to the other fees provided for in
38 paragraphs (a), (b) and (c) of subdivision four of this section the
39 commissioner shall, upon application in such cases for the registration
40 of a snowmobile or the renewal thereof, collect the annual [ninety] one
41 hundred twenty-five dollar fee for residents and [ninety] one hundred
42 twenty-five dollar fee for nonresidents [and] or a [thirty-five] fifty-
43 five dollar fee for residents and [thirty-five] fifty-five dollar fee
44 for nonresidents who provide proof, at the time of registration, that
45 such individual is a member of an organized New York state snowmobile
46 club that is a member of the New York state snowmobile association or is
47 a member of an organized New York state snowmobile club that is a trail
48 maintenance entity and a member of the New York state snowmobile associ-
49 ation which are imposed by section 21.07 of the parks, recreation and

1 historic preservation law. In the event that an individual seeking snow-
2 mobile club membership is unable, for any reason, to secure such club
3 membership, he or she may contact the New York state snowmobile associ-
4 ation, who shall secure such membership for such person. This fee shall
5 also be collected from dealers at the time of original registration and
6 at the time of each renewal. The commissioner shall effectuate regu-
7 lations regarding what is required as proof of membership in an organ-
8 ized New York state snowmobile club that is a trail maintenance entity
9 and a member of the New York state snowmobile association for the
10 purposes of this subdivision.

11 § 2. Section 21.07 of the parks, recreation and historic preservation
12 law, as amended by chapter 609 of the laws of 2005, is amended to read
13 as follows:

14 § 21.07 Fee for snowmobile trail development and maintenance. 1. A fee
15 of [ninety] one hundred twenty-five dollars is hereby imposed upon the
16 resident, and [ninety] one hundred twenty-five dollars upon the nonresi-
17 dent, owner of a snowmobile for the snowmobile trail development and
18 maintenance fund to be paid to the commissioner of motor vehicles upon
19 the registration thereof in addition to the registration fee required by
20 the vehicle and traffic law, the payment of which fee hereby imposed
21 shall be a condition precedent to such individual resident, individual
22 nonresident or dealer registration.

23 2. Notwithstanding the fee as established in subdivision one of this
24 section, an individual resident or nonresident registering a snowmobile
25 who provides proof at the time of registration, that such individual is
26 a member of an organized New York state snowmobile club that is a member
27 of the New York state snowmobile association or is a member of an organ-
28 ized New York state snowmobile club that is a trail maintenance entity
29 and a member of the New York state snowmobile association, shall pay
30 [thirty-five] fifty-five dollars for each snowmobile for the snowmobile
31 trail development and maintenance fund in addition to the registration
32 required by the vehicle and traffic law. In the event that an individual
33 seeking snowmobile club membership is unable, for any reason, to secure
34 such club membership, he or she may contact the New York state snowmo-
35 bile association, who shall secure such membership for such person.

36 § 3. This act shall take effect one year after it shall have become a
37 law.

38 PART NN

39 Intentionally Omitted

40 PART OO

41 Section 1. Subdivision 9 of section 103 of the general municipal law,
42 as amended by chapter 90 of the laws of 2017, subparagraph (ii) of para-
43 graph (a) as amended by section 1 of part JJ of chapter 58 of the laws
44 of 2020, is amended to read as follows:

45 9. (a) Notwithstanding the foregoing provisions of this section to the
46 contrary, a board of education, on behalf of its school district, or a
47 board of cooperative educational services, may separately purchase eggs,
48 livestock, fish, dairy products (excluding milk), juice, grains, and
49 species of fresh fruit and vegetables directly from New York State
50 producers or growers, or associations of producers and growers, provided
51 that[:

1 (a) (i) such association of producers or growers is comprised of ten
2 or fewer owners of farms who also operate such farms and who have
3 combined to fill the order of a school district or board of cooperative
4 educational services as herein authorized, provided however, that a
5 school district or board of cooperative educational services may apply
6 to the commissioner of education for permission to purchase from an
7 association of more than ten owners of such farms when no other produc-
8 ers or growers have offered to sell to such school or board of cooper-
9 ative educational services; or

10 (ii) such association of producers or growers is comprised of owners
11 of farms who also operate such farms and have combined to fill the order
12 of a school district or board of cooperative educational services, and
13 where] such order is for one hundred thousand dollars or less as herein
14 authorized, provided however, that a school district or board of cooper-
15 ative educational services may apply to the commissioner of education
16 for permission to purchase orders of more than one hundred thousand
17 dollars from an association of owners of such farms when no other
18 producers or growers have offered to sell to such school[;

19 (b) the amount that may be expended by a school district in any fiscal
20 year for such purchases shall not exceed an amount equal to twenty cents
21 multiplied by the total number of days in the school year multiplied by
22 the total enrollment of such school district;

23 (b-1) the amount that may be expended by a board of cooperative educa-
24 tional services in any fiscal year for such purchases shall not exceed
25 an amount equal to twenty cents multiplied by the total number of days
26 in the school year multiplied by the number of students receiving
27 services by such board of cooperative educational services at facilities
28 operated by a board of cooperative educational services;

29 (c) all].

30 (b) All such purchases shall be administered pursuant to regulations
31 promulgated by the commissioner of education. Such regulations shall: be
32 developed in consultation with the commissioner of agriculture and
33 markets to accommodate and promote the provisions of the farm-to-school
34 program established pursuant to subdivision five-b of section sixteen of
35 the agriculture and markets law and subdivision thirty-one of section
36 three hundred five of the education law as added by chapter two of the
37 laws of two thousand two; ensure that the prices paid by a district or
38 board of cooperative educational services for any items so purchased do
39 not exceed the prices of comparable local farm products that are avail-
40 able to districts through their usual purchases of such items; ensure
41 that all producers and growers who desire to sell to school districts or
42 boards of cooperative educational services can readily access informa-
43 tion in accordance with the farm-to-school law; include provisions for
44 situations when more than one producer or grower seeks to sell the same
45 product to a district or board of cooperative educational services to
46 ensure that all such producers or growers have an equitable opportunity
47 to do so in a manner similar to the usual purchasing practices of such
48 districts or boards of cooperative educational services; [develop guide-
49 lines for approval of purchases of items from associations of more than
50 ten growers and producers;] and, to the maximum extent practicable,
51 minimize additional paperwork, recordkeeping and other similar require-
52 ments on both growers and producers and school districts.

53 § 2. Subdivision 10 of section 103 of the general municipal law, as
54 added by chapter 848 of the laws of 1983, is amended to read as follows:
55 10. Notwithstanding the foregoing provisions of this section to the
56 contrary, a board of education may, on behalf of its school district,

1 separately purchase milk produced in New York state, directly from
2 licensed milk processors [employing less than forty people] pursuant to
3 the provisions of this subdivision. [The amount that may be expended by
4 a school district in any fiscal year pursuant to this section shall not
5 exceed an amount equal to twenty-five cents multiplied by the total
6 number of days in the school year multiplied by the total enrollment of
7 such school district.] All purchases made pursuant to this subdivision
8 shall be administered pursuant to regulations promulgated by the commis-
9 sioner of education. The regulations promulgated by the commissioner of
10 education shall ensure that the prices paid by a school district for
11 items purchased pursuant to this subdivision do not exceed the market
12 value of such items and that all licensed processors who desire to sell
13 to a school district pursuant to this subdivision have equal opportu-
14 nities to do so.

15 § 3. Intentionally omitted.

16 § 4. Section 103 of the general municipal law is amended by adding a
17 new subdivision 10-a to read as follows:

18 10-a. Each board or agency of a political subdivision or any district
19 therein, board of education, on behalf of a school district, or board of
20 cooperative educational services shall report to the office of general
21 services and department of agriculture and markets on an annual basis
22 the total dollar value procured of food, including milk and milk
23 products and food products, grown, produced, or harvested in New York
24 pursuant to subdivisions 9 and 10 of this section, no later than March
25 thirty-first for the previous calendar year.

26 § 5. This act shall take effect immediately.

27 PART PP

28 Intentionally Omitted

29 PART QQ

30 Section 1. Intentionally omitted.

31 § 2. Intentionally omitted.

32 § 3. Intentionally omitted.

33 § 4. Intentionally omitted.

34 § 5. Paragraphs (a) and (d) of subdivision 1 of section 56-0505 of the
35 environmental conservation law, as amended by section 5 of part D of
36 chapter 1 of the laws of 2003, are amended to read as follows:

37 (a) the benefit to the environment and public health realized by the
38 expeditious remediation of the property proposed to be subject to such
39 project;

40 (d) real property in a designated brownfield opportunity area pursuant
41 to section nine hundred seventy-r of the general municipal law or real
42 property in a disadvantaged community pursuant to subdivision five of
43 section 75-0101 of this chapter; and

44 § 6. Intentionally omitted.

45 § 7. Intentionally omitted.

46 § 8. Intentionally omitted.

47 § 9. Intentionally omitted.

48 § 10. This act shall take effect immediately.

49 PART RR

1 Section 1. The section heading of section 11-0935 of the environmental
2 conservation law, as added by section 1 of part ZZ of chapter 55 of the
3 laws of 2021, is amended to read as follows:

4 Deer hunting [pilot] program.

5 § 2. Section 2 of part ZZ of chapter 55 of the laws of 2021 amending
6 the environmental conservation law relating to establishing a deer hunt-
7 ing pilot program is amended to read as follows:

8 § 2. This act shall take effect June 1, 2021 and shall expire and be
9 deemed repealed December 31, [2023] 2025.

10 § 3. This act shall take effect immediately.

11 PART SS

12 Section 1. Section 33-0705 of the environmental conservation law, as
13 amended by section 1 of item NN of subpart B of part XXX of chapter 58
14 of the laws of 2020, is amended to read as follows:

15 § 33-0705. Fee for registration.

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

17 a. [On or before July 1, 2023, six] Six hundred dollars for each
18 pesticide proposed to be registered, provided that the applicant has
19 submitted to the department proof in the form of a federal income tax
20 return for the previous year showing gross annual sales, for federal
21 income tax purposes, of three million five hundred thousand dollars or
22 less; and

23 b. [On or before July 1, 2023, for] For all others, six hundred twenty
24 dollars for each pesticide proposed to be registered[;

25 c. After July 1, 2023, fifty dollars for each pesticide proposed to be
26 registered].

27 § 2. Section 9 of chapter 67 of the laws of 1992, amending the envi-
28 ronmental conservation law relating to pesticide product registration
29 timetables and fees, as amended by section 2 of item NN of subpart B of
30 part XXX of chapter 58 of the laws of 2020, is amended to read as
31 follows:

32 § 9. This act shall take effect April 1, 1992 provided, however, that
33 section three of this act shall take effect July 1, 1993 [and shall
34 expire and be deemed repealed on July 1, 2023].

35 § 3. This act shall take effect July 1, 2023.

36 PART TT

37 Intentionally Omitted

38 PART UU

39 Section 1. Paragraph (a) of section 11.00 of the local finance law is
40 amended by adding a new subdivision 109 to read as follows:

41 109. Lead service line replacement programs established by a munici-
42 pality, school district or district corporation, including, but not
43 limited to programs that inventory, design and replace publicly owned
44 and privately owned lead service lines within an established water
45 system, thirty years. As used in this subdivision, "lead service line"
46 means a service line made in whole or in part of lead, which connects a
47 water main to a building inlet. A lead service line may be owned by the
48 water system, a property owner, or both. A lead gooseneck, pigtail, or
49 connector shall be eligible for replacement regardless of the service

1 line material to which a lead gooseneck, pigtail, or connector is
2 attached. Gooseneck, pigtail, or connector means a short section of
3 piping, typically not exceeding two feet, which can be bent and used for
4 connections between rigid service piping. A galvanized iron or steel
5 service line is considered a lead service line if it ever was or is
6 currently downstream of any lead service line or service line of unknown
7 material.

8 § 2. This act shall take effect immediately.

9

PART VV

10 Section 1. Expenditures of moneys appropriated in a chapter of the
11 laws of 2023 to the department of agriculture and markets from the
12 special revenue funds-other/state operations, miscellaneous special
13 revenue fund-339, public service account shall be subject to the
14 provisions of this section. Notwithstanding any other provision of law
15 to the contrary, direct and indirect expenses relating to the department
16 of agriculture and markets' participation in general ratemaking
17 proceedings pursuant to section 65 of the public service law or certif-
18 ication proceedings pursuant to article 7 or 10 of the public service
19 law, shall be deemed expenses of the department of public service within
20 the meaning of section 18-a of the public service law. No later than
21 August 15, 2024, the commissioner of the department of agriculture and
22 markets shall submit an accounting of such expenses, including, but not
23 limited to, expenses in the 2023--2024 state fiscal year for personal
24 and non-personal services and fringe benefits, to the chair of the
25 public service commission for the chair's review pursuant to the
26 provisions of section 18-a of the public service law.

27 § 2. Expenditures of moneys appropriated in a chapter of the laws of
28 2023 to the department of state from the special revenue funds-
29 other/state operations, miscellaneous special revenue fund-339, public
30 service account shall be subject to the provisions of this section.
31 Notwithstanding any other provision of law to the contrary, direct and
32 indirect expenses relating to the activities of the department of
33 state's utility intervention unit pursuant to subdivision 4 of section
34 94-a of the executive law, including, but not limited to participation
35 in general ratemaking proceedings pursuant to section 65 of the public
36 service law or certification proceedings pursuant to article 7 or 10 of
37 the public service law, and expenses related to the activities of the
38 major renewable energy development program established by section 94-c
39 of the executive law, shall be deemed expenses of the department of
40 public service within the meaning of section 18-a of the public service
41 law. No later than August 15, 2024, the secretary of state shall submit
42 an accounting of such expenses, including, but not limited to, expenses
43 in the 2023--2024 state fiscal year for personal and non-personal
44 services and fringe benefits, to the chair of the public service commis-
45 sion for the chair's review pursuant to the provisions of section 18-a
46 of the public service law.

47 § 3. Expenditures of moneys appropriated in a chapter of the laws of
48 2023 to the office of parks, recreation and historic preservation from
49 the special revenue funds-other/state operations, miscellaneous special
50 revenue fund-339, public service account shall be subject to the
51 provisions of this section. Notwithstanding any other provision of law
52 to the contrary, direct and indirect expenses relating to the office of
53 parks, recreation and historic preservation's participation in general
54 ratemaking proceedings pursuant to section 65 of the public service law

1 or certification proceedings pursuant to article 7 or 10 of the public
2 service law, shall be deemed expenses of the department of public
3 service within the meaning of section 18-a of the public service law. No
4 later than August 15, 2024, the commissioner of the office of parks,
5 recreation and historic preservation shall submit an accounting of such
6 expenses, including, but not limited to, expenses in the 2023--2024
7 state fiscal year for personal and non-personal services and fringe
8 benefits, to the chair of the public service commission for the chair's
9 review pursuant to the provisions of section 18-a of the public service
10 law.

11 § 4. Expenditures of moneys appropriated in a chapter of the laws of
12 2023 to the department of environmental conservation from the special
13 revenue funds-other/state operations, environmental conservation special
14 revenue fund-301, utility environmental regulation account shall be
15 subject to the provisions of this section. Notwithstanding any other
16 provision of law to the contrary, direct and indirect expenses relating
17 to the department of environmental conservation's participation in state
18 energy policy proceedings, or certification proceedings pursuant to
19 article 7 or 10 of the public service law, shall be deemed expenses of
20 the department of public service within the meaning of section 18-a of
21 the public service law. No later than August 15, 2024, the commissioner
22 of the department of environmental conservation shall submit an account-
23 ing of such expenses, including, but not limited to, expenses in the
24 2023--2024 state fiscal year for personal and non-personal services and
25 fringe benefits, to the chair of the public service commission for the
26 chair's review pursuant to the provisions of section 18-a of the public
27 service law.

28 § 5. Notwithstanding any other law, rule or regulation to the contra-
29 ry, expenses of the department of health public service education
30 program incurred pursuant to appropriations from the cable television
31 account of the state miscellaneous special revenue funds shall be deemed
32 expenses of the department of public service. No later than August 15,
33 2024, the commissioner of the department of health shall submit an
34 accounting of expenses in the 2023--2024 state fiscal year to the chair
35 of the public service commission for the chair's review pursuant to the
36 provisions of section 217 of the public service law.

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

41 § 7. This act shall take effect immediately and shall be deemed to
42 have been in full force and effect on and after April 1, 2023 and shall
43 expire and be deemed repealed August 15, 2024.

44

PART WW

45 Section 1. Short title. This act shall be known and may be cited as
46 the "all-electric building and state decarbonization act".

47 § 2. Section 11-104 of the energy law is amended by adding two new
48 subdivisions 7 and 8 to read as follows:

49 7. Support the goal of zero on-site greenhouse gas emissions and help
50 achieve the state's clean energy and climate agenda, including but not
51 limited to greenhouse gas reduction requirements set forth within chap-
52 ter one hundred six of the laws of two thousand nineteen, also known as
53 the New York state climate leadership and community protection act.
54 Notwithstanding the provisions of paragraph (b) of subdivision one of



1 section 11-103 of this article, the code shall prohibit building systems
2 or equipment used for the combustion of fossil fuels in new building
3 construction statewide:

4 (a) no later than December thirty-first, two thousand twenty-five if
5 the new building is less than seven stories;

6 (b) no later than December thirty-first, two thousand twenty-eight if
7 the new building is seven stories or more; and

8 (c) provided that the department of public service, in consultation
9 with the independent system operator, determines that the electric power
10 grid infrastructure is sufficient to support the new electrical load in
11 a particular region, area, or project. The department of public service
12 shall make such information available to assist municipalities in making
13 such determinations when approving the siting of new buildings.

14 8. Notwithstanding the provisions of subdivision seven of this
15 section, the state fire prevention and building code council shall
16 exempt systems for generation of emergency backup power, or a new build-
17 ing or part of a new building designated for occupancy by a commercial
18 food establishment, laboratory, laundromat, hospital or other medical
19 facility, critical infrastructure such as backup power for wastewater
20 treatment facilities, agricultural buildings, a manufactured home as
21 defined in subdivision seven of section six hundred one of the executive
22 law, or a crematorium, but in doing so shall seek to minimize emissions
23 and maximize health, safety, and fire protection. In such cases, the
24 code shall, to the fullest extent feasible, limit the building systems
25 or equipment used for the combustion of fossil fuels to the system and
26 area of a new building for which a prohibition on building systems or
27 equipment used for the combustion of fossil fuels is infeasible. To the
28 fullest extent feasible, the code shall require that the area or service
29 within a new building where building systems or equipment used for the
30 combustion of fossil fuels are installed shall be all-electric ready;
31 and minimize emissions from the fossil fuel equipment and building
32 systems that are allowed to be used, provided that the provisions set
33 forth in this subdivision do not adversely affect health, safety,
34 security, or fire protection, and financial considerations shall not be
35 a sufficient basis to determine physical or technical infeasibility.
36 Exemptions or waivers provided under this subdivision shall be reviewed
37 during each major code update cycle to determine whether they should
38 still be authorized for new construction.

39 For the purposes of this subdivision, "all-electric ready" shall mean
40 electrical systems and designs that provide sufficient capacity for
41 future electrification, including sufficient space, drainage, elec-
42 trical conductors or raceways, bus bar capacity, and overcurrent
43 protective devices for future electric-powered equipment.

44 § 3. Section 1005 of the public authorities law is amended by adding a
45 new subdivision 30 to read as follows:

46 30. To establish, administer, implement, and finance any programs
47 established pursuant to article four-D of the public buildings law and
48 to create processes for application review and allocation of funds for
49 such programs, and to consult, cooperate and coordinate with any state
50 entity as required or authorized in article four-D of the public build-
51 ings law.

52 § 4. The public buildings law is amended by adding a new article 4-D
53 to read as follows:

54 ARTICLE 4-D

55 DECARBONIZATION OF STATE-OWNED FACILITIES

56 Section 90. Definitions.

1 91. Decarbonization mandates.

2 92. Tracking and reporting.

3 93. Public buildings decarbonization program.

4 § 90. Definitions. As used in this article:

5 1. "State-owned facilities" includes "building" as defined by section
6 eighty-one of the public buildings law, "dormitory" as defined by
7 section three hundred seventy of the education law, and "facility" as
8 defined by section three hundred seventy of the education law.

9 2. "Disadvantaged communities" has the same meaning as in section
10 75-0101 of the environmental conservation law.

11 3. "Highest-emitting facilities" means fifteen state-owned facilities
12 that produce the most emissions and collectively account for at least
13 thirty percent of the greenhouse gas emissions as recorded by the
14 authority's Build Smart NY program established pursuant to Executive
15 Order 88 of 2012.

16 4. "Decarbonization" and "decarbonize" means eliminating all on-site
17 combustion of fossil fuels and associated co-pollutants with the excep-
18 tion of back-up emergency generators.

19 5. "Program" means the public buildings decarbonization program estab-
20 lished pursuant to section ninety-three of this article.

21 6. As used in this article:

22 (a) "Authority" shall mean the power authority of the state of New
23 York, as established by section one thousand two of the public authori-
24 ties law.

25 (b) "Thermal energy network" shall have the same meaning as defined in
26 subdivision twenty-nine of section two of the public service law.

27 (c) "State energy research and development authority" shall have the
28 same meaning as defined in subdivision two of section eighteen hundred
29 fifty-one of the public authorities law.

30 § 91. Decarbonization mandates. 1. No later than December thirty-
31 first, two thousand thirty, all state-owned facilities shall reduce
32 total on-site greenhouse gas emissions to be at least fifty percent
33 lower compared to a January first, two thousand twenty-four baseline. No
34 later than December thirty-first, two thousand thirty-five, all state-
35 owned facilities shall reduce total on-site greenhouse gas emissions to
36 be at least seventy-five percent lower compared to a January first, two
37 thousand twenty-four baseline. No later than December thirty-first, two
38 thousand forty, all state-owned facilities shall have zero total on-site
39 greenhouse gas emissions.

40 2. Operators of state-owned facilities may apply to the authority for
41 a temporary exemption from the requirements of this section. Any
42 exemptions may be for up to two years from the date of approval, and any
43 extension of exemption period shall need to be resubmitted and reeval-
44 ated upon expiration, provided no such period of a single extension may
45 be longer than two years. The authority shall only approve applications
46 for exemptions for maintaining system reliability or if all reasonable
47 attempts to cover the costs of decarbonization, including application
48 for federal funds and receiving support from the authority, have been
49 exhausted.

50 § 92. Tracking and reporting. 1. The authority, in cooperation with
51 the state energy research and development authority, shall keep track of
52 on-site greenhouse gas emissions of state-owned facilities and their
53 progress in complying with the requirements of section ninety-one of
54 this article. All state-owned facilities shall furnish such information
55 and assistance as the authority determines is necessary for implementa-
56 tion of the provisions of this article.

1 2. The authority shall issue a report to the governor, speaker of the
2 assembly, and president of the senate on March thirty-first, two thou-
3 sand twenty-five, and annually thereafter, on the progress made to meet
4 the greenhouse gas emission reduction requirements set forth in section
5 ninety-one of this article, the number and type of projects completed,
6 status of current or incomplete projects, the number of jobs created
7 pursuant to such projects, the number of local hires, including the
8 percentage from disadvantaged communities. Such report shall also be
9 made available to the public on the authority's website.

10 § 93. Public buildings decarbonization program. 1. (a) The authority
11 is hereby directed to establish and administer the public buildings
12 decarbonization program, as prescribed in this section, to provide fund-
13 ing, technical assistance and other resources as necessary to plan and
14 implement decarbonization projects at the highest-emitting facilities,
15 including construction of thermal energy networks and installation of
16 other complementary measures such as building weatherization, electrical
17 upgrades, installation of heat pumps, and on-site renewable energy
18 generation.

19 (b) No later than April first, two thousand twenty-four, the authority
20 shall provide awards of at least five million dollars each to the
21 highest-emitting facilities for fifteen state-owned facilities to devel-
22 op shovel-ready decarbonization plans. The recipients of the award may
23 study and choose the best option for decarbonization, including consid-
24 eration of the thermal energy networks and complementary methods, based
25 on the scale and technical requirements for their site. The decarboniza-
26 tion plans shall include any feasibility studies, engineering reports,
27 and other preparatory work necessary to determine a project budget,
28 estimated project length for the installation and operation of thermal
29 energy networks or other measures to decarbonize the facility. Such
30 plans shall be required to be completed no later than April first, two
31 thousand twenty-five, and shall be published publicly on the website of
32 the authority. Any funding received pursuant to this paragraph shall be
33 used exclusively to conduct the studies and reports required by this
34 subdivision, and complete decarbonization projects at the highest-emit-
35 ting facilities. Any state-owned facility receiving awards pursuant to
36 this article shall consider in its feasibility studies and engineering
37 reports the possibility of including nearby buildings that are not
38 state-owned in such network.

39 (c) No later than April first, two thousand twenty-four, the authority
40 shall make available a total of at least thirty million dollars in
41 competitive grants to fund work on decarbonization projects that are
42 already shovel ready, at state-owned facilities across the state.

43 (d) No later than April first, two thousand twenty-four, the authority
44 shall make available a total of at least ten million dollars in compet-
45 itive grants to fund preparation and implementation of electrification
46 and weatherization at state-owned facilities across the state.

47 (e) To effectuate the purposes of this section, the authority shall
48 consult and coordinate with, and provide any technical assistance neces-
49 sary for compliance with the provisions of this section to, the office
50 of general services, the state university of New York, the dormitory
51 authority of the state of New York, or any other state-owned facilities.
52 The authority may ask and shall receive from the state energy research
53 and development authority, the office of general services, the state
54 university of New York, the dormitory authority, and any owners of
55 state-owned facilities, any information or assistance necessary to carry
56 out its powers and duties under this section.

1 (f) Any work conducted pursuant to, or using funds provided pursuant
2 to, this section shall comply with the labor and community provisions
3 required in subdivisions three and four of this section.

4 2. No later than April first, two thousand twenty-seven, the authority
5 in coordination with the state energy research and development authority
6 shall identify all state-owned facilities that are located in disadvan-
7 taged communities, and shall provide funding, technical assistance and
8 other resources as necessary to plan and implement decarbonization
9 projects at state-owned facilities located in disadvantaged communities
10 that are not the highest-emitting facilities.

11 3. Any project funded or created pursuant to this section shall be
12 deemed public work projects subject to articles eight and nine of the
13 labor law and include the following requirements:

14 (a) for all construction work, the public owner, or a third party
15 acting on behalf of such public owner, shall enter into a project labor
16 agreement, as defined by section two hundred twenty-two of the labor
17 law, with a bona fide building and construction trades labor organiza-
18 tion establishing the labor organization as the collective bargaining
19 representative for all persons who will perform work;

20 (b) for any building services work associated with the project or
21 permanent installation of decarbonization components, payment and
22 enforcement of prevailing wage consistent with article nine of the labor
23 law;

24 (c) for any operations and maintenance work associated with the perma-
25 nent installation of decarbonization components, such as thermal energy
26 networks, the public entity shall require a labor peace agreement with
27 at least one bona fide labor organization that is actively representing
28 employees in such job-type or, upon notice, by a bona fide labor organ-
29 ization that is attempting to represent employees in such job-type.
30 Individuals eligible for these employment positions shall first be
31 selected from and offered to a pool of transitioning utility workers who
32 have lost, or are at risk of losing, their employment with a utility
33 downsizing its gas transmission and distribution system. Such list of
34 potential employees shall be provided by affected unions and provided to
35 the commissioner of labor, who shall update and provide such list to the
36 New York power authority, or the relevant state-owned facility, ninety
37 days prior to the purchase, acquisition, and/or construction of any
38 decarbonization project created under this section.

39 (d) (i) the inclusion of contract language with a provision that the
40 iron and structural steel used or supplied on the "public work" for
41 purposes of this paragraph, in the performance of the contract or any
42 subcontract thereto and that is permanently incorporated into the public
43 work, shall be produced or made in whole or substantial part in the
44 United States, its territories or possessions. In the case of a struc-
45 tural iron or structural steel product all manufacturing must take place
46 in the United States, from the initial melting stage through the appli-
47 cation of coatings, except metallurgical processes involving the refine-
48 ment of steel additives. For the purposes of this subdivision, "perma-
49 mentally incorporated" shall mean an iron or steel product that is
50 required to remain in place at the end of the project contract, in a
51 fixed location, affixed to the public work to which it was incorporated.
52 Iron and steel products that are capable of being moved from one
53 location to another are not permanently incorporated into a public work.

54 (ii) The provisions of subparagraph (i) of this paragraph shall not
55 apply if the head of the public entity constructing the public works, in
56 his or her sole discretion, determines that the provisions would not be

1 in the public interest, would result in unreasonable costs, or that
2 obtaining such steel or iron in the United States would increase the
3 cost of the contract by an unreasonable amount, or such iron or steel,
4 including without limitation structural iron and structural steel cannot
5 be produced or made in the United States in sufficient and reasonably
6 available quantities and of satisfactory quality. The head of the public
7 entity constructing the public works shall include this determination in
8 an advertisement or solicitation of a request for proposal, invitation
9 for bid, or solicitation of proposal, or any other method provided for
10 by law or regulation for soliciting a response from offerors intending
11 to result in a contract pursuant to this paragraph. The provisions of
12 subparagraph (i) of this paragraph shall not apply for equipment
13 purchased prior to the effective date of this article.

14 (e) apprenticeship and workforce development utilization: (i) wherever
15 possible, contractors and subcontractors should be required to partic-
16 ipate in apprenticeship programs, registered in accordance with article
17 twenty-three of the labor law, in the trades in which they are perform-
18 ing work; (ii) for industries without apprenticeship programs, the use
19 of workforce training, preferably in conjunction with a bona fide labor
20 organization, shall be required; (iii) encouragement of registered pre-
21 apprenticeship direct entry programs for the recruitment of local and/or
22 disadvantaged workers;

23 (f) at least forty of the workforce development programs, pre-appren-
24 ticeship programs, and necessary wraparound services utilized for the
25 program established pursuant to this section shall benefit residents of
26 disadvantaged communities.

27 4. (a) Nothing in this article shall alter the rights or benefits, and
28 privileges, including but not limited to terms and conditions of employ-
29 ment, civil service status, and collective bargaining unit membership,
30 of any current employees of the state or any agency, public authority or
31 the state university of New York.

32 (b) Nothing in this article shall result in: (i) the discharge,
33 displacement, or loss of position, including partial displacement such
34 as a reduction in the hours of non-overtime work, wages, or employment
35 benefits; (ii) the impairment of existing collective bargaining agree-
36 ments; (iii) the transfer of existing duties and functions; or (iv) the
37 transfer of future duties and functions, of any currently employed work-
38 er of the state or any agency, public authority or the state university
39 of New York.

40 (c) Prior to the beginning of the procurement process for decarboniza-
41 tion projects, the agency, public authority or the state university of
42 New York shall create and implement a workforce development report that:
43 (i) estimates the number of current positions that would be eliminated
44 or substantially changed as a result of the proposed building decarboni-
45 zation project, and the number of positions expected to be created by
46 the building decarbonization project; (ii) identifies gaps in skills of
47 its current workforce that are needed to operate and maintain thermal
48 energy networks; (iii) includes a comprehensive plan to transition,
49 train, or retrain employees that are impacted by the decarbonization
50 projects; and (iv) contains an estimated budget to transition, train, or
51 retrain employees that are impacted by the proposed decarbonization
52 projects.

53 (d) Nothing in this article shall: (i) limit the rights of employees
54 pursuant to a collective bargaining agreement, or (ii) alter the exist-
55 ing representational relationships among collective bargaining represen-
56 tatives or the bargaining relationships between the employer and any



1 collective bargaining representative. Employees of public entities serv-
2 ing in positions in newly created titles shall be assigned to the appro-
3 prate bargaining unit.

4 (e) Prior to beginning the procurement process for decarbonization
5 projects, the state agency, public authority or the state university of
6 New York shall inform its employees' collective bargaining represen-
7 tative of any potential impact on its members or unit, including posi-
8 tions that may be affected, altered, or eliminated as a result of such
9 projects.

10 5. The authority shall complete and submit a report, on or before
11 April first, two thousand twenty-five, on the implementation of the
12 program established pursuant to this section, and those activities
13 undertaken pursuant to this section, to the governor, the speaker of the
14 assembly, the temporary president of the senate, the chair of the senate
15 corporations, authorities, and commissions committee, the chair of the
16 assembly corporations, authorities, and commissions committee, the chair
17 of the assembly energy committee and the chair of the senate energy and
18 telecommunications committee.

19 § 5. This act shall take effect immediately.

20 PART XX

21 Intentionally Omitted

22 PART YY

23 Intentionally Omitted

24 PART ZZ

25 Section 1. Expenditures of moneys by the New York state energy
26 research and development authority for services and expenses of the
27 energy research, development and demonstration program, including
28 grants, the energy policy and planning program, and the Fuel NY program
29 shall be subject to the provisions of this section. Notwithstanding the
30 provisions of subdivision 4-a of section 18-a of the public service law,
31 all moneys committed or expended in an amount not to exceed \$28,725,000
32 shall be reimbursed by assessment against gas corporations, as defined
33 in subdivision 11 of section 2 of the public service law and electric
34 corporations as defined in subdivision 13 of section 2 of the public
35 service law, where such gas corporations and electric corporations have
36 gross revenues from intrastate utility operations in excess of \$500,000
37 in the preceding calendar year, and the total amount assessed shall be
38 allocated to each electric corporation and gas corporation in proportion
39 to its intrastate electricity and gas revenues in the calendar year
40 2021. Such amounts shall be excluded from the general assessment
41 provisions of subdivision 2 of section 18-a of the public service law.
42 The chair of the public service commission shall bill such gas and/or
43 electric corporations for such amounts on or before August 10, 2023 and
44 such amounts shall be paid to the New York state energy research and
45 development authority on or before September 10, 2023. Upon receipt,
46 the New York state energy research and development authority shall
47 deposit such funds in the energy research and development operating fund
48 established pursuant to section 1859 of the public authorities law. The

1 New York state energy research and development authority is authorized
2 and directed to: (1) transfer up to \$4 million to the state general fund
3 for climate change related services and expenses of the department of
4 environmental conservation from the funds received; and (2) commencing
5 in 2016, provide to the chair of the public service commission and the
6 director of the budget and the chairs and secretaries of the legislative
7 fiscal committees, on or before August first of each year, an itemized
8 record, certified by the president and chief executive officer of the
9 authority, or his or her designee, detailing any and all expenditures
10 and commitments ascribable to moneys received as a result of this
11 assessment by the chair of the department of public service pursuant to
12 section 18-a of the public service law. This itemized record shall
13 include an itemized breakdown of the programs being funded by this
14 section and the amount committed to each program. The authority shall
15 not commit for any expenditure, any moneys derived from the assessment
16 provided for in this section, until the chair of such authority shall
17 have submitted, and the director of the budget shall have approved, a
18 comprehensive financial plan encompassing all moneys available to and
19 all anticipated commitments and expenditures by such authority from any
20 source for the operations of such authority. Copies of the approved
21 comprehensive financial plan shall be immediately submitted by the chair
22 to the chairs and secretaries of the legislative fiscal committees. Any
23 such amount not committed by such authority to contracts or contracts to
24 be awarded or otherwise expended by the authority during the fiscal year
25 shall be refunded by such authority on a pro-rata basis to such gas
26 and/or electric corporations, in a manner to be determined by the
27 department of public service, and any refund amounts must be explicitly
28 lined out in the itemized record described above.

29 § 2. This act shall take effect immediately and shall be deemed to
30 have been in full force and effect on and after April 1, 2023.

31 PART AAA

32 Intentionally Omitted

33 PART BBB

34 Section 1. The economic development law is amended by adding a new
35 article 8-A to read as follows:

36 ARTICLE 8-A

37 NEW YORK YOUTH JOBS CONNECTOR PROGRAM

38 Section 205. Administration and services.

39 206. Funding.

40 207. Public outreach.

41 208. Annual report.

42 § 205. Administration and services. 1. There is hereby established
43 within the department a New York youth jobs connector program to connect
44 unemployed and underemployed individuals between the ages of sixteen and
45 twenty-four years with targeted educational, occupational, and training
46 services to help prepare such individuals for employment and improve
47 opportunities for such individuals to become employed. The New York
48 youth jobs connector program shall be responsible for facilitating the
49 coordination and delivery of existing programs and resources throughout



1 the state which are designed to assist individuals identified in this
2 article with opportunities for employment, skills development, job
3 training, and the other related services described in subdivision two of
4 this section. Such program may be administered by the office of strate-
5 gic workforce development within the department.

6 2. The department shall coordinate with the department of labor, the
7 department of education, the state university of New York, the city
8 university of New York, the office of temporary and disability assist-
9 ance, the office of children and family services, the urban development
10 corporation and its subsidiaries, and any other relevant agency or enti-
11 ty, to carry out the purposes of this article and leverage existing
12 funds and programs for unemployed and underemployed youth consistent
13 with the purposes described herein. Services provided by such programs
14 may include, but are not limited to, high school equivalency, basic
15 education, job skills training, English-as-a-second language, job read-
16 iness training, job placement services, case management, career coun-
17 seling and assessment, pre-apprenticeships and apprenticeships, pre-vo-
18 catiional skills training, employability planning, supportive services,
19 proactive outreach to unemployed and underemployed youths, skills and
20 vocational programs leading to career pathways and gainful employment,
21 and the development or promulgation of other resources and programs to
22 assist youths between the ages of sixteen and twenty-four years, partic-
23 ularly at-risk youths in such category.

24 § 206. Funding. The department shall identify and leverage any avail-
25 able funds as necessary, including any private funds provided for the
26 purpose of supporting this article, which may be used to subsidize the
27 New York youth jobs connector program. The department shall further
28 identify any private or not-for-profit entities which currently provide
29 job placement or training services, or other services described in
30 section two hundred five of this article, whether as the entity's prima-
31 ry purpose or coincidental to such entities' operations. Such entities
32 shall include, but not be limited to, boys and girls clubs, local or
33 state-wide affiliated young persons' organizations, and employer associ-
34 ations. The department may, to the extent practicable, contract with
35 such entities for the explicit purpose of using their membership or
36 staff to directly seek out and notify unemployed youths between the ages
37 of sixteen and twenty-four years about the New York youth jobs connector
38 program and the services offered thereunder.

39 § 207. Public outreach. 1. The department shall engage in outreach
40 efforts to raise awareness about the New York youth jobs connector
41 program and the services offered thereunder. Such outreach may include,
42 but not be limited to:

43 (a) brochures and posters to be distributed to school districts,
44 boards of cooperative educational services, public libraries, community
45 colleges, trade schools, agricultural and technical colleges, and other
46 public institutions of higher education;

47 (b) use of social media, internet, radio, newspapers, and print adver-
48 tising;

49 (c) participation in, or organization of program and job fairs;

50 (d) posting easily accessible hyperlinks to such information on the
51 department's and the department of labor's websites;

52 (e) collaboration with employment agencies or unions; and

53 (f) recruitment of individuals to serve as visible public ambassadors
54 to promote the program.

55 2. The department, in consultation with the office of information
56 technology services, shall create publicly accessible online surveys to

1 assess the goals, eligibility, and job readiness of individuals served
2 by the program to match such individuals with a subset of relevant
3 programs and services for consideration. Such surveys shall be made
4 available on the department's website. The department shall also publish
5 an informational webpage to provide details on the program and outreach
6 events as well as information on and a hyperlink to the online surveys.

7 § 208. Annual report. Not later than one year after the effective date
8 of this act and annually thereafter, the commissioner, in consultation
9 with the commissioner of labor, shall prepare and submit a report to the
10 governor, the temporary president of the senate, and the speaker of the
11 assembly on the efficacy and progress made by the New York youth jobs
12 connector program. In preparing the report, the commissioner may seek
13 and include input from relevant stakeholders, including participating
14 youths, schools, programs, and employers. The report shall also include
15 recommendations on further improvements concerning outreach efforts to
16 spread awareness of the program.

17 § 2. The economic development law is amended by adding a new section
18 100-b to read as follows:

19 § 100-b. Comprehensive report on the activities of the office of stra-
20 tegic workforce development. Beginning on January first, two thousand
21 twenty-four, and every January first thereafter, the department shall
22 prepare a comprehensive annual report on the activities and efficacy of
23 the office of strategic workforce development. In preparing the report,
24 the department shall coordinate with the department of labor, the
25 department of education, the state university of New York, the city
26 university of New York, the office of temporary and disability assist-
27 ance, the office of children and family services, the urban development
28 corporation and its subsidiaries, and any other relevant agency or enti-
29 ty, to examine the office's interagency coordination. Such comprehensive
30 report shall include aggregate totals for each economic development
31 program administered by the office of strategic workforce development,
32 including but not limited to program progress, program participation
33 rates, economic impact, regional distribution, industry trends, and any
34 other information deemed necessary by the commissioner. The department
35 shall prominently post the comprehensive economic development report on
36 its website no later than January first of each year.

37 § 3. The opening paragraph of subdivision 15 of section 21 of the
38 labor law, as amended by chapter 40 of the laws of 2018, is amended and
39 a new subdivision 16 is added to read as follows:

40 Shall establish and maintain an online database to catalogue and make
41 available information on workforce development funding programs [and may
42 publish], which shall include all such programs administered, managed,
43 or monitored by the New York state urban development corporation as
44 created by section one of chapter one hundred seventy-four of the laws
45 of nineteen hundred sixty-eight, constituting the New York State urban
46 development corporation act and any [analysis conducted by the depart-
47 ment on such data] of its subsidiaries. For purposes of this subdivi-
48 sion, the term "workforce development funding program" shall mean a
49 program that funds or provides targeted educational, occupational or
50 training services for the purpose of effecting the employability of the
51 participant, provides training or employment services, supports an
52 economic development activity by enhancing the skills of the state's
53 workforce, prepares individuals for employment, improves opportunities
54 for individuals to become employed, or promotes understanding of the
55 state labor force market through statistical studies, including but not
56 limited to programs that fund or provide English as a second language

1 and adult literacy. For each workforce development funding program, the
2 online database shall include, but not be limited to, the following
3 information for each funding program:

4 16. Not less than annually, the department shall prepare a report of
5 the catalogue of workforce development funding programs established
6 pursuant to subdivision fifteen of this section to conduct an analysis
7 on the outcomes and effectiveness of such funding programs and the
8 number of persons served by such funding. Such report shall be submitted
9 to the governor, the temporary president of the senate, the speaker of
10 the assembly, the minority leader of the senate and the minority leader
11 of the assembly and shall be made publicly available on the department's
12 website.

13 § 4. This act shall take effect immediately; provided, however, that
14 section one of this act shall take effect on the sixtieth day after it
15 shall have become a law. Effective immediately, the addition, amendment,
16 and/or repeal of any rule or regulation necessary for the implementation
17 of this act on its effective date are authorized to be made and
18 completed on or before such effective date.

19 PART CCC

20 Section 1. Subdivision 2 of section 99-1 of the general municipal law,
21 as amended by chapter 179 of the laws of 2000, is amended to read as
22 follows:

23 2. The county of Nassau shall be entitled to receive the amounts set
24 forth in subdivision one of this section for the services of the Nassau
25 county traffic and parking violations agency and for all services in
26 each case of a parking violation, instituted and triable in such agency,
27 wherein a fine is imposed, a surcharge of ten dollars. In addition, the
28 county of Suffolk shall be entitled to receive the amounts set forth in
29 subdivision one of this section for the services of the Suffolk county
30 traffic and parking violations agency.

31 § 2. This act shall take effect immediately; provided, however, that
32 the amendments to subdivision 2 of section 99-1 of the general municipal
33 law made by section one of this act shall not affect the expiration of
34 such subdivision and shall expire and be deemed repealed therewith.

35 PART DDD

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

39 § 16-hh. Small business inflation assistance grant program. 1. Defi-
40 initions. As used in this section, the following terms shall have the
41 following meanings:

42 (a) "Small business" or "businesses" shall mean a business which is
43 resident in this state, independently owned and operated, not dominant
44 in its field, and employs one hundred or less persons.

45 (b) "Micro business" or "businesses" shall mean a business which is a
46 resident in this state, independently owned and operated, not dominant
47 in its field, and employs ten or less persons.

48 (c) "The program" shall mean the small business inflation assistance
49 grant program established pursuant to subdivision 2 of this section.

50 (d) "Applicant" shall mean a small business or micro business submit-
51 ting an application for a grant award to the program.



1 2. Small business inflation assistance grant program established. The
2 small business inflation grant program is hereby created to provide
3 assistance to small businesses who have experienced economic hardship
4 associated with inflationary pressure and other economic hardships.

5 3. Authorization. The corporation is hereby authorized, using avail-
6 able funds, to issue grants and provide technical assistance and
7 outreach to small and micro businesses and technical assistance partners
8 for the purpose of aiding the recovery and growth of the New York state
9 economy, and may promulgate guidelines or regulations to effectuate the
10 purposes herein.

11 4. Selection criteria and application process. (a) In order to be
12 eligible for a grant or additional form of support under the program,
13 eligible small and micro businesses shall:

14 (i) be incorporated in New York state or licensed or registered to do
15 business in New York state;

16 (ii) be a currently viable micro business or small business that has
17 been operational for at least six months before an application is
18 submitted;

19 (iii) be able to demonstrate lost revenue or other hardship due to
20 inflationary or other economic hardships to the satisfaction of the
21 corporation;

22 (iv) have between five thousand and one million dollars in gross
23 receipts or be able to demonstrate five thousand dollars in business
24 expenses;

25 (v) be in substantial compliance with applicable federal, state and
26 local laws, regulations, codes and requirements; and

27 (vi) not owe any federal, state or local taxes prior to July 15, 2022,
28 or have an approved repayment, deferral plan, or agreement with appro-
29 priate federal, state and local taxing authorities.

30 (b) Grants awarded from this program shall be available to all eligi-
31 ble micro businesses and small businesses; however, priority shall be
32 given to:

33 (i) socially and economically disadvantaged small business or micro
34 business owners including, but not limited to, minority and women-owned
35 business enterprises, service-disabled veteran-owned businesses, and
36 veteran-owned businesses, or small business or micro business located in
37 communities that were economically distressed prior to March 1, 2020, as
38 determined by the most recent census data;

39 (ii) new small businesses or micro businesses who have begun oper-
40 ations since January 1, 2022; and

41 (iii) small businesses or micro businesses that can demonstrate to the
42 satisfaction of the corporation their commitment to using green and
43 sustainable business practices in their operations.

44 5. Eligible costs. (a) Eligible costs shall be considered for micro
45 businesses and small businesses, impacted by inflationary hardships
46 which have negatively impacted business operations. Such eligible costs
47 shall have been incurred after January 1, 2022;

48 (b) The following costs incurred by a micro business and small busi-
49 ness, shall be considered eligible under the program at a minimum:
50 payroll costs; costs of rent or mortgage as provided for in subparagraph
51 (i) of this paragraph; costs of repayment of local property or school
52 taxes associated with such small business's location as provided for in
53 subparagraph (ii) of this paragraph; insurance costs; utility costs;
54 costs associated with supply chain disruptions; machinery or equipment
55 costs necessary to increase efficiency or modernize;

1 (i) Mortgage payments or commercial rent shall be considered eligible
2 costs; and

3 (ii) Payment of local property taxes and school taxes shall be consid-
4 ered eligible costs.

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

9 6. Application and approval process. (a) An eligible micro business or
10 small business shall submit a complete application in a form and manner
11 prescribed by the corporation.

12 (b) The corporation shall establish the procedures and time period for
13 micro businesses and small businesses to submit applications to the
14 program. As part of the application each micro business and small busi-
15 ness shall provide sufficient documentation in a manner prescribed by
16 the corporation to demonstrate hardship, and prevent fraud, waste, and
17 abuse.

18 7. Reporting. The corporation, on a quarterly basis beginning Septem-
19 ber 30, 2023, and ending when all program funds are expended, shall
20 submit a separate and distinct report to the governor, the temporary
21 president of the senate, and the speaker of the assembly setting forth
22 the activities undertaken by the program. Such quarterly report shall
23 include, but need not be limited to: the number of applicants and their
24 county locations; the number of applicants approved by the program and
25 their county location; the total amount of grants awarded, and the aver-
26 age amount of such grants awarded; and such other information as the
27 corporation determines necessary and appropriate. Such report shall be
28 included on the corporation's website and any other publicly accessible
29 state database that lists economic development programs, as determined
30 by the commissioner.

31 8. Technical assistance and outreach. The corporation may offer or
32 make available to all applicants, regardless of approval status, direct
33 or indirect access to financial and business planning, legal consulta-
34 tion, language assistance services, mentoring services for planning, and
35 other assistance and support as determined by the corporation. Assist-
36 ance, support, outreach and other services may be provided by or through
37 partner organizations, including but not limited to chambers of
38 commerce, local business development corporations, trade associations
39 and other community organizations that have expertise and background in
40 providing technical assistance, at the discretion of the corporation.

41 § 2. This act shall take effect immediately.

42

PART EEE

43 Section 1. The public authorities law is amended by adding a new
44 section 1885 to read as follows:

45 § 1885. Empower plus program. 1. The authority shall develop and
46 administer the empower plus program, funded pursuant to an appropriation
47 from a chapter of the laws of two thousand twenty-three, to provide
48 eligible low-income residential households with energy efficiency, heat-
49 ing and cooling, health and safety and other related improvements to
50 existing homes.

51 2. The authority is authorized to enter into contracts with engineers
52 or other relevant professions to conduct assessments, provide technical
53 assistance, and perform or complete improvements of eligible low-income
54 residential households, pursuant to subdivision three of this section.



1 3. The following improvements may be available for eligible house-
2 holds:

3 (a) installation of high-efficiency lighting;

4 (b) attic and wall insulation;

5 (c) residential household decarbonization, including building electri-
6 fication;

7 (d) refrigerator and freezer replacement;

8 (e) water efficient showerheads; or

9 (f) an electric bill credit from a renewable energy system, pursuant
10 to section sixty-six-p of the public service law, that shall not exceed
11 fifteen dollars per month.

12 4. The authority, in consultation with the energy affordability
13 program working group established pursuant to section sixty-six-v of the
14 public service law, shall determine and establish program eligibility
15 criteria; provided, however, that individuals currently enrolled in a
16 low-income home energy assistance program, pursuant to section ninety-
17 seven of the social services law, shall be automatically eligible for
18 the empower plus program.

19 5. Both renters and homeowners shall be eligible to participate.

20 6. The authority shall prepare and submit an annual progress report by
21 December thirty-first, to the governor, the temporary president of the
22 senate and the speaker of the assembly, and post each progress report on
23 the authority's website. The progress report shall at a minimum include
24 the following information:

25 (a) the number of households that were electrified in the current
26 reporting year;

27 (b) the category and type of improvements to households made in the
28 current reporting year;

29 (c) the number of households that received improvements in the current
30 reporting year;

31 (d) the average cost of improvements per household, the overall
32 expenses incurred by the authority in completing improvements, and other
33 information deemed relevant by the authority; and

34 (e) cumulative information regarding expenditures, number of homes
35 electrified, and amount of energy and/or water savings.

36 § 2. This act shall take effect immediately.

37 PART FFF

38 Section 1. Legislative intent. (a) The legislature finds that access
39 to affordable and reliable energy is essential for maintaining the
40 health, safety, and welfare of New Yorkers.

41 (b) The legislature further finds that low-, fixed-, and moderate-in-
42 come households are disproportionately burdened by high energy costs,
43 and that such costs can have significant adverse impacts.

44 (c) The legislature recognizes the need to provide additional finan-
45 cial support to ensure such households have access to affordable energy.

46 (d) The legislature recognizes the energy burden standard established
47 through an Order Adopting Low Income Program Modifications and Directing
48 Utility Filings issued and effective May 20, 2016, in Case No 14-M-0565,
49 that requires low-income residential customers not spend more than six
50 percent of their income on energy bills.

51 (e) The legislature further finds that it is necessary to codify this
52 energy burden standard into law to ensure that it is enforced and that
53 benefits are applied consistently, accurately, and appropriately across

1 all electric corporations, combination gas and electric corporations,
2 and the Long Island Power Authority.

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

5 § 66-v. Energy affordability program. 1. For the purposes of this
6 section:

7 (a) "energy burden" shall mean the percentage of household income
8 spent on energy bills;

9 (b) "electric corporation" shall have the same meaning as defined in
10 subdivision thirteen of section two of this chapter;

11 (c) "combination gas and electric corporation" shall have the same
12 meaning as defined in subdivision fourteen of section two of this chap-
13 ter;

14 (d) "Long Island Power Authority" shall mean the Long Island Power
15 Authority established pursuant to section one thousand twenty-c of the
16 public authorities law;

17 (e) "home energy assistance program" shall mean the low-income home
18 energy assistance program described in section ninety-seven of the
19 social services law; and

20 (f) "eligible low-income and moderate-income residential customers"
21 shall mean residential customers of electric corporations and combina-
22 tion gas and electric corporations regulated by the public service
23 commission, and the Long Island Power Authority, who do not currently
24 qualify for the energy affordability policy program, but whose household
25 income is found to be below the area medium income based on household
26 size.

27 2. The department, in consultation with the energy affordability
28 program working group, shall establish and administer the energy afford-
29 ability program within funding appropriated by a chapter of the laws of
30 two thousand twenty-three, to reduce the residential household energy
31 burden of eligible low-income and moderate-income residential customers.
32 Each electric corporation and combination gas and electric corporations
33 regulated by the public service commission, and the Long Island Power
34 Authority, shall ensure that eligible low-income and moderate-income
35 residential customers are provided with a benefit that ensures their
36 energy burden does not exceed six percent.

37 3. Electric corporations and combination gas and electric corporations
38 regulated by the public service commission, and the Long Island Power
39 Authority, shall ensure that residential customers who participate in
40 the empower plus program administered by the New York state energy
41 research and development authority, pursuant to section eighteen hundred
42 eighty-five of the public authorities law, and electrify their residen-
43 tial home in accordance with program standards, do not exceed an energy
44 burden of six percent. The department is authorized to establish a cap
45 on residential customer energy usage, which shall be evaluated annually.

46 4. Energy affordability program working group. The energy affordabili-
47 ty program working group shall include representatives from the depart-
48 ment, New York state energy research and development authority, Long
49 Island Power Authority, office of temporary and disability assistance,
50 utility intervention unit, as defined in subdivision four of section
51 ninety-four-a of the executive law, and department of environmental
52 conservation. Meetings conducted by the energy affordability program
53 working group shall be open to the public. The energy affordability
54 program working group shall develop objectives and priorities, including
55 strategies to increase energy affordability program enrollment, and
56 shall provide opportunities for public comment, to improve energy

1 affordability for low-income and moderate-income households. The energy
2 affordability program working group shall prepare and submit a report,
3 that shall include, at a minimum, objectives and priorities, including
4 strategies to increase energy affordability program enrollment, and to
5 improve energy affordability for low-income and moderate-income house-
6 holds, to the public service commission, governor, temporary president
7 of the senate and speaker of the assembly by December thirty-first,
8 annually, and shall be posted on the department's website.

9 § 3. The public service law is amended by adding a new section 66-w to
10 read as follows:

11 § 66-w. Energy burden cap. The public service commission shall ensure
12 that residential ratepayers are entitled to a benefit that ensures their
13 energy burden shall not exceed six percent. Energy burden shall have the
14 same meaning as defined in paragraph (a) of subdivision one of section
15 sixty-six-v of this article.

16 § 4. This act shall take effect immediately.

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

26 § 3. This act shall take effect immediately provided, however, that
27 the applicable effective date of Parts A through FFF of this act shall
28 be as specifically set forth in the last section of such Parts.

