

# STATE OF NEW YORK

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S. 8308--C

A. 8808--C

## SENATE - ASSEMBLY

January 17, 2024

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IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

AN ACT to amend part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending provisions of law relating to certain tax increment financing provisions (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); to amend part I of chapter 413 of the laws of 1999, relating to providing for mass transportation payments, in relation to the amount of payments in the Capital District Transportation District and adding Warren County to such District (Part E); to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof (Part F); to amend part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part G); intentionally omitted (Part H); intentionally omitted (Part

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

LBD12673-05-4

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); to amend the transportation law and the vehicle and traffic law, in relation to enacting the stretch limousine passenger safety act; and providing for the repeal of certain provisions upon expiration thereof (Part K); to amend the executive law, the criminal procedure law, the retirement and social security law and the tax law, in relation to creating the Waterfront Commission Act; and to repeal chapter 882 of the laws of 1953 relating to waterfront employment and air freight industry regulation (Part L); to amend part DDD of chapter 55 of the laws of 2021 amending the public authorities law relating to the clean energy resources development and incentives program, in relation to the effectiveness thereof; and to amend the public authorities law, in relation to renewable energy generation projects and qualified energy storage systems (Part M); 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 N); to amend the public service law, the eminent domain procedure law, the energy law, the environmental conservation law, the public authorities law, and the labor law, in relation to transferring the functions of the office of renewable energy siting to the department of public service and accelerating the permitting of electric utility transmission facilities; to repeal certain provisions of the executive law and the public service law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part O); intentionally omitted (Part P); 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 Q); intentionally omitted (Part R); to amend the environmental conservation law, in relation to authorizing state assistance payments toward climate smart community projects of up to eighty percent to municipalities that meet criteria relating to financial hardship or disadvantaged communities (Part S); to amend the environmental conservation law, in relation to air quality control program fees and ozone non-attainment fee programs; to amend the state finance law, in relation to establishing the air quality improvement fund; and to repeal certain provisions of the environmental conservation law and the state finance law relating thereto (Part T); intentionally omitted (Part U); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part V); to amend the public authorities law, in relation to the Battery Park city authority (Part W); to amend the economic development law, in relation to increasing the cap on grants to entrepreneurship assistance centers (Part X); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the effectiveness thereof (Part Y); 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 Z); 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 AA); 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 BB); intentionally omitted (Part CC); intentionally omitted (Part DD); to amend the insurance law, in relation to cost sharing for covered prescription insulin drugs (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); to amend part WW of chapter 56 of the laws of 2022 amending the public officers law relating to permitting videoconferencing and remote participation in public meetings under certain circumstances, in relation to extending the provisions thereof (Part KK); to amend the insurance law, in relation to reinsurance, distribution for life insurers, and assessments; and to amend the tax law, in relation to the credit relating to life and health insurance guaranty corporation assessments (Part LL); to amend the civil rights law, in relation to privacy rights involving digitization (Subpart A); and to amend the election law, in relation to digitization in political communications (Subpart B) (Part MM); to amend the insurance law, in relation to rates for livery insurance (Part NN); to amend the New York state urban development corporation act, in relation to internships for the regional economic development partnership program (Part OO); to amend the tax law, in relation to establishing a sales tax exemption for residential energy storage; and providing for the repeal of such provisions upon expiration thereof (Part PP); in relation to directing the New York state energy research and development authority to conduct a highway and depot charging needs evaluation (Part QQ); in relation to authorizing the state to consent to binding arbitration with respect to certain contracts, agreements or instruments adopted by the Gateway Development Commission (Part RR); to amend the public authorities law, in relation to establishing a local authorities searchable subsidy and economic development benefits database (Subpart A); and to amend the public authorities law, in relation to the applicability of open meetings and freedom of information laws to certain state and local authorities (Subpart B) (Part SS); and to amend the economic development law and the urban development corporation act, in relation to establishing the New York state empire artificial intelligence research program and the empire AI consortium; and in relation to the plan of operation and financial oversight of the empire AI consortium; and providing for the repeal of certain provisions upon expiration thereof (Subpart A); and in relation to authorizing the state university of New York at Buffalo to lease a portion of lands to the empire AI consortium to create and launch a state-of-the-art artificial intelligence computing center (Subpart B) (Part TT)

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 2024-2025 state fiscal  
 4 year. Each component is wholly contained within a Part identified as  
 5 Parts A through TT. 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 Section 1. Section 3 of part PP of chapter 54 of the laws of 2016  
 15 amending the public authorities law and the general municipal law relat-  
 16 ing to the New York transit authority and the metropolitan transporta-  
 17 tion authority, as amended by section 1 of part C of chapter 58 of the  
 18 laws of 2023, is amended to read as follows:

19 § 3. This act shall take effect immediately; provided that the amend-  
 20 ments to subdivision 1 of section 119-r of the general municipal law  
 21 made by section two of this act shall expire and be deemed repealed  
 22 April 1, [2024] 2025, and provided further that such repeal shall not  
 23 affect the validity or duration of any contract entered into before that  
 24 date pursuant to paragraph f of such subdivision.

25 § 2. This act shall take effect immediately.

26 PART B

27 Intentionally Omitted

28 PART C

29 Intentionally Omitted

30 PART D

31 Intentionally Omitted

32 PART E

33 Section 1. Section 1 of part I of chapter 413 of the laws of 1999,  
 34 relating to providing for mass transportation payments, as amended by  
 35 section 1 of part E of chapter 58 of the laws of 2022, is amended to  
 36 read as follows:

37 Section 1. Notwithstanding any other law, rule or regulation to the  
 38 contrary, payment of mass transportation operating assistance pursuant  
 39 to section 18-b of the transportation law shall be subject to the  
 40 provisions contained herein and the amounts made available therefor by  
 41 appropriation.

42 In establishing service and usage formulas for distribution of mass  
 43 transportation operating assistance, the commissioner of transportation

1 may combine and/or take into consideration those formulas used to  
 2 distribute mass transportation operating assistance payments authorized  
 3 by separate appropriations in order to facilitate program administration  
 4 and to ensure an orderly distribution of such funds.

5 To improve the predictability in the level of funding for those  
 6 systems receiving operating assistance payments under service and usage  
 7 formulas, the commissioner of transportation is authorized with the  
 8 approval of the director of the budget, to provide service payments  
 9 based on service and usage statistics of the preceding year.

10 In the case of a service payment made, pursuant to section 18-b of the  
 11 transportation law, to a regional transportation authority on account of  
 12 mass transportation services provided to more than one county (consider-  
 13 ing the city of New York to be one county), the respective shares of the  
 14 matching payments required to be made by a county to any such authority  
 15 shall be as follows:

	Percentage of Matching Payment	
16 Local Jurisdiction		
17 -----		
18 In the Metropolitan Commuter		
19 Transportation District:		
20 New York City .....	6.40	
21 Dutchess .....	1.30	
22 Nassau .....	39.60	
23 Orange .....	0.50	
24 Putnam .....	1.30	
25 Rockland .....	0.10	
26 Suffolk .....	25.70	
27 Westchester .....	25.10	
28 In the Capital District Trans-		
29 portation District:		
30 Albany .....	[55.27]	<u>54.05</u>
31 Rensselaer .....	[22.96]	<u>22.45</u>
32 Saratoga .....	[4.04]	<u>3.95</u>
33 Schenectady .....	[16.26]	<u>15.90</u>
34 Montgomery .....	[1.47]	<u>1.44</u>
35 <u>Warren</u> .....	<u>2.21</u>	
36 In the Central New York Re-		
37 gional Transportation Dis-		
38 trict:		
39 Cayuga .....	5.11	
40 Onondaga .....	75.83	
41 Oswego .....	2.85	
42 Oneida .....	16.21	
43 In the Rochester-Genesee Re-		
44 gional Transportation Dis-		
45 trict:		
46 Genesee .....	1.36	
47 Livingston .....	.90	
48 Monroe .....	90.14	
49 Wayne .....	.98	
50 Wyoming .....	.51	
51 Seneca .....	.64	
52 Orleans .....	.77	
53 Ontario .....	4.69	

1	In the Niagara Frontier Trans-	
2	portation District: Erie .....	89.20
3	Niagara .....	10.80

4 Notwithstanding any other inconsistent provisions of section 18-b of  
5 the transportation law or any other law, any moneys provided to a public  
6 benefit corporation constituting a transportation authority or to other  
7 public transportation systems in payment of state operating assistance  
8 or such lesser amount as the authority or public transportation system  
9 shall make application for, shall be paid by the commissioner of trans-  
10 portation to such authority or public transportation system in lieu, and  
11 in full satisfaction, of any amounts which the authority would otherwise  
12 be entitled to receive under section 18-b of the transportation law.

13 Notwithstanding the reporting date provision of section 17-a of the  
14 transportation law, the reports of each regional transportation authori-  
15 ty and other major public transportation systems receiving mass trans-  
16 portation operating assistance shall be submitted on or before July 15  
17 of each year in the format prescribed by the commissioner of transporta-  
18 tion. Copies of such reports shall also be filed with the chairpersons  
19 of the senate finance committee and the assembly ways and means commit-  
20 tee and the director of the budget. The commissioner of transportation  
21 may withhold future state operating assistance payments to public trans-  
22 portation systems or private operators that do not provide such reports.

23 Payments may be made in quarterly installments as provided in subdivi-  
24 sion 2 of section 18-b of the transportation law or in such other manner  
25 and at such other times as the commissioner of transportation, with the  
26 approval of the director of the budget, may provide; and where payment  
27 is not made in the manner provided by such subdivision 2, the matching  
28 payments required of any city, county, Indian tribe or intercity bus  
29 company shall be made within 30 days of the payment of state operating  
30 assistance pursuant to this section or on such other basis as may be  
31 agreed upon by the commissioner of transportation, the director of the  
32 budget, and the chief executive officer of such city, county, Indian  
33 tribe or intercity bus company.

34 The commissioner of transportation shall be required to annually eval-  
35 uate the operating and financial performance of each major public trans-  
36 portation system. Where the commissioner's evaluation process has iden-  
37 tified a problem related to system performance, the commissioner may  
38 request the system to develop plans to address the performance deficien-  
39 cies. The commissioner of transportation may withhold future state oper-  
40 ating assistance payments to public transportation systems or private  
41 operators that do not provide such operating, financial, or other infor-  
42 mation as may be required by the commissioner to conduct the evaluation  
43 process.

44 Payments shall be made contingent upon compliance with regulations  
45 deemed necessary and appropriate, as prescribed by the commissioner of  
46 transportation and approved by the director of the budget, which shall  
47 promote the economy, efficiency, utility, effectiveness, and coordinated  
48 service delivery of public transportation systems. The chief executive  
49 officer of each public transportation system receiving a payment shall  
50 certify to the commissioner of transportation, in addition to informa-  
51 tion required by section 18-b of the transportation law, such other  
52 information as the commissioner of transportation shall determine is  
53 necessary to determine compliance and carry out the purposes herein.

54 Counties, municipalities or Indian tribes that propose to allocate  
55 service payments to operators on a basis other than the amount earned by

1 the service payment formula shall be required to describe the proposed  
2 method of distributing governmental operating aid and submit it one  
3 month prior to the start of the operator's fiscal year to the commis-  
4 sioner of transportation in writing for review and approval prior to the  
5 distribution of state aid. The commissioner of transportation shall only  
6 approve alternate distribution methods which are consistent with the  
7 transportation needs of the people to be served and ensure that the  
8 system of private operators does not exceed established maximum service  
9 payment limits. Copies of such approvals shall be submitted to the  
10 chairpersons of the senate finance and assembly ways and means commit-  
11 tees.

12 Notwithstanding the provisions of subdivision 4 of section 18-b of the  
13 transportation law, the commissioner of transportation is authorized to  
14 continue to use prior quarter statistics to determine current quarter  
15 payment amounts, as initiated in the April to June quarter of 1981. In  
16 the event that actual revenue passengers and actual total number of  
17 vehicle, nautical or car miles are not available for the preceding quar-  
18 ter, estimated statistics may be used as the basis of payment upon  
19 approval by the commissioner of transportation. In such event, the  
20 succeeding payment shall be adjusted to reflect the difference between  
21 the actual and estimated total number of revenue passengers and vehicle,  
22 nautical or car miles used as the basis of the estimated payment. The  
23 chief executive officer may apply for less aid than the system is eligi-  
24 ble to receive. Each quarterly payment shall be attributable to operat-  
25 ing expenses incurred during the quarter in which it is received, unless  
26 otherwise specified by such commissioner. In the event that a public  
27 transportation system ceases to participate in the program, operating  
28 assistance due for the final quarter that service is provided shall be  
29 based upon the actual total number of revenue passengers and the actual  
30 total number of vehicle, nautical or car miles carried during that quar-  
31 ter.

32 Payments shall be contingent on compliance with audit requirements  
33 determined by the commissioner of transportation.

34 In the event that an audit of a public transportation system or  
35 private operator receiving funds discloses the existence of an overpay-  
36 ment of state operating assistance, regardless of whether such an over-  
37 payment results from an audit of revenue passengers and the actual  
38 number of revenue vehicle miles statistics, or an audit of private oper-  
39 ators in cases where more than a reasonable return based on equity or  
40 operating revenues and expenses has resulted, the commissioner of trans-  
41 portation, in addition to recovering the amount of state operating  
42 assistance overpaid, shall also recover interest, as defined by the  
43 department of taxation and finance, on the amount of the overpayment.

44 Notwithstanding any other law, rule or regulation to the contrary,  
45 whenever the commissioner of transportation is notified by the comp-  
46 troller that the amount of revenues available for payment from an  
47 account is less than the total amount of money for which the public mass  
48 transportation systems are eligible pursuant to the provisions of  
49 section 88-a of the state finance law and any appropriations enacted for  
50 these purposes, the commissioner of transportation shall establish a  
51 maximum payment limit which is proportionally lower than the amounts set  
52 forth in appropriations.

53 Notwithstanding paragraphs (b) of subdivisions 5 and 7 of section 88-a  
54 of the state finance law and any other general or special law, payments  
55 may be made in quarterly installments or in such other manner and at

1 such other times as the commissioner of transportation, with the  
2 approval of the director of the budget may prescribe.

3 § 2. This act shall take effect immediately and shall be deemed to  
4 have been in full force and effect on and after April 1, 2024.

5 PART F

6 Section 1. Section 5 of chapter 751 of the laws of 2005, amending the  
7 insurance law and the vehicle and traffic law relating to establishing  
8 the accident prevention course internet technology pilot program, as  
9 amended by section 1 of part O of chapter 58 of the laws of 2022, is  
10 amended to read as follows:

11 § 5. This act shall take effect on the one hundred eightieth day after  
12 it shall have become a law and shall expire and be deemed repealed April  
13 1, [2024] 2026; provided that any rules and regulations necessary to  
14 implement the provisions of this act on its effective date are author-  
15 ized and directed to be completed on or before such date.

16 § 2. This act shall take effect immediately.

17 PART G

18 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003,  
19 amending the vehicle and traffic law and other laws relating to increas-  
20 ing certain motor vehicle transaction fees, as amended by section 1 of  
21 part P of chapter 58 of the laws of 2022, is amended to read as follows:

22 § 13. This act shall take effect immediately; provided however that  
23 sections one through seven of this act, the amendments to subdivision 2  
24 of section 205 of the tax law made by section eight of this act, and  
25 section nine of this act shall expire and be deemed repealed on April 1,  
26 [2024] 2026; provided further, however, that the provisions of section  
27 eleven of this act shall take effect April 1, 2004 and shall expire and  
28 be deemed repealed on April 1, [2024] 2026.

29 § 2. Section 2 of part B of chapter 84 of the laws of 2002, amending  
30 the state finance law relating to the costs of the department of motor  
31 vehicles, as amended by section 2 of part P of chapter 58 of the laws of  
32 2022, is amended to read as follows:

33 § 2. This act shall take effect April 1, 2002; provided, however, if  
34 this act shall become a law after such date it shall take effect imme-  
35 diately and shall be deemed to have been in full force and effect on and  
36 after April 1, 2002; provided further, however, that this act shall  
37 expire and be deemed repealed on April 1, [2024] 2026.

38 § 3. This act shall take effect immediately.

39 PART H

40 Intentionally Omitted

41 PART I

42 Intentionally Omitted

43 PART J



1 Section 1. Section 3 of part FF of chapter 55 of the laws of 2017,  
2 relating to motor vehicles equipped with autonomous vehicle technology,  
3 as amended by section 1 of part J of chapter 58 of the laws of 2023, is  
4 amended to read as follows:

5 § 3. This act shall take effect April 1, 2017; provided, however, that  
6 section one of this act shall expire and be deemed repealed April 1,  
7 [2024] 2026.

8 § 2. This act shall take effect immediately and shall be deemed to  
9 have been in full force and effect on and after April 1, 2024.

10

## PART K

11 Section 1. Short title. This act shall be known and may be cited as  
12 the "stretch limousine passenger safety act".

13 § 2. Subdivision 9 of section 138 of the transportation law, as  
14 amended by chapter 12 of the laws of 2020, is amended to read as  
15 follows:

16 9. To maintain and annually update its website to provide information  
17 with regard to each bus operator or motor carrier under subparagraphs  
18 (ii) and (vi) of paragraph a of subdivision two of section one hundred  
19 forty of this article requiring department operating authority that  
20 includes the bus operator's or motor carrier's name, number of  
21 inspections, number of out of service orders, operator identification  
22 number, location and region of operation including place of address,  
23 percentile to which an operator or motor carrier falls with respect to  
24 out of service defects, the number or percentage of out of service  
25 defects where pursuant to the commissioner's regulations no inspection  
26 certificate shall be issued until the defect is repaired and a re-in-  
27 spection is conducted, and the number of serious physical injury or  
28 fatal crashes involving a for-hire vehicle requiring operating authority  
29 pursuant to this article, and a link to access publicly available infor-  
30 mation on safety fitness standards and motor carrier safety and perform-  
31 ance data maintained by the federal motor carrier safety administration  
32 of the United States department of transportation pursuant to part three  
33 hundred eighty-five of title forty-nine of the code of federal regu-  
34 lations.

35 § 3. Subparagraph (iii) of paragraph (b) of subdivision 10 of section  
36 138 of the transportation law, as added by chapter 5 of the laws of  
37 2020, is amended to read as follows:

38 (iii) In consultation and cooperation with the commissioner of motor  
39 vehicles, the commissioner shall report on safety issues reported to  
40 such website, and toll-free hotline and related investigations summariz-  
41 ing (A) the total number of safety issue reports received and the type  
42 of safety issues reported; (B) the total number of safety issue reports  
43 received and the type of safety issues reported where the commissioner  
44 or the commissioner of motor vehicles, as applicable, verified the  
45 information provided; (C) enforcement actions and other responses taken  
46 by the commissioner or the commissioner of motor vehicles, as applica-  
47 ble, to safety issue reports received where the commissioner or the  
48 commissioner of motor vehicles, as applicable, has verified such infor-  
49 mation; and (D) the length of time between the receipt of safety issue  
50 reports from such website, or hotline and enforcement action or other  
51 response by the commissioner or the commissioner of motor vehicles, as  
52 applicable. Such report shall be made publicly available on the depart-  
53 ment's website in a searchable format, [and] shall be published no less  
54 than once annually, and shall compare the previous three years of report

1 data to the extent applicable. Such report may also be included within  
2 the department's annual report submitted pursuant to subdivision thir-  
3 teen of section fourteen of this chapter.

4 § 4. Subparagraph (i) of paragraph b of subdivision 9 of section 140  
5 of the transportation law, as amended by chapter 9 of the laws of 2020,  
6 is amended and a new subparagraph (i-a) is added to read as follows:

7 (i) Whenever an altered motor vehicle commonly referred to as a  
8 "stretch limousine" has failed an inspection and been placed out-of-ser-  
9 vice, the commissioner may direct a police officer or [his or her] agent  
10 of such commissioner to immediately secure possession of the number  
11 plates of such vehicle and return the same to the commissioner of motor  
12 vehicles. The commissioner shall notify the commissioner of motor vehi-  
13 cles to that effect, and the commissioner of motor vehicles shall there-  
14 upon suspend the registration of such vehicle until such time as the  
15 commissioner gives notice that the out-of-service defect has been satis-  
16 factorily adjusted. Provided, however, that the commissioner shall give  
17 notice and an opportunity to be heard within not more than thirty days  
18 of the suspension. Failure of the holder or of any person possessing  
19 such plates to deliver to the commissioner or [his or her] agent of such  
20 commissioner who requests the same pursuant to this paragraph shall be a  
21 misdemeanor. The commissioner of motor vehicles shall have the authority  
22 to deny a registration or renewal application to any other person for  
23 the same vehicle where it has been determined that such registrant's  
24 intent has been to evade the purposes of this paragraph and where the  
25 commissioner of motor vehicles has reasonable grounds to believe that  
26 such registration or renewal will have the effect of defeating the  
27 purposes of this paragraph. The procedure on any such suspension shall  
28 be the same as in the case of a suspension under the vehicle and traffic  
29 law. [Operation of such motor vehicle while under suspension as  
30 provided in this subdivision shall constitute a class A misdemeanor.]

31 (i-a) No person, corporation, limited liability company or business  
32 entity, joint stock association, partnership, or any officer or agent  
33 thereof, shall operate or knowingly allow, require, permit or authorize  
34 any person to operate a motor vehicle while under suspension as provided  
35 in this subdivision. A violation of this subparagraph shall constitute a  
36 class A misdemeanor punishable by a fine of not less than five thousand  
37 dollars nor more than twenty-five thousand dollars in addition to any  
38 other penalties provided by law.

39 § 5. Section 375 of the vehicle and traffic law is amended by adding a  
40 new subdivision 55 to read as follows:

41 55. Stretch limousine roll-over protection devices and anti-intru-  
42 sion bars. (a) Every stretch limousine registered in this state shall  
43 be equipped with roll-over protection devices and anti-intrusion bars  
44 within no later than one year of the date upon which the national high-  
45 way traffic safety administration promulgates final regulations estab-  
46 lishing standards for commercial roll-over protection devices and anti-  
47 intrusion bars.

48 (b) For the purposes of this subdivision "stretch limousine" shall  
49 mean an altered motor vehicle having a seating capacity of nine or more  
50 passengers, including the driver, commonly referred to as a "stretch  
51 limousine" and which is used in the business of transporting passengers  
52 for compensation.

53 § 6. Section 375 of the vehicle and traffic law is amended by adding a  
54 new subdivision 56 to read as follows:

55 56. Stretch limousine additional equipment requirements. (a) Every  
56 stretch limousine registered in this state shall be equipped with an

1 accessible window break tool and an operational fire extinguisher, and  
2 the driver and passenger partition of every such stretch limousine shall  
3 be accessible to reach an emergency egress from such vehicle if other  
4 forms of egress such as a roof hatch are not available in such stretch  
5 limousine.

6 (b) For the purposes of this subdivision:

7 (i) "Stretch limousine" shall mean an altered motor vehicle having a  
8 seating capacity of nine or more passengers, including the driver,  
9 commonly referred to as a "stretch limousine" and which is used in the  
10 business of transporting passengers for compensation; and

11 (ii) "Window break tool" shall mean a tool that can be used to open  
12 the windows of a stretch limousine in the event of an emergency.

13 § 7. Section 375 of the vehicle and traffic law is amended by adding a  
14 new subdivision 57 to read as follows:

15 57. Stretch limousine age and mileage parameters. (a) It shall be  
16 unlawful to operate or cause to be operated a stretch limousine regis-  
17 tered in this state on any public highway or private road open to public  
18 motor vehicle traffic if the vehicle is more than ten years old or the  
19 cumulative mileage registered on the vehicle's odometer exceeds three  
20 hundred fifty thousand miles, whichever occurs first.

21 (b) For the purposes of this subdivision, "stretch limousine" shall  
22 mean an altered motor vehicle having a seating capacity of nine or more  
23 passengers, including the driver, commonly referred to as a "stretch  
24 limousine" and which is used in the business of transporting passengers  
25 for compensation.

26 (c) (i) A stretch limousine with an odometer reading that differs from  
27 the number of miles the stretch limousine has actually traveled or that  
28 has had a prior history involving the disconnection or malfunctioning of  
29 an odometer or which appears to the commissioner to have an inaccurate  
30 odometer reading based on prior inspection records, will be assigned an  
31 imputed mileage for each month from the last reliable odometer recording  
32 through the date of inspection, as provided in subparagraph (ii) of this  
33 paragraph. A motor carrier may seek review of the determination to  
34 assign imputed mileage as provided pursuant to article six of the trans-  
35 portation law and rules and regulations promulgated thereunder.

36 (ii) The imputed mileage shall be calculated by adding the mileage of  
37 the stretch limousine recorded at the two most recent stretch limousine  
38 inspections, including roadside inspections conducted by the commission-  
39 er of transportation or division of state police, whichever is more  
40 recent, and dividing that sum by twenty-four. The quotient is the imput-  
41 ed monthly mileage.

42 (iii) Unless otherwise provided by the commissioner of transportation,  
43 a stretch limousine may not be operated or caused to be operated to  
44 transport passengers for compensation or continue transporting passen-  
45 gers for compensation if a reliable baseline odometer reading cannot be  
46 ascertained.

47 (iv) A motor carrier or operator who knows or has reason to believe  
48 that the odometer reading of a limousine differs from the number of  
49 miles the stretch limousine has actually traveled shall disclose that  
50 status to the commissioner or the department of transportation imme-  
51 diately.

52 § 8. Section 509-g of the vehicle and traffic law is amended by adding  
53 a new subdivision 7 to read as follows:

54 7. In addition to the other provisions of this section, in the event  
55 the commissioner authorizes or requires the pre-trip safety briefings  
56 required pursuant to subdivision nine of section five hundred nine-m of

1 this article to be live and in-person, all motor carriers shall conduct  
2 a regular observation of the proficiency of each driver who operates  
3 altered motor vehicles commonly referred to as "stretch limousines"  
4 directed or operated by such motor carrier, designed to carry nine or  
5 more passengers including the driver pursuant to operating authority  
6 issued by the commissioner of transportation, in providing such pre-  
7 trip safety briefings.

8 § 9. Section 509-m of the vehicle and traffic law is amended by adding  
9 a new subdivision 9 to read as follows:

10 9. In coordination with the commissioner of transportation and the  
11 superintendent of state police, establish and regularly update the form  
12 and content of a pre-trip safety briefing for motor carriers that oper-  
13 ate altered motor vehicles commonly referred to as "stretch limousines",  
14 designed to carry nine or more passengers including the driver pursuant  
15 to operating authority issued by the commissioner of transportation,  
16 which motor carriers shall provide to passengers prior to transporting  
17 such passengers for hire in such stretch limousines.

18 § 10. Severability. If any clause, sentence, subdivision, paragraph,  
19 section or part of this act be adjudged by any court of competent juris-  
20 diction to be invalid, or if any federal agency determines in writing  
21 that this act would render New York state ineligible for the receipt of  
22 federal funds, such judgment or written determination shall not affect,  
23 impair or invalidate the remainder thereof, but shall be confined in its  
24 operation to the clause, sentence, subdivision, paragraph, section or  
25 part thereof directly involved in the controversy in which such judgment  
26 or written determination shall have been rendered.

27 § 11. This act shall take effect immediately; provided, however,  
28 sections two, three, four, eight and nine of this act shall take effect  
29 one year after it shall have become a law; provided further, however,  
30 section seven of this act shall take effect two years after it shall  
31 have become a law; provided further, however, section six of this act  
32 shall take effect on the one hundred eightieth day after it shall have  
33 become a law; provided further, however, that sections five and six of  
34 this act shall be deemed repealed if any federal agency determines in  
35 writing that this act would render New York state ineligible for the  
36 receipt of federal funds or any court of competent jurisdiction finally  
37 determines that this act would render New York state out of compliance  
38 with federal law or regulation; provided that the commissioner of motor  
39 vehicles or the commissioner of transportation shall notify the legisla-  
40 tive bill drafting commission upon the occurrence of any federal agency  
41 determining in writing that this act would render New York state ineli-  
42 gible for the receipt of federal funds or any court of competent juris-  
43 diction finally determines that this act would render New York state out  
44 of compliance with federal law or regulation in order that the commis-  
45 sion may maintain an accurate and timely effective data base of the  
46 official text of the laws of the state of New York in furtherance of  
47 effectuating the provisions of section 44 of the legislative law and  
48 section 70-b of the public officers law. Effective immediately, the  
49 addition, amendment and/or repeal of any rule or regulation necessary  
50 for the implementation of this act on its effective date are authorized  
51 to be made and completed on or before such effective date.

52

## PART L

53 Section 1. Chapter 882 of the laws of 1953 relating to waterfront  
54 employment and air freight industry regulation is REPEALED.

1 § 2. The executive law is amended by adding a new article 19-I to read  
2 as follows:

3 ARTICLE 19-I

4 WATERFRONT COMMISSION ACT

5 Section 534. Short title.

6 534-a. Legislative findings and declarations.

7 534-b. Definitions.

8 534-c. New York waterfront commission established.

9 534-d. General powers of the commission.

10 534-e. Designation as agent of the state.

11 534-f. Pier superintendents and hiring agents.

12 534-g. Stevedores.

13 534-h. Prohibition of public loading.

14 534-i. Longshore workers' register.

15 534-j. List of qualified longshore workers' for employment as  
16 checkers.

17 534-k. Regularization of longshore workers' employment.

18 534-l. Suspension or acceptance of applications for inclusion in  
19 the longshore workers' register; exceptions.

20 534-m. Security officers.

21 534-n. Hearings, determinations and review.

22 534-o. Employment information centers.

23 534-p. Implementation of telecommunications hiring system for  
24 longshore workers and checkers; registration of tele-  
25 communications system controller.

26 534-q. Construction of act.

27 534-r. Certain solicitations prohibited; prohibition against the  
28 holding of union position by officers, agents or  
29 employees who have been convicted of certain crimes  
30 and offenses.

31 534-s. General violations; prosecutions; penalties.

32 534-t. Denial of applications.

33 534-u. Revocation of licenses and registrations.

34 534-v. Refusal to answer question, immunity; prosecution.

35 534-w. Annual preparation of a budget request and assessments.

36 534-x. Payment of assessment.

37 534-y. Transfer of officers, employees.

38 534-z. Annual report.

39 § 534. Short title. This article shall be known and may be cited as  
40 the "waterfront commission act".

41 § 534-a. Legislative findings and declarations. 1. The state of New  
42 York hereby finds and declares that:

43 In 1953, the conditions under which waterfront labor was employed  
44 within the port of New York district were depressing and degrading to  
45 such labor, resulting from the lack of any systematic method of hiring,  
46 the lack of adequate information as to the availability of employment,  
47 corrupt and discriminatory hiring practices, criminal practices, and  
48 coercion of employees or employers. Now, it continues to be in the best  
49 interest of the state to regulate activities within the port of New York  
50 district in this state to prevent such conditions and to prevent circum-  
51 stances that result in waterfront laborers suffering from irregularity  
52 of employment, fear and insecurity, inadequate earnings, an unduly high  
53 accident rate, subjection to borrowing at usurious rates of interest,  
54 exploitation and extortion as the price of securing employment, a loss  
55 of respect for the law, and destruction of the dignity of an important  
56 segment of American labor, and to prevent a direct encouragement of

1 crime which imposes a levy of greatly increased costs on food, fuel and  
2 other necessities handled in and through the port of New York district  
3 in this state.

4 It is in the best interest of the state to ensure that the function of  
5 loading and unloading trucks and other land vehicles at piers and other  
6 waterfront terminals should be performed, as in every other major Ameri-  
7 can port, without the abuses of the public loader system, and by the  
8 carriers of freight by water, stevedores and operators of such piers and  
9 other waterfront terminals or the operators of such trucks or other land  
10 vehicles. Therefore, it is in the best interest of the state to regu-  
11 late the occupations of longshore workers, stevedores, pier superinten-  
12 dents, hiring agents, and security officers, who are affected with a  
13 public interest, which is an exercise of the police power of this state.  
14 It is further in the best interest of the state to ensure that the meth-  
15 od of employment of longshore workers and security officers be conducted  
16 through employment information centers to prevent grave injury to the  
17 welfare of waterfront laborers and of the people at large and to ensure  
18 the preservation of the fundamental rights and liberties of labor, the  
19 economic stability of the port of New York district in this state, and  
20 the advancement of law enforcement therein.

21 Although law enforcement's efforts against traditional organized crime  
22 influence have been successful, such influence remains a significant  
23 threat in the New York metropolitan area, particularly in the port.  
24 Continued oversight is essential to ensure fair and nondiscriminatory  
25 hiring practices, to eliminate labor racketeering and the victimization  
26 of legitimate union members and port businesses, and to prevent organ-  
27 ized crime figures from directly operating at the critical points of  
28 interstate and international shipping.

29 To preserve the safety and welfare of the state, it is the intent of  
30 this act to prevent and eradicate mismanagement, abuse of labor, coer-  
31 cion, corruption, prevalence of organized crime and other criminal  
32 activity, to exclude or remove from the port workforce individuals who  
33 were convicted of serious crimes or who associate with organized crime  
34 in violation of this act, to overcome discrimination and other unfair  
35 hiring practices, and to extirpate corruption and racketeering in the  
36 port of New York district in this state.

37 § 534-b. Definitions. As used in this article, the following terms  
38 shall have the following meanings:

39 1. "Act" shall mean this article and rules or regulations lawfully  
40 promulgated thereunder and shall include any amendments or supplements  
41 to this article to implement the purposes thereof.

42 2. "Bi-state commission" shall mean the Waterfront Commission of New  
43 York Harbor established by the state of New York pursuant to P.L. 1953,  
44 c.882 (NY Unconsol. Ch.307, s.1) and by the state of New Jersey pursuant  
45 to its agreement thereto under P.L.1953, c.202 (C.32:23-1 et seq.).

46 3. "Carrier of freight by water" shall mean any person who may be  
47 engaged or who may hold oneself out as willing to be engaged, whether as  
48 a common carrier, as a contract carrier or otherwise (except for  
49 carriage of liquid cargoes in bulk in tank vessels designed for use  
50 exclusively in such service or carriage by barge of bulk cargoes  
51 consisting of only a single commodity loaded or carried without wrappers  
52 or containers and delivered by the carrier without transportation mark  
53 or count) in the carriage of freight by water between any point in the  
54 port of New York district and a point outside said district.

1 4. "Container" shall mean any receptacle, box, carton or crate which  
2 is specifically designed and constructed so that it may be repeatedly  
3 used for the carriage of freight by a carrier of freight by water.

4 5. "Checker" shall mean a longshore worker who is employed to engage  
5 in direct and immediate checking of waterborne freight or of the custo-  
6 dial accounting therefor or in the recording or tabulation of the hours  
7 worked at piers or other waterfront terminals by natural persons  
8 employed by carriers of freight by water or stevedores.

9 6. "Commission" shall mean the New York waterfront commission estab-  
10 lished by section five hundred thirty-four-c of this article.

11 7. "Career offender" shall mean a person whose behavior is pursued in  
12 an occupational manner or context for the purpose of economic gain  
13 utilizing such methods as are deemed criminal violations against the  
14 public policy of the state of New York.

15 8. "Career offender cartel" shall mean a number of career offenders  
16 acting in concert, and may include what is commonly referred to as an  
17 organized crime group.

18 9. "Court of the United States" shall mean all courts enumerated in  
19 section four hundred fifty-one of title twenty-eight of the United  
20 States Code and the courts-martial of the armed forces of the United  
21 States.

22 10. "Freight" shall mean freight which has been, or will be, carried  
23 by or consigned for carriage by a carrier of freight by water.

24 11. "Hiring agent" shall mean any natural person, who on behalf of a  
25 carrier of freight by water or a stevedore or any other person shall  
26 select any longshore worker for employment.

27 12. "Longshore worker" shall mean: (a) a natural person, other than a  
28 hiring agent, who is employed for work at a pier or other waterfront  
29 terminal, either by a carrier of freight by water or by a stevedore to:

30 (1) physically move waterborne freight on vessels berthed at piers, on  
31 piers or at other waterfront terminals; or

32 (2) engage in direct and immediate checking of any such freight or of  
33 the custodial accounting therefor or in the recording or tabulation of  
34 the hours worked at piers or other waterfront terminals by natural  
35 persons employed by carriers of freight by water or stevedores; or

36 (3) supervise directly and immediately others who are employed as in  
37 subparagraph one of this paragraph; or

38 (4) physically perform labor or services incidental to the movement of  
39 waterborne freight on vessels berthed at piers, on piers or at other  
40 waterfront terminals, including, but not limited to, cargo repair  
41 personnel, coopers, general maintenance personnel, mechanical and  
42 miscellaneous workers, horse and cattle fitters, grain ceilers and  
43 marine carpenters; or

44 (b) a natural person, other than a hiring agent, who is employed for  
45 work at a pier or other waterfront terminal by any person to:

46 (1) physically move waterborne freight to or from a barge, lighter or  
47 railroad car for transfer to or from a vessel of a carrier of freight by  
48 water which is, shall be, or shall have been berthed at the same pier or  
49 other waterfront terminal; or

50 (2) perform labor or services involving, or incidental to, the move-  
51 ment of freight at a waterfront terminal as defined in subdivision  
52 fifteen of this section.

53 13. "Longshore workers' register" shall mean the register of eligible  
54 longshore workers compiled and maintained by the commission pursuant to  
55 section five hundred thirty-four-i of this article.

1 14. "Marine terminal" shall mean an area which includes piers, which  
2 is used primarily for the moving, warehousing, distributing or packing  
3 of waterborne freight or freight to or from such piers, and which,  
4 inclusive of such piers, is under common ownership or control.

5 15. "Other waterfront terminal" shall include:

6 (a) any warehouse, depot or other terminal (other than a pier) which  
7 is located within one thousand yards of any pier in the port of New York  
8 district in this state and which is used for waterborne freight in whole  
9 or substantial part; or

10 (b) any warehouse, depot or other terminal (other than a pier), wheth-  
11 er enclosed or open, which is located in a marine terminal in the port  
12 of New York district in this state and any part of which is used by any  
13 person to perform labor or services involving, or incidental to, the  
14 movement of waterborne freight or freight.

15 16. "Person" shall mean not only a natural person but also any part-  
16 nership, joint venture, association, corporation or any other legal  
17 entity but shall not include the United States, any state or territory  
18 thereof or any department, division, board, commission or authority of  
19 one or more of the foregoing.

20 17. "Pier" shall include any wharf, pier, dock or quay.

21 18. "Pier superintendent" shall mean any natural person other than a  
22 longshore worker who is employed for work at a pier or other waterfront  
23 terminal by a carrier of freight by water or a stevedore and whose work  
24 at such pier or other waterfront terminal includes the supervision,  
25 directly or indirectly, of the work of longshore workers.

26 19. "Port of New York district" shall mean the district created by  
27 article II of the compact dated April thirtieth, nineteen hundred twen-  
28 ty-one, between the states of New York and New Jersey, authorized by  
29 chapter one hundred fifty-four of the laws of New York of nineteen  
30 hundred twenty-one and chapter one hundred fifty-one of the laws of New  
31 Jersey of nineteen hundred twenty-one.

32 20. "Security officer" shall include any security officer, gate  
33 person, rounds person, detective, guard, guardian or protector of prop-  
34 erty employed by the operator of any pier or other waterfront terminal  
35 or by a carrier of freight by water to perform services in such capacity  
36 on any pier or other waterfront terminal.

37 21. The term "select any longshore worker for employment" in the defi-  
38 inition of a hiring agent in this section shall include selection of a  
39 person for the commencement or continuation of employment as a longshore  
40 worker, or the denial or termination of employment as a longshore work-  
41 er.

42 22. "Stevedore" shall mean:

43 (a) a contractor (not including an employee) engaged for compensation  
44 pursuant to a contract or arrangement with a carrier of freight by  
45 water, in moving waterborne freight carried or consigned for carriage by  
46 such carrier on vessels of such carrier berthed at piers, on piers at  
47 which such vessels are berthed or at other waterfront terminals; or

48 (b) a contractor engaged for compensation pursuant to a contract or  
49 arrangement with the United States, any state or territory thereof, or  
50 any department, division, board, commission or authority of one or more  
51 of the foregoing, in moving freight carried or consigned for carriage  
52 between any point in the port of New York district and a point outside  
53 said district on vessels of such a public agency berthed at piers, on  
54 piers at which such vessels are berthed or at other waterfront termi-  
55 nals; or



1 (c) a contractor (not including an employee) engaged for compensation  
2 pursuant to a contract or arrangement with any person to perform labor  
3 or services incidental to the movement of waterborne freight on vessels  
4 berthed at piers, on piers or at other waterfront terminals, including,  
5 but not limited to, cargo storage, cargo repairing, coopering, general  
6 maintenance, mechanical and miscellaneous work, horse and cattle  
7 fitting, grain ceiling, and marine carpentry; or

8 (d) a contractor (not including an employee) engaged for compensation  
9 pursuant to a contract or arrangement with any other person to perform  
10 labor or services involving, or incidental to, the movement of freight  
11 into or out of containers (which have been or which will be carried by a  
12 carrier of freight by water) on vessels berthed at piers, on piers or at  
13 other waterfront terminals.

14 23. "Terrorist group" shall mean a group associated, affiliated or  
15 funded in whole or in part by a terrorist organization designated by the  
16 secretary of state in accordance with section two hundred nineteen of  
17 the immigration and nationality act, as amended from time to time, or  
18 any other organization which assists, funds or engages in acts of  
19 terrorism as defined in the laws of the United States, or of the state  
20 of New York, including, but not limited to, subdivision one of section  
21 490.05 of the penal law.

22 24. "Waterborne freight" shall mean freight carried by or consigned  
23 for carriage by carriers of freight by water, and shall also include  
24 freight described in subdivision fifteen and paragraphs (b) and (d) of  
25 subdivision twenty-two of this section, and ships' stores, baggage and  
26 mail carried by or consigned for carriage by carriers of freight by  
27 water.

28 25. "Witness" shall mean any person whose testimony is desired in any  
29 investigation, interview or other proceeding conducted by the commission  
30 pursuant to the provisions of section five hundred thirty-four of this  
31 article.

32 § 534-c. New York waterfront commission established. 1. There is here-  
33 by created the New York waterfront commission, which shall be in the  
34 executive department of this state and may request, receive, and utilize  
35 facilities, resources and data of any department, division, board,  
36 bureau, commission, agency or public authority of the state or any poli-  
37 tical subdivision thereof as it may reasonably request to carry out  
38 properly its powers and duties.

39 2. The commission shall consist of the commissioner appointed by the  
40 governor with the advice and consent of the senate, and shall receive  
41 compensation to be fixed by the governor of this state. The term of  
42 office of such commissioner shall be for three years; provided, however,  
43 that a commissioner serving on the bi-state commission at the time of  
44 its dissolution on the seventeenth of July two thousand twenty-three who  
45 was appointed by the governor of New York to such position, may serve as  
46 acting commissioner of the New York waterfront commission until such  
47 time as a commissioner is appointed by the governor, with the advice and  
48 consent of the senate, pursuant to this subdivision. A commissioner  
49 shall hold office until that commissioner's successor has been appointed  
50 and qualified. Vacancies in office shall be filled for the balance of  
51 the unexpired term in the same manner as original appointments.

52 3. A commissioner may, by written instrument filed in the office of  
53 the commission, designate any officer or employee of the commission to  
54 act in that commissioner's place. A vacancy in the office of a commis-  
55 sioner shall not impair such designation until the vacancy shall have  
56 been filled.

1 § 534-d. General powers of the commission. In addition to the powers  
2 and duties elsewhere prescribed herein, the commission shall have the  
3 power:

4 1. To have a seal and alter the same at pleasure.

5 2. To determine the location, size and suitability of accommodations  
6 necessary and desirable for the establishment and maintenance of the  
7 employment information centers provided in section five hundred thirty-  
8 four-o of this article and for administrative offices for the commis-  
9 sion.

10 3. To administer and enforce the provisions of this act.

11 4. To promulgate and enforce such rules and regulations as the commis-  
12 sion may deem necessary to effectuate the purposes of this act or to  
13 prevent the circumvention or evasion thereof. As used in this act,  
14 "regulations" include those rules and regulations of the bi-state  
15 commission which shall continue in effect as the rules and regulations  
16 of the commission until amended, supplemented, or rescinded by the  
17 commission pursuant to the state administrative procedure act. Previ-  
18 ously promulgated regulations inconsistent with the provisions of this  
19 act shall be deemed void. No later than one hundred eighty days after  
20 this act shall have become law, the commission shall commence review of  
21 its regulations in order to recommend necessary changes. In its review,  
22 the commission shall consult with relevant employers and labor organiza-  
23 tions.

24 5. To appoint such officers, agents and employees as it may deem  
25 necessary, prescribe their powers, duties and qualifications and fix  
26 their compensation and retain and employ counsel and private consultants  
27 on a contract basis or otherwise, within the limits provided by appro-  
28 riation.

29 6. By its commissioner and its properly designated officers, agents  
30 and employees, to administer oaths and issue subpoenas to compel the  
31 attendance of witnesses and the giving of testimony and the production  
32 of other evidence.

33 7. To have for its commissioner and its properly designated officers,  
34 agents and employees, full and free access, ingress and egress to and  
35 from all vessels, piers and other waterfront terminals or other places  
36 in the port of New York district in this state, for the purposes of  
37 making inspection or enforcing the provisions of this act; and no person  
38 shall obstruct or in any way interfere with any such commissioner, offi-  
39 cer, employee or agent in the making of such inspection, or in the  
40 enforcement of the provisions of this act or in the performance of any  
41 other power or duty under this act.

42 8. To recover possession of any suspended or revoked license issued  
43 under this act.

44 9. To make investigations, collect and compile information concerning  
45 waterfront practices generally within the port of New York district in  
46 this state and upon all matters relating to the accomplishment of the  
47 objectives of this act.

48 10. To advise and consult with representatives of labor and industry  
49 and with public officials and agencies concerned with the effectuation  
50 of the purposes of this act, upon all matters which the commission may  
51 desire, including but not limited to the form and substance of rules and  
52 regulations, the administration of the act, maintenance of the longshore  
53 workers' register, and issuance and revocation of licenses.

54 11. To make annual and other reports to the governor and legislature.

55 12. To cooperate with and receive from any department, division,  
56 bureau, board, commission, or agency of this state, or of any county or

1 municipality thereof, such assistance and data as will enable it proper-  
2 ly to carry out its powers and duties hereunder; and to request any such  
3 department, division, bureau, board, commission, or agency, with the  
4 consent thereof, to execute such of its functions and powers, as the  
5 public interest may require.

6 13. To designate officers, employees and agents who may exercise the  
7 powers and duties of the commission except the power to make rules and  
8 regulations. Notwithstanding any other provision of law, the officers,  
9 employees and agents of the commission established by this act may be  
10 appointed or employed without regard to their state of residence.

11 14. To issue temporary permits and permit temporary registrations  
12 under such terms and conditions as the commission may prescribe which  
13 shall be valid for a period to be fixed by the commission not in excess  
14 of six months.

15 15. To require any applicant for a license or registration or any  
16 prospective licensee to furnish such facts and evidence as the commis-  
17 sion may deem appropriate to enable it to ascertain whether the license  
18 or registration should be granted.

19 16. In any case in which the commission has the power to revoke or  
20 suspend any stevedore license the commission shall also have the power  
21 to impose as an alternative to such revocation or suspension, a penalty,  
22 which the licensee may elect to pay to the commission in lieu of the  
23 revocation or suspension. The maximum penalty shall be five thousand  
24 dollars for each separate offense. The commission may, for good cause  
25 shown, abate all or part of such penalty.

26 17. To designate any officer, agent or employee of the commission to  
27 be an investigator who shall be vested with all the powers of a peace or  
28 police officer of the state of New York.

29 18. To confer immunity, in the manner prescribed by subdivision one of  
30 section five hundred thirty-four-v of this article.

31 19. To require any applicant for registration as a longshore worker,  
32 any applicant for registration as a checker or any applicant for regis-  
33 tration as a telecommunications system controller and any person who is  
34 sponsored for a license as a pier superintendent or hiring agent, any  
35 person who is an individual owner of an applicant stevedore or any  
36 persons who are individual partners of an applicant stevedore, or any  
37 officers, directors or stockholders owning five percent or more of any  
38 of the stock of an applicant corporate stevedore or any applicant for a  
39 license as a security officer or any other category of applicant for  
40 registration or licensing within the commission's jurisdiction to be  
41 fingerprinted by the commission at the cost and expense of the appli-  
42 cant.

43 20. To exchange fingerprint data with and receive state criminal  
44 history record information from the division of criminal justice  
45 services and federal criminal history record information from the feder-  
46 al bureau of investigation for use in making the determinations required  
47 by this act.

48 21. Notwithstanding any other provision of law to the contrary, to  
49 require any applicant for employment or employee of the commission to be  
50 fingerprinted and to exchange fingerprint data with and receive state  
51 criminal history record information from the division of criminal  
52 justice services and federal criminal history information from the  
53 federal bureau of investigation for use in the hiring or retention of  
54 such person.

55 22. To cooperate with a similar entity established in the state of New  
56 Jersey, to exchange information on any matter pertinent to the purposes

1 of this act, and to, in its discretion, enter into reciprocal agreements  
2 for the accomplishment of such purposes, including but not limited to  
3 the following objectives:

4 (a) To give reciprocal effect to any approval, revocation, suspension  
5 or reprimand with respect to any licensee, and any inclusion in, or  
6 reprimand or removal from a longshore workers' register;

7 (b) To provide that any act or omission by a licensee or registrant in  
8 either state which would be a basis for disciplinary action against such  
9 licensee or registrant if it occurred in the state in which the license  
10 was issued or the person registered shall be the basis for disciplinary  
11 action in both states; and

12 (c) To provide that longshore workers registered in either state, who  
13 perform work or who apply for work at an employment information center  
14 within the other state, shall be deemed to have performed work or to  
15 have applied for work in the state in which they are registered.

16 § 534-e. Designation as agent of the state. 1. The commission is here-  
17 by designated on its own behalf or as agent of the state of New York, as  
18 provided by the act of Congress of the United States, effective June  
19 sixth, one thousand nine hundred and thirty-three, entitled "An act to  
20 provide for the establishment of a national employment system and for  
21 co-operation with the States in the promotion of such system and for  
22 other purposes," as amended, for the purpose of obtaining such benefits  
23 of such act of Congress as are necessary or appropriate to the estab-  
24 lishment and operation of employment information centers authorized by  
25 this act.

26 2. The commission shall have all powers necessary to cooperate with  
27 appropriate officers or agencies of this state or the United States, to  
28 take such steps, to formulate such plans, and to execute such projects  
29 (including but not limited to the establishment and operation of employ-  
30 ment information centers) as may be necessary to obtain such benefits  
31 for the operations of the commission in accomplishing the purposes of  
32 this act.

33 3. Any officer or agency designated by this state pursuant to said act  
34 of June sixth, nineteen hundred thirty-three, as amended, is authorized  
35 and empowered, upon the request of the commission and subject to its  
36 direction, to exercise the powers and duties conferred upon the commis-  
37 sion by the provisions of this section.

38 § 534-f. Pier superintendents and hiring agents. 1. No person shall  
39 act as a pier superintendent or as a hiring agent within the port of New  
40 York district in this state without first having obtained from the  
41 commission or previously, from the bi-state commission, a license to act  
42 as such pier superintendent or hiring agent, as the case may be, and no  
43 person shall employ or engage another person to act as a pier super-  
44 intendent or hiring agent who is not so licensed.

45 2. A license to act as a pier superintendent or hiring agent shall be  
46 issued only upon the written application, under oath, of the person  
47 proposing to employ or engage another person to act as such pier super-  
48 intendent or hiring agent, verified by the prospective licensee as to  
49 the matters concerning that person, and shall state the following:

50 (a) The full name and business address of the applicant;

51 (b) The full name, residence, business address (if any), place and  
52 date of birth and social security number of the prospective licensee;

53 (c) The present and previous occupations of the prospective licensee,  
54 including the places where the person was employed and the names of the  
55 person's employers;

1 (d) Such further facts and evidence as may be required by the commis-  
2 sion to ascertain the character, integrity and identity of the prospec-  
3 tive licensee; and

4 (e) That if a license is issued to the prospective licensee, the  
5 applicant will employ such licensee as pier superintendent or hiring  
6 agent, as the case may be.

7 3. No such license shall be granted:

8 (a) Unless the commission shall be satisfied that the prospective  
9 licensee possesses good character and integrity;

10 (b) If the prospective licensee has, without subsequent pardon, been  
11 convicted by a court of the United States, or any state or territory  
12 thereof, of the commission of, or the attempt or conspiracy to commit,  
13 treason, murder, manslaughter or any crime punishable by death or impri-  
14 sonment for a term exceeding three hundred sixty-four days or any of the  
15 following misdemeanors or offenses: illegally using, carrying or  
16 possessing a pistol or other dangerous weapon; making or possessing  
17 burglar's instruments; buying or receiving stolen property; unlawful  
18 entry of a building; aiding an escape from prison; unlawfully possess-  
19 ing, possessing with intent to distribute, sale or distribution of a  
20 controlled dangerous substance (controlled substance) or a controlled  
21 dangerous substance analog; and violation of this act. Any such  
22 prospective licensee ineligible for a license by reason of any such  
23 conviction may submit satisfactory evidence to the commission that such  
24 person has for a period of not less than five years, measured as herein-  
25 after provided, and up to the time of application, so acted in a manner  
26 as to warrant the grant of such license, in which event the commission  
27 may, in its discretion, issue an order removing such ineligibility. The  
28 aforsaid period of five years shall be measured either from the date of  
29 payment of any fine imposed upon such person or the suspension of  
30 sentence or from the date of the person's unrevoked release from custody  
31 by parole, commutation or termination of sentence;

32 (c) If the prospective licensee knowingly or willfully advocates the  
33 desirability of overthrowing or destroying the government of the United  
34 States by force or violence or shall be a member of a group which advo-  
35 cates such desirability, knowing the purposes of such group include such  
36 advocacy.

37 4. When the application shall have been examined and such further  
38 inquiry and investigation made as the commission shall deem proper and  
39 when the commission shall be satisfied therefrom that the prospective  
40 licensee possesses the qualifications and requirements prescribed in  
41 this section, the commission shall issue and deliver to the prospective  
42 licensee a license to act as pier superintendent or hiring agent for the  
43 applicant, as the case may be, and shall inform the applicant of this  
44 action. The commission may issue a temporary permit to any prospective  
45 licensee for a license under the provisions of this article pending  
46 final action on an application made for such a license. Any such permit  
47 shall be valid for a period not in excess of six months.

48 5. No person shall be licensed to act as a pier superintendent or  
49 hiring agent for more than one employer, except at a single pier or  
50 other waterfront terminal, but nothing in this section shall be  
51 construed to limit in any way the number of pier superintendents or  
52 hiring agents any employer may employ.

53 6. A license granted pursuant to this section shall continue through  
54 the duration of the licensee's employment by the employer who shall have  
55 applied for the person's license.

1 7. Any license issued pursuant to this section may be revoked or  
2 suspended for such period as the commission deems in the public interest  
3 or the licensee thereunder may be reprimanded for any of the following  
4 offenses:

5 (a) Conviction of a crime or act by the licensee or other cause which  
6 would require or permit the person's disqualification from receiving a  
7 license upon original application;

8 (b) Fraud, deceit or misrepresentation in securing the license, or in  
9 the conduct of the licensed activity;

10 (c) Violation of any of the provisions of this act;

11 (d) Criminal possession of a controlled substance or criminal sale of  
12 a controlled substance;

13 (e) Employing, hiring or procuring any person in violation of this act  
14 or inducing or otherwise aiding or abetting any person to violate the  
15 terms of this act;

16 (f) Paying, giving, causing to be paid or given or offering to pay or  
17 give to any person any valuable consideration to induce such other  
18 person to violate any provision of this act or to induce any public  
19 officer, agent or employee to fail to perform the person's duty here-  
20 under;

21 (g) Consorting with known criminals for an unlawful purpose, provided,  
22 however, that consorting without unlawful purpose shall be insufficient  
23 grounds for revocation or suspension;

24 (h) Transfer or surrender of possession of the license to any person  
25 either temporarily or permanently without satisfactory explanation;

26 (i) False impersonation of another licensee under this act;

27 (j) Receipt or solicitation of anything of value from any person other  
28 than the licensee's employer as consideration for the selection or  
29 retention for employment of any longshore worker;

30 (k) Coercion of a longshore worker to make purchases from or to  
31 utilize the services of any person;

32 (l) Lending any money to or borrowing any money from a longshore work-  
33 er for which there is a charge of interest or other consideration; and

34 (m) Membership in a labor organization which represents longshore  
35 workers or security officers; but nothing in this section shall be  
36 deemed to prohibit pier superintendents or hiring agents from being  
37 represented by a labor organization or organizations which do not also  
38 represent longshore workers or security officers. The American Feder-  
39 ation of Labor and Congress of Industrial Organizations and any other  
40 similar federation, congress or other organization of national or inter-  
41 national occupational or industrial labor organizations shall not be  
42 considered an organization which represents longshore workers or securi-  
43 ty officers within the meaning of this section although one of the  
44 federated or constituent labor organizations thereof may represent long-  
45 shore workers or security officers.

46 8. Any applicant for pier superintendent or hiring agent ineligible  
47 for a license by reason of the provisions of paragraph (b) of subdivi-  
48 sion three of this section may petition for and the commission may issue  
49 an order removing the ineligibility. A petition for an order to remove  
50 ineligibility may be made to the commission before or after the hearing  
51 required by section five hundred thirty-four-n of this article.

52 § 534-g. Stevedores. 1. No person shall act as a stevedore within the  
53 port of New York district in this state without having first obtained a  
54 license from the commission or previously, from the bi-state commission,  
55 and no person shall employ a stevedore to perform services as such with-



1 in the port of New York district in this state unless the stevedore is  
2 so licensed.

3 2. Any person intending to act as a stevedore within the port of New  
4 York district in this state shall file in the office of the commission a  
5 written application for a license to engage in such occupation, duly  
6 signed and verified as follows:

7 (a) If the applicant is a natural person, the application shall be  
8 signed and verified by such person and if the applicant is a partner-  
9 ship, the application shall be signed and verified by each natural  
10 person composing or intending to compose such partnership. The applica-  
11 tion shall state the full name, age, residence, business address, if  
12 any, present and previous occupations of each natural person so signing  
13 the same, and any other facts and evidence as may be required by the  
14 commission to ascertain the character, integrity and identity of each  
15 natural person so signing such application.

16 (b) If the applicant is a corporation, the application shall be signed  
17 and verified by the president, secretary and treasurer thereof, and  
18 shall specify the name of the corporation, the date and place of its  
19 incorporation, the location of its principal place of business, the  
20 names and addresses of, and the amount of the stock held by stockholders  
21 owning five percent or more of any of the stock thereof, and of all  
22 officers, including all members of the board of directors. The require-  
23 ments of paragraph (a) of this subdivision as to a natural person who is  
24 a member of a partnership, and such requirements as may be specified in  
25 rules and regulations promulgated by the commission, shall apply to each  
26 such officer or stockholder and their successors in office or interest.

27 (c) In the event of the death, resignation or removal of any officer,  
28 and in the event of any change in the list of stockholders who shall own  
29 five percent or more of the stock of the corporation, the secretary of  
30 such corporation shall forthwith give notice of that fact in writing to  
31 the commission certified by said secretary.

32 3. No such license shall be granted:

33 (a) If any person whose signature or name appears in the application  
34 is not the real party in interest required by subdivision two of this  
35 section to sign or to be identified in the application or if the person  
36 so signing or named in the application is an undisclosed agent or trust-  
37 tee for any such real party in interest;

38 (b) Unless the commission shall be satisfied that the applicant and  
39 all members, officers and stockholders required by subdivision two of  
40 this section to sign or be identified in the application for license  
41 possess good character and integrity;

42 (c) Unless the applicant is either a natural person, partnership or  
43 corporation;

44 (d) Unless the applicant shall be a party to a contract then in force  
45 or which will take effect upon the issuance of a license, with a carrier  
46 of freight by water for the loading and unloading by the applicant of  
47 one or more vessels of such carrier at a pier within the port of New  
48 York district in this state;

49 (e) If the applicant or any member, officer or stockholder required by  
50 subdivision two of this section to sign or be identified in the applica-  
51 tion for license has, without subsequent pardon, been convicted by a  
52 court of the United States or any state or territory thereof of the  
53 commission of, or the attempt or conspiracy to commit, treason, murder,  
54 manslaughter or any crime punishable by death or imprisonment for a term  
55 exceeding one year or any of the misdemeanors or offenses described in  
56 paragraph (b) of subdivision three of section five hundred thirty-four-f

1 of this article. Any applicant ineligible for a license by reason of  
2 any such conviction may submit satisfactory evidence to the commission  
3 that the person whose conviction was the basis of ineligibility has for  
4 a period of not less than five years, measured as hereinafter provided  
5 and up to the time of application, so acted in a manner as to warrant  
6 the grant of such license, in which event the commission may, in its  
7 discretion issue an order removing such ineligibility. The aforesaid  
8 period of five years shall be measured either from the date of payment  
9 of any fine imposed upon such person or the suspension of sentence or  
10 from the date of the person's unrevoked release from custody by parole,  
11 commutation or termination of the person's sentence;

12 (f) If the applicant has paid, given, caused to have been paid or  
13 given or offered to pay or give to any officer or employee of any carrier  
14 of freight by water any valuable consideration for an improper or  
15 unlawful purpose or to induce such person to procure the employment of  
16 the applicant by such carrier for the performance of stevedoring  
17 services;

18 (g) If the applicant has paid, given, caused to be paid or given or  
19 offered to pay or give to any officer or representative of a labor  
20 organization any valuable consideration for an improper or unlawful  
21 purpose or to induce such officer or representative to subordinate the  
22 interests of such labor organization or its members in the management of  
23 the affairs of such labor organization to the interests of the appli-  
24 cant.

25 (h) If the applicant has paid, given, caused to have been paid or  
26 given or offered to pay or give to any agent of any carrier of freight  
27 by water any valuable consideration for an improper or unlawful purpose  
28 or, without the knowledge and consent of such carrier, to induce such  
29 agent to procure the employment of the applicant by such carrier or its  
30 agent for the performance of stevedoring services.

31 4. When the application shall have been examined and such further  
32 inquiry and investigation made as the commission shall deem proper and  
33 when the commission shall be satisfied therefrom that the applicant  
34 possesses the qualifications and requirements prescribed in this  
35 section, the commission shall issue and deliver a license to such appli-  
36 cant. The commission may issue a temporary permit to any applicant for  
37 a license under the provisions of this section pending final action on  
38 an application made for such a license. Any such permit shall be valid  
39 for a period not in excess of six months.

40 5. A stevedore's license granted pursuant to this section shall be for  
41 a term of five years or fraction of such five year period, and shall  
42 expire on the first day of December. In the event of the death of the  
43 licensee, if a natural person, or its termination or dissolution by  
44 reason of a death of a partner, if a partnership, or if the licensee  
45 shall cease to be a party to any contract of the type required by para-  
46 graph (d) of subdivision three of this section, the license shall termi-  
47 nate ninety days after such event or upon its expiration date, whichever  
48 shall be sooner. A license may be renewed by the commission for succes-  
49 sive five year periods upon fulfilling the same requirements as are set  
50 forth in this section for an original application for a stevedore's  
51 license.

52 6. Any license issued pursuant to this section may be revoked or  
53 suspended for such period as the commission deems in the public interest  
54 or the licensee thereunder may be reprimanded for any of the following  
55 offenses on the part of the licensee or of any person required by subdi-



1 vision two of this section to sign or be identified in an original  
2 application for a license:

3 (a) Conviction of a crime or other cause which would permit or require  
4 disqualification of the licensee from receiving a license upon original  
5 application;

6 (b) Fraud, deceit or misrepresentation in securing the license or in  
7 the conduct of the licensed activity;

8 (c) Failure by the licensee to maintain a complete set of books and  
9 records containing a true and accurate account of the licensee's  
10 receipts and disbursements arising out of the licensee's activities  
11 within the port of New York district in this state;

12 (d) Failure to keep said books and records available during business  
13 hours for inspection by the commission and its duly designated represen-  
14 tatives until the expiration of the fifth calendar year following the  
15 calendar year during which occurred the transactions recorded therein;

16 (e) Any other offense described in paragraphs (c), (d), (e), (f), (g),  
17 (h) and (i) of subdivision seven of section five hundred thirty-four-f  
18 of this article.

19 § 534-h. Prohibition of public loading. 1. It is unlawful for any  
20 person to load or unload waterborne freight onto or from vehicles other  
21 than railroad cars at piers or at other waterfront terminals within the  
22 port of New York district in this state, for a fee or other compen-  
23 sation, other than the following persons and their employees:

24 (a) Carriers of freight by water, but only at piers at which their  
25 vessels are berthed;

26 (b) Other carriers of freight (including but not limited to railroads  
27 and truckers), but only in connection with freight transported or to be  
28 transported by such carriers;

29 (c) Operators of piers or other waterfront terminals (including rail-  
30 roads, truck terminal operators, warehouse workers and other persons),  
31 but only at piers or other waterfront terminals operated by them;

32 (d) Shippers or consignees of freight, but only in connection with  
33 freight shipped by such shipper or consigned to such consignee;

34 (e) Stevedores licensed under section five hundred thirty-four-g of  
35 this article, whether or not such waterborne freight has been or is to  
36 be transported by a carrier of freight by water with which such steve-  
37 dore shall have a contract of the type prescribed by paragraph (d) of  
38 subdivision three of section five hundred thirty-four-g of this article.

39 2. Nothing in this section contained shall be deemed to permit any  
40 such loading or unloading of any waterborne freight at any place by any  
41 such person by means of any independent contractor, or any other agent  
42 other than an employee, unless such independent contractor is a person  
43 permitted by this section to load or unload such freight at such place  
44 in the person's own right.

45 § 534-i. Longshore workers' register. 1. The commission shall maintain  
46 a longshore workers' register in which shall be included all qualified  
47 longshore workers eligible, as provided, for employment as such in the  
48 port of New York district in this state. No person shall act as a long-  
49 shore worker within the port of New York district in this state unless  
50 at the time such person is included in the longshore workers' register,  
51 and no person shall employ another to work as a longshore worker within  
52 the port of New York district in this state unless at the time such  
53 other person is included in the longshore workers' register.

54 2. Any person applying for inclusion in the longshore workers' regis-  
55 ter shall file at such place and in such manner as the commission shall  
56 designate a written statement, signed and verified by such person,

1 setting forth the person's full name, residence address, social securi-  
2 ty number, and such further facts and evidence as the commission may  
3 prescribe to establish the identity of such person and the person's  
4 criminal record, if any.

5 3. The commission may in its discretion deny application for inclusion  
6 in the longshore workers' register by a person:

7 (a) Who has been convicted by a court of the United States or any  
8 state or territory thereof, without subsequent pardon, of treason,  
9 murder, manslaughter or of any crime punishable by death or imprisonment  
10 for a term exceeding three hundred sixty-four days or of any of the  
11 misdemeanors or offenses described in paragraph (b) of subdivision three  
12 of section five hundred thirty-four-f of this article or of attempt or  
13 conspiracy to commit any of such crimes;

14 (b) Who knowingly or willingly advocates the desirability of over-  
15 throwing or destroying the government of the United States by force or  
16 violence or who shall be a member of a group which advocates such desir-  
17 ability knowing the purposes of such group include such advocacy;

18 (c) Whose presence at the piers or other waterfront terminals in the  
19 port of New York district in this state is found by the commission on  
20 the basis of the facts and evidence before it, to constitute a danger to  
21 the public peace or safety.

22 4. Unless the commission shall determine to exclude the applicant from  
23 the longshore workers' register on a ground set forth in subdivision  
24 three of this section it shall include such person in the longshore  
25 workers' register. The commission shall issue a determination within  
26 thirty days of receipt of the application provided, however, that this  
27 time requirement shall not apply for any period of delay caused or  
28 requested by the applicant. If the commission cannot make a determi-  
29 nation within that time, it shall notify the applicant that the applica-  
30 tion is still under review. The commission may permit temporary regis-  
31 tration of any applicant under the provisions of this section pending  
32 final action on an application made for such registration. Any such  
33 temporary registration shall be valid for a period not in excess of six  
34 months.

35 5. The commission shall have power to reprimand any longshore worker  
36 registered under this section or to remove that person from the long-  
37 shore workers' register for such period as it deems in the public inter-  
38 est for any of the following offenses:

39 (a) Conviction of a crime or other cause which would permit disquali-  
40 fication of such person from inclusion in the longshore workers' regis-  
41 ter upon original application;

42 (b) Fraud, deceit or misrepresentation in securing inclusion in the  
43 longshore workers' register;

44 (c) Transfer or surrender of possession to any person either temporar-  
45 ily or permanently of any card or other means of identification issued  
46 by the commission as evidence of inclusion in the longshore workers'  
47 register, without satisfactory explanation;

48 (d) False impersonation of another longshore worker registered under  
49 this section or of another person licensed under this act;

50 (e) Willful commission of or willful attempt to commit at or on a  
51 waterfront terminal or adjacent highway any act of physical injury to  
52 any other person or of willful damage to or misappropriation of any  
53 other person's property, unless justified or excused by law; and

54 (f) Any other offense described in paragraphs (c), (d), (e), and (f)  
55 of subdivision seven of section five hundred thirty-four-f of this arti-  
56 cle.

1 6. Whenever, as a result of legislative amendments to this act or of a  
2 ruling by the commission, registration as a longshore worker is required  
3 for any person to continue employment, such person shall be registered  
4 as a longshore worker without regard to the provisions of section five  
5 hundred thirty-four-1 of this article, provided, however, that such  
6 person satisfies all the other requirements of this act for registration  
7 as a longshore worker.

8 7. The commission shall have the right to recover possession of any  
9 card or other means of identification issued as evidence of inclusion in  
10 the longshore workers' register if the holder thereof has been removed  
11 from the longshore workers' register.

12 8. Nothing contained in this article shall be construed to limit in  
13 any way any rights of labor reserved by section five hundred thirty-  
14 four-q of this article.

15 § 534-j. List of qualified longshore workers for employment as check-  
16 ers. 1. The commission shall maintain within the longshore workers'  
17 register a list of all qualified longshore workers eligible, as provided  
18 in this section, for employment as checkers in the port of New York  
19 district in this state. No person shall act as a checker within the  
20 port of New York district in this state unless at the time such person  
21 is included in the longshore workers' register as a checker, and no  
22 person shall employ another to work as a checker within the port of New  
23 York district in this state unless at the time such other person is  
24 included in the longshore workers' register as a checker.

25 2. Any person applying for inclusion in the longshore workers' regis-  
26 ter as a checker shall file at any such place and in such manner as the  
27 commission shall designate a written statement, signed and verified by  
28 such person, setting forth the following:

29 (a) The full name, residence, place and date of birth and social secu-  
30 rity number of the applicant;

31 (b) The present and previous occupations of the applicant, including  
32 the places where such person was employed and the names of that person's  
33 employers;

34 (c) Such further facts and evidence as may be required by the commis-  
35 sion to ascertain the character, integrity and identity of the appli-  
36 cant.

37 3. No person shall be included in the longshore workers' register as a  
38 checker:

39 (a) Unless the commission shall be satisfied that the applicant  
40 possesses good character and integrity;

41 (b) If the applicant has, without subsequent pardon, been convicted  
42 by a court of the United States or any state or territory thereof, of  
43 the commission of, or the attempt or conspiracy to commit, treason,  
44 murder, manslaughter or any crime punishable by death or imprisonment  
45 for a term exceeding three hundred sixty-four days or any of the follow-  
46 ing misdemeanors or offenses: illegally using, carrying or possessing a  
47 pistol or another dangerous weapon; making or possessing burglar's  
48 instruments; buying or receiving stolen property; unlawful entry of a  
49 building; aiding an escape from prison; unlawfully possessing, possess-  
50 ing with intent to distribute, sale or distribution of a controlled  
51 dangerous substance (controlled substance) or a controlled dangerous  
52 substance analog (controlled substance analog); petty larceny, where the  
53 evidence shows the property was stolen from a vessel, pier or other  
54 waterfront terminal; and violation of the act. Any such applicant ineli-  
55 gible for inclusion in the longshore workers' register as a checker by  
56 reason of any such conviction may submit satisfactory evidence to the

1 commission that the person has for a period of not less than five years,  
2 measured as provided in this section, and up to the time of applica-  
3 tion, so acted in a manner as to warrant inclusion in the longshore  
4 workers' register as a checker, in which event the commission may, in  
5 its discretion, issue an order removing such ineligibility. The afore-  
6 said period of five years shall be measured either from the date of  
7 payment of any fine imposed upon such person or the suspension of  
8 sentence or from the date of such person's unrevoked release from  
9 custody by parole, commutation or termination of such person's sentence;

10 (c) If the applicant knowingly or willfully advocates the desirability  
11 of overthrowing or destroying the government of the United States by  
12 force or violence or shall be a member of a group which advocates such  
13 desirability, knowing the purposes of such group include such advocacy.

14 4. When the application shall have been examined and such further  
15 inquiry and investigation made as the commission shall deem proper and  
16 when the commission shall be satisfied therefrom that the applicant  
17 possesses the qualifications and requirements prescribed by this  
18 section, the commission shall include the applicant in the longshore  
19 workers' register as a checker. The commission may permit temporary  
20 registration as a checker to any applicant under this section pending  
21 final action on an application made for such registration, under such  
22 terms and conditions as the commission may prescribe, which shall be  
23 valid for a period to be fixed by the commission, not in excess of six  
24 months.

25 5. The commission shall have power to reprimand any checker registered  
26 under this section or to remove such person from the longshore workers'  
27 register as a checker for such period of time as it deems in the public  
28 interest for any of the following offenses:

29 (a) Conviction of a crime or other cause which would permit disquali-  
30 fication of such person from inclusion in the longshore workers' regis-  
31 ter as a checker upon original application;

32 (b) Fraud, deceit or misrepresentation in securing inclusion in the  
33 longshore workers' register as a checker or in the conduct of the regis-  
34 tered activity;

35 (c) Violation of any of the provisions of this act;

36 (d) Criminal possession of a controlled substance or criminal sale of  
37 a controlled substance;

38 (e) Inducing or otherwise aiding or abetting any person to violate the  
39 terms of this act;

40 (f) Paying, giving, causing to be paid or given or offering to pay or  
41 give to any person any valuable consideration to induce such other  
42 person to violate any provision of this act or to induce any public  
43 officer, agent or employee to fail to perform the person's duty under  
44 this act;

45 (g) Consorting with known criminals for an unlawful purpose, provided,  
46 however, that consorting without unlawful purpose shall be insufficient  
47 grounds for reprimand;

48 (h) Transfer or surrender of possession to any person either temporar-  
49 ily or permanently of any card or other means of identification issued  
50 by the commission as evidence of inclusion in the workers' register  
51 without satisfactory explanation;

52 (i) False impersonation of another longshore worker or of another  
53 person licensed under this act.

54 6. The commission shall have the right to recover possession of any  
55 card or other means of identification issued as evidence of inclusion in  
56 the longshore workers' register as a checker in the event that the hold-

1 er thereof has been removed from the longshore workers' register as a  
2 checker.

3 7. Any applicant ineligible for inclusion in the longshore workers'  
4 register as a checker by reason of the provisions of paragraph (b) of  
5 subdivision three of this section may petition for and the commission  
6 may issue an order removing the ineligibility. A petition for an order  
7 to remove ineligibility may be made to the commission before or after  
8 the hearing required by section five hundred thirty-four-n of this arti-  
9 cle.

10 8. Nothing contained in this section shall be construed to limit in  
11 any way any rights of labor reserved by section five hundred thirty-  
12 four-q of this article.

13 § 534-k. Regularization of longshore workers' employment. 1. The  
14 commission shall, at regular intervals, remove from the longshore work-  
15 ers' register any person who shall have been registered for at least  
16 nine months and who shall have failed during the preceding six calendar  
17 months either to have worked as a longshore worker in the port of New  
18 York district or to have applied for employment as a longshore worker at  
19 an employment information center in the port of New York district for  
20 such minimum number of days as shall have been established by the  
21 commission pursuant to subdivision two of this section.

22 2. On or before each succeeding first day of June or December, the  
23 commission shall, for the purposes of subdivision one of this section,  
24 establish for the six-month period beginning on each such date a minimum  
25 number of days and the distribution of such days during such period.

26 3. In establishing any such minimum number of days or period, the  
27 commission shall observe the following standards:

28 (a) To encourage as far as practicable the regularization of the  
29 employment of longshore workers;

30 (b) To bring the number of eligible longshore workers more closely  
31 into balance with the demand for longshore workers' services within the  
32 port of New York district in this state without reducing the number of  
33 eligible longshore workers below that necessary to meet the requirements  
34 of longshore workers in the port of New York district in this state;

35 (c) To eliminate oppressive, unlawful, discriminatory, and corrupt  
36 hiring practices affecting longshore workers and waterborne commerce in  
37 the port of New York district in this state; and

38 (d) To eliminate unlawful practices injurious to waterfront labor.

39 4. A longshore worker who has been removed from the longshore workers'  
40 register pursuant to this section may seek reinstatement upon fulfilling  
41 the same requirements as for initial inclusion in the longshore workers'  
42 register, but not before the expiration of one year from the date of  
43 removal, except that immediate reinstatement shall be made upon proper  
44 showing that the registrant's failure to work or apply for work the  
45 minimum number of days above described was caused by the fact that the  
46 registrant was engaged in the military service of the United States or  
47 was incapacitated by ill health, physical injury, or other good cause.

48 5. Notwithstanding any other provision of this article, the commission  
49 shall at any time have the power to register longshore workers on a  
50 temporary basis to meet special or emergency needs.

51 6. Notwithstanding any other provisions of this section, the commis-  
52 sion shall have the power to remove from the longshore workers' register  
53 any person (including those persons registered as longshore workers for  
54 less than nine months) who shall have failed to have worked as a long-  
55 shore worker in the port of New York district for such minimum number of  
56 days during a period of time as shall have been established by the

1 commission. In administering this section, the commission, in its  
2 discretion, may count applications for employment as a longshore worker  
3 at an employment information center established under section five  
4 hundred thirty-four-o of this article as constituting actual work as a  
5 longshore worker, provided, however, that the commission shall count as  
6 actual work the compensation received by any longshore worker pursuant  
7 to the guaranteed wage provisions of any collective bargaining agreement  
8 relating to longshore workers. Prior to the commencement of any period  
9 of time established by the commission pursuant to this section, the  
10 commission shall establish for such period the minimum number of days of  
11 work required and the distribution of such days during such period and  
12 shall also determine whether or not application for employment as a  
13 longshore worker shall be counted as constituting actual work as a long-  
14 shore worker. The commission may classify longshore workers according to  
15 length of service as a longshore worker and such other criteria as may  
16 be reasonable and necessary to carry out the provisions of this act. The  
17 commission shall have the power to vary the requirements of this section  
18 with respect to their application to the various classifications of  
19 longshore workers. In administering this section, the commission shall  
20 observe the standards set forth in section five hundred thirty-four-l of  
21 this article. Nothing in this section shall be construed to modify,  
22 limit or restrict in any way any of the rights protected by section five  
23 hundred thirty-four-q of this article.

24 § 534-1. Suspension or acceptance of applications for inclusion in the  
25 longshore workers' register; exceptions. 1. The commission shall have  
26 the power to make determinations to suspend the acceptance of applica-  
27 tions for inclusion in the longshore workers' register for such periods  
28 of time as the commission may from time to time establish and, after any  
29 such period of suspension, the commission shall have the power to make  
30 determinations to accept applications for such period of time as the  
31 commission may establish or in such number as the commission may deter-  
32 mine, or both. Such determinations to suspend or accept applications  
33 shall be made by the commission: (a) on its own initiative when it  
34 determines that continued acceptance of applications for inclusion in  
35 the longshore workers' register will violate the standards set forth in  
36 subdivision two of this section; or (b) upon the joint recommendation in  
37 writing of stevedores and other employers of longshore workers in the  
38 port of New York district in this state, acting through their represen-  
39 tative for the purpose of collective bargaining with a labor organiza-  
40 tion representing such longshore workers in such district and such labor  
41 organization; or (c) upon the petition in writing of a stevedore or  
42 another employer of longshore workers in the port of New York district  
43 in this state which does not have a representative for the purpose of  
44 collective bargaining with a labor organization representing such long-  
45 shore workers. The commission shall have the power to accept or reject  
46 such joint recommendation or petition. All joint recommendations or  
47 petitions filed for the acceptance of applications with the commission  
48 for inclusion in the longshore workers' register shall include:

49 (i) the number of employees requested;  
50 (ii) the category or categories of employees requested;  
51 (iii) a detailed statement setting forth the reasons for such joint  
52 recommendation or petition;  
53 (iv) in cases where a joint recommendation is made under this section,  
54 the collective bargaining representative of stevedores and other employ-  
55 ers of longshore workers in the port of New York district in this state  
56 and the labor organization representing such longshore workers shall

1 provide the allocation of the number of persons to be sponsored by each  
2 employer of longshore workers in the port of New York district in this  
3 state; and

4 (v) any other information requested by the commission.

5 2. In administering the provisions of this section, the commission  
6 shall observe the following standards:

7 (a) To encourage as far as practicable the regularization of the  
8 employment of longshore workers;

9 (b) To bring the number of eligible longshore workers into balance  
10 with the demand for longshore workers' services within the port of New  
11 York district in this state without reducing the number of eligible  
12 longshore workers below that necessary to meet the requirements of long-  
13 shore workers in the port of New York district in this state;

14 (c) To encourage the mobility and full utilization of the existing  
15 work force of longshore workers;

16 (d) To protect the job security of the existing work force of long-  
17 shore workers by considering the wages and employment benefits of  
18 prospective registrants;

19 (e) To eliminate oppressive, unlawful, discriminatory, and corrupt  
20 hiring practices injurious to waterfront labor and waterborne commerce  
21 in the port of New York district in this state, including, but not  
22 limited to, those oppressive, unlawful, discriminatory, and corrupt  
23 hiring practices that may result from either a surplus or shortage of  
24 waterfront labor;

25 (f) To consider the effect of technological change and automation and  
26 such other economic data and facts as are relevant to a proper determi-  
27 nation; and

28 (g) To protect the public interest of this state.

29 3. (a) In observing the foregoing standards and before determining to  
30 suspend or accept applications for inclusion in the longshore workers'  
31 register, the commission shall consult with and consider the views of,  
32 including any statistical data or other factual information concerning  
33 the size of the longshore workers' register submitted by, carriers of  
34 freight by water, stevedores, waterfront terminal owners and operators,  
35 any labor organization representing employees registered by the commis-  
36 sion, and any other person whose interests may be affected by the size  
37 of the longshore workers' register. The commission shall publish on its  
38 website the justification for any determination to suspend applications  
39 for inclusion in the longshore workers' register, and shall notify the  
40 governor and the legislature of such suspension, within ten days of such  
41 action.

42 (b) Any recommendation or petition granted hereunder shall be subject  
43 to such terms and conditions as the commission may prescribe consistent  
44 with the provisions of this act or any regulations promulgated thereof.

45 4. Any determination by the commission pursuant to this section to  
46 suspend or accept applications for inclusion in the longshore workers'  
47 register shall be made upon a record, shall not become effective until  
48 five days after notice thereof to the collective bargaining represen-  
49 tative of stevedores and other employers of longshore workers in the  
50 port of New York district in this state and to the labor organization  
51 representing such longshore workers and/or the petitioning stevedore or  
52 other employer of longshore workers in the port of New York district in  
53 this state and shall be subject to judicial review for being arbitrary,  
54 capricious, and an abuse of discretion in a proceeding jointly insti-  
55 tuted by such representative and such labor organization and/or by the  
56 petitioning stevedore or other employer of longshore workers in the port

1 of New York district in this state. Such judicial review proceeding may  
2 be instituted in the manner provided by the law of this state for review  
3 of the final decision or action of administrative agencies of this  
4 state, provided, however, that such proceeding shall be decided directly  
5 by the appellate division as the court of first instance (to which the  
6 proceeding shall be transferred by order of transfer by the supreme  
7 court in the state of New York by notice of appeal from the commission's  
8 determination) and provided further that notwithstanding any other  
9 provision of law in this state no court shall have power to stay the  
10 commission's determination prior to final judicial decision for more  
11 than fifteen days. In the event that the court enters a final order  
12 setting aside the determination by the commission to accept applications  
13 for inclusion in the longshore workers' register, the registration of  
14 any longshore workers included in the longshore workers' register as a  
15 result of such determination by the commission shall be cancelled.

16 5. This section shall apply, notwithstanding any other provision of  
17 this act, provided however, such section shall not in any way limit or  
18 restrict the provisions of this subdivision empowering the commission to  
19 register longshore workers on a temporary basis to meet special or emer-  
20 gency needs or the provisions of subdivision four of section five  
21 hundred thirty-four-k of this article relating to the immediate rein-  
22 statement of persons removed from the longshore workers' register pursu-  
23 ant to this section.

24 6. Upon the granting of any joint recommendation or petition under  
25 this section for the acceptance of applications for inclusion in the  
26 longshore workers' register, the commission shall accept applications  
27 upon written sponsorship from the prospective employer of longshore  
28 workers. The sponsoring employer shall furnish the commission with the  
29 name, address and such other identifying or category information as the  
30 commission may prescribe for any person so sponsored. The sponsoring  
31 employer shall certify that the selection of the persons so sponsored  
32 was made in a fair and non-discriminatory basis in accordance with the  
33 requirements of the laws of the United States and the state of New York  
34 dealing with equal employment opportunities. Notwithstanding any of the  
35 foregoing, where the commission determines to accept applications for  
36 inclusion in the longshore workers' register on its own initiative, such  
37 acceptance shall be accomplished in such manner deemed appropriate by  
38 the commission.

39 7. Notwithstanding any other provision of this article, the commission  
40 may include in the longshore workers' register under such terms and  
41 conditions as the commission may prescribe:

42 (a) a person issued registration on a temporary basis to meet special  
43 or emergency needs who is still so registered by the commission; and

44 (b) a person defined as a longshore worker in subparagraph four of  
45 paragraph (a), or paragraph (b) of subdivision twelve of section five  
46 hundred thirty-four-b of this article who is employed by a stevedore  
47 defined in paragraph (c) or (d) of subdivision twenty-two of section  
48 five hundred thirty-four-b of this article and whose employment is not  
49 subject to the guaranteed annual income provisions of any collective  
50 bargaining agreement relating to longshore workers.

51 8. The commission may include in the longshore workers' register,  
52 under such terms and conditions as the commission may prescribe, persons  
53 issued registration on a temporary basis as a longshore worker or a  
54 checker to meet special or emergency needs and who are still so regis-  
55 tered by the commission upon the enactment of this act.



1 9. Nothing in this section shall be construed to modify, limit or  
2 restrict in any way any of the rights protected by section five hundred  
3 thirty-four-q of this article.

4 § 534-m. Security officer. 1. No person shall act as a security offi-  
5 cer within the port of New York district in this state without first  
6 having obtained a license from the commission or previously, from the  
7 bi-state commission, and no person shall employ a security officer who  
8 is not so licensed.

9 2. A license to act as a security officer shall be issued only upon  
10 written application, duly verified, which shall state the following:

11 (a) The full name, residence, business address (if any), place and  
12 date of birth and social security number of the applicant;

13 (b) The present and previous occupations of the applicant, including  
14 the places where the person was employed and the names of the person's  
15 employers;

16 (c) The citizenship of the applicant and, if the person is a natural-  
17 ized citizen of the United States, the court and date of naturalization;  
18 and

19 (d) Such further facts and evidence as may be required by the commis-  
20 sion to ascertain the character, integrity and identity of the appli-  
21 cant.

22 3. No such license shall be granted:

23 (a) Unless the commission shall be satisfied that the applicant  
24 possesses good character and integrity;

25 (b) If the applicant has, without subsequent pardon, been convicted by  
26 a court of the United States or of any state or territory thereof of the  
27 commission of, or the attempt or conspiracy to commit, treason, murder,  
28 manslaughter or any crime punishable by death or imprisonment for a term  
29 exceeding one year or any of the misdemeanors or offenses described in  
30 paragraph (b) of subdivision three of section five hundred thirty-four-f  
31 of this article;

32 (c) Unless the applicant shall meet such reasonable standards of phys-  
33 ical and mental fitness for the discharge of a security officer's duties  
34 as may from time to time be established by the commission;

35 (d) If the applicant shall be a member of any labor organization which  
36 represents longshore workers or pier superintendents or hiring agents;  
37 but nothing in this section shall be deemed to prohibit security offi-  
38 cers from being represented by a labor organization or organizations  
39 which do not also represent longshore workers or pier superintendents or  
40 hiring agents. The American Federation of Labor and Congress of Indus-  
41 trial Organizations and any other similar federation, congress or other  
42 organization of national or international occupational or industrial  
43 labor organizations shall not be considered an organization which  
44 represents longshore workers or pier superintendents or hiring agents  
45 within the meaning of this section although one of the federated or  
46 constituent labor organizations thereof may represent longshore workers  
47 or pier superintendents or hiring agents;

48 (e) If the applicant knowingly or willfully advocates the desirability  
49 of overthrowing or destroying the government of the United States by  
50 force or violence or shall be a member of a group which advocates such  
51 desirability, knowing the purposes of such group include such advocacy.

52 4. When the application shall have been examined and such further  
53 inquiry and investigation made as the commission shall deem proper and  
54 when the commission shall be satisfied therefrom that the applicant  
55 possesses the qualifications and requirements prescribed by this section  
56 and regulations issued pursuant thereto, the commission shall issue and

1 deliver a license to the applicant. The commission may issue a temporary  
2 permit to any applicant for a license under the provisions of this  
3 section pending final action on an application made for such a license.  
4 Any such permit shall be valid for a period not in excess of six months.

5 5. A license granted pursuant to this section shall continue for a  
6 term of three years. A license may be renewed by the commission for  
7 successive three-year periods upon fulfilling the same requirements as  
8 set forth in this section for an original application.

9 6. Notwithstanding any provision set forth in this section, a license  
10 to act as a security officer shall continue and need not be renewed,  
11 provided the licensee shall, as required by the commission:

12 (a) Submit to a medical examination and meet the physical and mental  
13 fitness standards established by the commission pursuant to paragraph  
14 (c) of subdivision three of this section;

15 (b) Complete a refresher course of training; and

16 (c) Submit supplementary personal history information.

17 7. Any license issued pursuant to this section may be revoked or  
18 suspended for such period as the commission deems in the public interest  
19 or the licensee thereunder may be reprimanded for any of the following  
20 offenses:

21 (a) Conviction of a crime or other cause which would permit or require  
22 the person's disqualification from receiving a license upon original  
23 application;

24 (b) Fraud, deceit or misrepresentation in securing the license; and

25 (c) Any other offense described in paragraphs (c), (d), (e), (f), (g),  
26 (h), and (i) of subdivision seven of section five hundred thirty-four-f  
27 of this article.

28 8. The commission shall, at regular intervals, cancel the license or  
29 temporary permit of a security officer who shall have failed during the  
30 preceding twelve months to have worked as a security officer in the port  
31 of New York district a minimum number of hours as shall have been estab-  
32 lished by the commission, except that immediate restoration of such  
33 license or temporary permit shall be made upon proper showing that the  
34 failure to so work was caused by the fact that the licensee or permittee  
35 was engaged in the military service of the United States or was incapac-  
36 itated by ill health, physical injury or other good cause.

37 9. Any applicant for security officer ineligible for a license by  
38 reason of the provisions of paragraph (b) of subdivision three of this  
39 section may petition for and the commission may issue an order removing  
40 the ineligibility. A petition for an order to remove ineligibility may  
41 be made to the commission before or after the hearing required by  
42 section five hundred thirty-four-n of this article.

43 § 534-n. Hearings, determinations and review. 1. The commission shall  
44 not deny any application for a license or registration without giving  
45 the applicant or prospective licensee reasonable prior notice and an  
46 opportunity to be heard by the commission.

47 2. Any application for a license or for inclusion in the longshore  
48 workers' register, and any license issued or registration made, may be  
49 denied, revoked, or suspended only in the manner prescribed in this  
50 section.

51 3. The commission may on its own initiative or on complaint of any  
52 person, including any public official or agency, institute proceedings  
53 to revoke or suspend any license or registration after a hearing at  
54 which the licensee or registrant and any person making such complaint  
55 shall be given an opportunity to be heard, provided that any order of  
56 the commission revoking or suspending any license or registration shall



1 not become effective until fifteen days subsequent to the serving of  
2 notice thereof upon the licensee or registrant unless in the opinion of  
3 the commission the continuance of the license or registration for such  
4 period would be inimical to the public peace or safety. Such hearings  
5 shall be held in such manner and upon such notice as may be prescribed  
6 by the rules of the commission, but such notice shall be of not less  
7 than ten days and shall state the nature of the complaint.

8 4. Pending the determination of such hearing pursuant to subdivision  
9 three of this section, the commission may temporarily suspend a permit,  
10 license or registration until further order of the commission if in the  
11 opinion of the commission the continuance of the permit, license or  
12 registration for such period is inimical to the public peace or safety.

13 (a) The commission may temporarily suspend a permit, license or regis-  
14 tration pursuant to the provisions of this subdivision until further  
15 order of the commission or final disposition of the underlying case,  
16 only where the permittee, licensee or registrant has been indicted for,  
17 or otherwise charged with, a crime which is equivalent to a felony in  
18 the state of New York or any crime punishable by death or imprisonment  
19 for a term exceeding three hundred sixty-four days or only where the  
20 permittee or licensee is a security officer who is charged by the  
21 commission pursuant to this section with misappropriating any other  
22 person's property at or on a pier or other waterfront terminal.

23 (b) In the case of a permittee, licensee or registrant who has been  
24 indicted for, or otherwise charged with, a crime, the temporary suspen-  
25 sion shall terminate immediately upon acquittal or upon dismissal of the  
26 criminal charge, unless in the opinion of the commission the continuance  
27 of any such permit, license or registration is inimical to the public  
28 peace or safety.

29 (c) A person whose permit, license or registration has been temporar-  
30 ily suspended may, at any time, demand that the commission conduct a  
31 hearing as provided for in this section. Within sixty days of such  
32 demand, the commission shall commence the hearing and, within thirty  
33 days of receipt of the administrative judge's report and recommendation,  
34 the commission shall render a final determination thereon; provided,  
35 however, that these time requirements, shall not apply for any period of  
36 delay caused or requested by the permittee, licensee or registrant. Upon  
37 failure of the commission to commence a hearing or render a determi-  
38 nation within the time limits prescribed herein, the temporary suspen-  
39 sion of the licensee or registrant shall immediately terminate. Notwith-  
40 standing any other provision of this subdivision, if a federal, state,  
41 or local law enforcement agency or prosecutor's office shall request the  
42 suspension or deferment of any hearing on the ground that such a hearing  
43 would obstruct or prejudice an investigation or prosecution, the commis-  
44 sion may in its discretion, postpone or defer such hearing for a time  
45 certain or indefinitely. Any action by the commission to postpone a  
46 hearing shall be subject to immediate judicial review as provided in  
47 subdivision seven of this section.

48 (d) The commission may in addition, within its discretion, bar any  
49 permittee, licensee or registrant whose license or registration has been  
50 suspended pursuant to this section, from any employment by a licensed  
51 stevedore or a carrier of freight by water during the period of such  
52 suspension, if the alleged crime that forms the basis of such suspension  
53 involves the possession with intent to distribute, sale, or distribution  
54 of a controlled dangerous substance (controlled substance), or  
55 controlled dangerous substance analog (controlled substance analog),  
56 racketeering or theft from a pier or waterfront terminal.



1 5. The commission, or such officer, employee or agent of the commis-  
2 sion as may be designated by the commission for such purpose, shall have  
3 the power to issue subpoenas to compel the attendance of witnesses and  
4 the giving of testimony or production of other evidence and to adminis-  
5 ter oaths in connection with any such hearing. It shall be the duty of  
6 the commission or of any officer, employee or agent of the commission  
7 designated by the commission for such purpose to issue subpoenas at the  
8 request of and upon behalf of the licensee, registrant or applicant.  
9 The commission or such person conducting the hearing shall not be bound  
10 by common law or statutory rules of evidence or by technical or formal  
11 rules of procedure in the conduct of such hearing.

12 6. Upon the conclusion of the hearing, the commission shall take such  
13 action upon such findings and determination as it deems proper and shall  
14 execute an order carrying such findings into effect. The action in the  
15 case of an application for a license or registration shall be the grant-  
16 ing or denial thereof. The action in the case of a licensee shall be  
17 revocation of the license or suspension thereof for a fixed period or  
18 reprimand or a dismissal of the charges. The action in the case of a  
19 registered longshore worker shall be dismissal of the charges, reprimand  
20 or removal from the longshore workers' register for a fixed period or  
21 permanently.

22 7. The action of the commission in denying any application for a  
23 license or in refusing to include any person in the longshore workers'  
24 register under this act or in suspending or revoking such license or  
25 removing any person from the longshore workers' register or in reprim-  
26 anding a licensee or registrant shall be subject to judicial review by  
27 a proceeding instituted in this state at the instance of the applicant,  
28 licensee or registrant in the manner provided by state law for review of  
29 the final decision or action of an agency of this state provided, howev-  
30 er, that notwithstanding any other provision of law the court shall have  
31 power to stay for not more than thirty days an order of the commission  
32 suspending or revoking a license or removing a longshore worker from the  
33 longshore workers' register.

34 8. At hearings conducted by the commission pursuant to this section,  
35 applicants, prospective licensees, licensees and registrants shall have  
36 the right to be accompanied and represented by counsel.

37 9. After the conclusion of a hearing but prior to the making of an  
38 order by the commission, a hearing may, upon petition and in the  
39 discretion of the hearing officer, be reopened for the presentation of  
40 additional evidence. Such petition to reopen the hearing shall state in  
41 detail the nature of the additional evidence, together with the reasons  
42 for the failure to submit such evidence prior to the conclusion of the  
43 hearing. The commission may upon its own motion and upon reasonable  
44 notice reopen a hearing for the presentation of additional evidence.  
45 Upon petition, after the making of an order of the commission, rehearing  
46 may be granted in the discretion of the commission. Such a petition for  
47 rehearing shall state in detail the grounds upon which the petition is  
48 based and shall separately set forth each error of law and fact alleged  
49 to have been made by the commission in its determination, together with  
50 the facts and arguments in support thereof. Such petition shall be filed  
51 with the commission not later than thirty days after service of such  
52 order, unless the commission for good cause shown shall otherwise  
53 direct. The commission may upon its own motion grant a rehearing after  
54 the making of an order.

55 § 534-o. Employment information centers. 1. The commission shall  
56 establish and maintain one or more employment information centers within

1 the port of New York district in this state at such locations as it may  
2 determine. No person shall, directly or indirectly, hire any person for  
3 work as a longshore worker or security officer within the port of New  
4 York district in this state, except through such particular employment  
5 information center or centers as may be prescribed by the commission.  
6 No person shall accept any employment as a longshore worker or security  
7 officer within the port of New York district in this state, except  
8 through such an employment information center. At each such employment  
9 information center the commission shall keep and exhibit the longshore  
10 workers' register and any other records it shall determine to the end  
11 that longshore workers and security officers shall have the maximum  
12 information as to available employment as such at any time within the  
13 port of New York district in this state and to the end that employers  
14 shall have an adequate opportunity to fill their requirements of regis-  
15 tered longshore workers and security officers at all times.

16 2. Every employer of longshore workers or security officers within the  
17 port of New York district in this state shall furnish such information  
18 as may be required by the rules and regulations prescribed by the  
19 commission with regard to the name of each person hired as a longshore  
20 worker or security officer, the time and place of hiring, the time,  
21 place and hours of work, and the compensation therefor.

22 § 534-p. Implementation of telecommunications hiring system for long-  
23 shore workers and checkers; registration of telecommunications system  
24 controller. 1. The commission may designate one of the employment infor-  
25 mation centers it is authorized to establish and maintain under section  
26 five hundred thirty-four-o of this article for the implementation of a  
27 telecommunications hiring system through which longshore workers and  
28 checkers may be hired and accept employment without any personal appear-  
29 ance at said center. Any such telecommunications hiring system shall  
30 incorporate hiring and seniority agreements between the employers of  
31 longshore workers and checkers and the labor organization representing  
32 longshore workers and checkers in the port of New York district in this  
33 state, provided said agreements are not in conflict with the provisions  
34 of the article.

35 2. The commission shall permit employees of the association represent-  
36 ing employers of longshore workers and checkers and of the labor organ-  
37 ization representing longshore workers and checkers in the port of New  
38 York district in this state, or of a joint board of such association and  
39 labor organization, to participate in the operation of said telecommuni-  
40 cations hiring system, provided that any such employee is registered by  
41 the commission as a "telecommunications system controller" in accord-  
42 ance with the provisions, standards and grounds set forth in the act  
43 with respect to the registration of checkers. No person shall act as a  
44 "telecommunications system controller" unless that person is so regis-  
45 tered. Any application for such registration and any registration made  
46 or issued may be denied, revoked, or suspended, as the case may be, only  
47 in the manner prescribed in section five hundred thirty-four-n of this  
48 article. Any and all such participation in the operation of said tele-  
49 communications hiring system shall be monitored by the commission.

50 3. Any and all records, documents, tapes, discs and other data  
51 compiled, collected or maintained by said association of employers,  
52 labor organization and joint board of such association and labor organ-  
53 ization pertaining to the telecommunications hiring system shall be  
54 available for inspection, investigation and duplication by the commis-  
55 sion.

1 § 534-q. Construction of act. 1. This act is not designed and shall  
2 not be construed to limit in any way any rights granted or derived from  
3 any other statute or any rule of law for employees to organize in labor  
4 organizations, to bargain collectively and to act in any other way indi-  
5 vidually, collectively, and through labor organizations or other repre-  
6 sentatives of their own choosing. Without limiting the generality of  
7 the foregoing, nothing contained in this act shall be construed to limit  
8 in any way the right of employees to strike.

9 2. This act is not designed and shall not be construed to limit in any  
10 way any rights of longshore workers, hiring agents, pier superintendents  
11 or security officers or their employers to bargain collectively and  
12 agree upon any method for the selection of such employees by way of  
13 seniority, experience, regular gangs or otherwise, provided that such  
14 employees shall be licensed or registered hereunder and such longshore  
15 workers and security officers shall be hired only through the employment  
16 information centers established hereunder and that all other provisions  
17 of this act be observed.

18 § 534-r. Certain solicitations prohibited; prohibition against the  
19 holding of union position by officers, agents or employees who have been  
20 convicted of certain crimes and offenses. 1. No person shall solicit,  
21 collect or receive any dues, assessments, levies, fines or contrib-  
22 utions, or other charges within the state for or on behalf of any labor  
23 organization which represents employees registered or licensed pursuant  
24 to the provisions of this article or which derives its charter from a  
25 labor organization representing one hundred or more of such registered  
26 or licensed employees, if any officer, agent or employee of such labor  
27 organization, or of a welfare fund or trust administered partially or  
28 entirely by such labor organization or by trustees or other persons  
29 designated by such labor organization, has been convicted by a court of  
30 the United States, or any state or territory thereof, of a felony, any  
31 misdemeanor involving moral turpitude or any crime or offense enumerated  
32 in paragraph (b) of subdivision three of section five hundred thirty-  
33 four-j of this article, unless such person has been subsequently  
34 pardoned therefor by the governor or other appropriate authority of the  
35 state or jurisdiction in which such conviction was had or has received a  
36 certificate of good conduct from the board of parole pursuant to the  
37 provisions of this chapter to remove the disability. No person so  
38 convicted shall serve as an officer, agent or employee of such labor  
39 organization, welfare fund or trust unless such person has been so  
40 pardoned or has received a certificate of good conduct. No person,  
41 including such labor organization, welfare fund or trust, shall knowing-  
42 ly permit such convicted person to assume or hold any office, agency, or  
43 employment in violation of this section.

44 2. As used in this section, the term "labor organization" shall mean  
45 and include any organization which exists and is constituted for the  
46 purpose in whole or in part of collective bargaining, or of dealing with  
47 employers concerning grievances, terms and conditions of employment, or  
48 of other mutual aid or protection; but it shall not include a feder-  
49 ation or congress of labor organizations organized on a national or  
50 international basis even though one of its constituent labor organiza-  
51 tions may represent persons so registered or licensed.

52 3. Any person who shall violate this section shall be guilty of a  
53 misdemeanor punishable by a fine of not more than five hundred dollars  
54 or imprisonment for not more than three hundred sixty-four days, or  
55 both.

1 4. If upon application to the commission by an employee who has been  
2 convicted of a crime or offense specified in subdivision one of this  
3 section the commission, in its discretion, determines in an order that  
4 it would not be contrary to the purposes and objectives of this act for  
5 such employee to work in a particular employment for a labor organiza-  
6 tion, welfare fund or trust within the meaning of subdivision two of  
7 this section, the provisions of subdivision two of this section shall  
8 not apply to the particular employment of such employee with respect to  
9 such conviction or convictions as are specified in the commission's  
10 order. This section is applicable only to those employees who for wages  
11 or salary perform manual, mechanical, or physical work of a routine or  
12 clerical nature at the premises of the labor organization, welfare fund  
13 or trust by which they are employed.

14 5. No person who has been convicted of a crime or offense specified in  
15 subdivision one of this section shall directly or indirectly serve as an  
16 officer, agent or employee of a labor organization, welfare fund or  
17 trust unless such person has been subsequently pardoned for such crime  
18 or offense by the governor or other appropriate authority of the state  
19 or jurisdiction in which such conviction was had or has received a  
20 certificate of good conduct or other relief from disabilities arising  
21 from the fact of conviction from a board of parole or similar authority  
22 or has received pursuant to subdivision one of this section an order of  
23 exception from the commission. No person, including a labor organiza-  
24 tion, welfare fund or trust within the meaning of subdivision one of  
25 this section, shall knowingly permit any other person to assume or hold  
26 any office, agency or employment in violation of this section.

27 6. The commission may maintain a civil action against any person,  
28 labor organization, welfare fund or trust or officers thereof to compel  
29 compliance with this section, or to prevent any violations, the aiding  
30 and abetting thereof, or any attempt or conspiracy to violate this  
31 section, either by mandamus, injunction or action and upon a proper  
32 showing a temporary restraining order or other appropriate temporary  
33 order shall be granted ex parte and without bond pending final hearing  
34 and determination. Nothing in this section shall be construed to modify,  
35 limit or restrict in any way the provisions of subdivision one of this  
36 section.

37 § 534-s. General violations; prosecutions; penalties. 1. The failure  
38 of any witness, when duly subpoenaed to attend, give testimony or  
39 produce other evidence, whether or not at a hearing, shall be punishable  
40 by the supreme court in New York in the same manner as said failure is  
41 punishable by such court in a case therein pending.

42 2. Any person who, having been duly sworn or affirmed as a witness in  
43 any such hearing, shall willfully give false testimony or who shall  
44 willfully make or file any false or fraudulent report or statement  
45 required by this article to be made or filed under oath, shall be guilty  
46 of a misdemeanor, punishable by a fine of not more than one thousand  
47 dollars or imprisonment for not more than three hundred sixty-four days,  
48 or both.

49 3. Any person who, having been duly sworn or affirmed as a witness in  
50 any investigation, interview or other proceeding conducted by the  
51 commission pursuant to the provisions of this article, shall willfully  
52 give false testimony shall be guilty of a misdemeanor, punishable by a  
53 fine of not more than one thousand dollars or imprisonment for not more  
54 than three hundred sixty-four days, or both.

55 4. The commission may maintain a civil action on behalf of the state  
56 against any person who violates or attempts or conspires to violate this

1 section or who fails, omits, or neglects to obey, observe, or comply  
2 with any order or direction of the commission, to recover a judgment for  
3 a money penalty not exceeding five hundred dollars for each and every  
4 offense. Every violation of any such provision, order or direction,  
5 shall be a separate and distinct offense, and, in case of a continuing  
6 violation, every day's continuance shall be and be deemed to be a sepa-  
7 rate and distinct offense. Any such action may be compromised or  
8 discontinued on application of the commission upon such terms as the  
9 court may approve and a judgment may be rendered for an amount less than  
10 the amount demanded in the complaint as justice may require.

11 5. The commission may maintain a civil action against any person to  
12 compel compliance with any of the provisions of this act or to prevent  
13 violations, attempts or conspiracies to violate any such provisions, or  
14 interference, attempts or conspiracies to interfere with or impede the  
15 enforcement of any such provisions or the exercise performance of any  
16 power or duty thereunder, either by mandamus, injunction or action.

17 6. Any person who violates or attempts or conspires to violate any  
18 other provision of this article shall be guilty of a misdemeanor,  
19 punishable by a fine of not more than five hundred dollars or by impri-  
20 sonment for not more than three hundred sixty-four days, or both.

21 7. Any person who interferes with or impedes the orderly registration  
22 of longshore workers pursuant to this act or who conspires to or  
23 attempts to interfere with or impede such registration shall be guilty  
24 of a misdemeanor, punishable by a fine of not more than five hundred  
25 dollars or by imprisonment for not more than three hundred sixty-four  
26 days, or both.

27 8. Any person who directly or indirectly inflicts or threatens to  
28 inflict any injury, damage, harm or loss or in any other manner prac-  
29 tices intimidation upon or against any person in order to induce or  
30 compel such person or any other person to refrain from registering  
31 pursuant to this act shall be guilty of a misdemeanor, punishable by a  
32 fine of not more than five hundred dollars or by imprisonment for not  
33 more than three hundred sixty-four days, or both.

34 9. Any person who shall violate any of the provisions of this article  
35 or of section five hundred thirty-four-x of this article for which no  
36 other penalty is prescribed shall be guilty of a misdemeanor, punisha-  
37 ble by a fine of not more than five hundred dollars or by imprisonment  
38 for not more than three hundred sixty-four days, or both.

39 10. No person shall, without a satisfactory explanation, loiter upon  
40 any vessel, dock, wharf, pier, bulkhead, terminal, warehouse, or other  
41 waterfront facility or within five hundred feet thereof in that portion  
42 of the port of New York district within the state of New York.

43 11. Any person who, without justification or excuse in law, directly  
44 or indirectly intimidates or inflicts any injury, damage, harm, loss or  
45 economic reprisal upon any person licensed or registered by the commis-  
46 sion, or any other person, or attempts, conspires or threatens so to  
47 do, in order to interfere with, impede or influence such licensed or  
48 registered person in the performance or discharge of the person's duties  
49 or obligations shall be punishable as provided in subdivision three of  
50 section five hundred thirty-four-r of this article.

51 12. In any prosecution under this act, it shall be sufficient to prove  
52 only a single act or a single holding out or attempt prohibited by law,  
53 without having to prove a general course of conduct, in order to prove a  
54 violation.



1 § 534-t. Denial of applications. In addition to the grounds elsewhere  
2 set forth in this article, the commission may deny an application for a  
3 license or registration for any of the following:

4 1. Conviction by a court of the United States or any state or territo-  
5 ry thereof of coercion;

6 2. Conviction by any such court, after having been previously  
7 convicted by any such court of any crime or of the offenses set forth in  
8 this article, of a misdemeanor or any of the following offenses:  
9 assault, malicious injury to property, malicious mischief, unlawful  
10 taking of a motor vehicle, corruption of employees or possession of  
11 lottery or number slips;

12 3. Fraud, deceit or misrepresentation in connection with any applica-  
13 tion or petition submitted to, or any interview, hearing or proceeding  
14 conducted by the commission;

15 4. Violation of any provision of this act or commission of any offense  
16 under this article;

17 5. Refusal on the part of any applicant, or prospective licensee, or  
18 of any member, officer or stockholder required by subdivision two of  
19 section five hundred thirty-four-g of this article to sign or be identi-  
20 fied in an application for a stevedore license, to answer any material  
21 question or produce any material evidence in connection with the  
22 person's application or any application made on the person's behalf for  
23 a license or registration pursuant to this article;

24 6. Association with a person who has been identified by a federal,  
25 state, or local law enforcement agency as a member or associate of an  
26 organized crime group, a terrorist group, or a career offender cartel,  
27 or who is a career offender, under circumstances where such association  
28 creates a reasonable belief that the participation of the applicant in  
29 any activity required to be licensed under this article would be inimi-  
30 cal to the policies of this article, provided, however, that associ-  
31 ation without the requisite showing of inimicality as set forth herein  
32 shall be insufficient grounds for denial; or

33 7. Conviction of a racketeering activity or knowing association with a  
34 person who has been convicted of a racketeering activity by a court of  
35 the United States or any state or territory thereof under circumstances  
36 where such association creates a reasonable belief that the partici-  
37 ipation of the applicant in any activity required to be licensed under  
38 this article would be inimical to the policies of this article,  
39 provided, however, that association without the requisite showing of  
40 inimicality as set forth herein shall be insufficient grounds for  
41 denial.

42 § 534-u. Revocation of licenses and registrations. In addition to the  
43 grounds elsewhere set forth in this article, any license or registration  
44 issued or made pursuant thereto may be revoked or suspended for such  
45 period as the commission deems in the public interest or the licensee or  
46 registrant may be reprimanded, for:

47 1. Conviction of any crime or offense in relation to gambling if the  
48 crime or offense was committed at or on a pier or other waterfront  
49 terminal or within five hundred feet thereof;

50 2. Willful commission of, or willful attempt to commit at or on a  
51 waterfront terminal or adjacent highway, any act of physical injury to  
52 any other person or of willful damage to or misappropriation of any  
53 other person's property, unless justified or excused by law;

54 3. Receipt or solicitation of anything of value from any person other  
55 than a licensee's or registrant's employer as consideration for the  
56 selection or retention for employment of such licensee or registrant;

1 4. Coercion of a licensee or registrant to make purchases from or to  
2 utilize the services of any person;

3 5. Refusal to answer any material question or produce any evidence  
4 lawfully required to be answered or produced at any investigation,  
5 interview or other proceeding conducted by the commission pursuant to  
6 the provisions of this act, or, if such refusal is accompanied by a  
7 valid plea of privilege against self-incrimination, refusal to obey an  
8 order to answer such question or produce such evidence made by the  
9 commission pursuant to the provisions of subdivision one of section five  
10 hundred thirty-four-v of this article;

11 6. Association with a person who has been identified by a federal,  
12 state, or local law enforcement agency as a member or associate of an  
13 organized crime group, a terrorist group, or a career offender cartel,  
14 or who is a career offender, under circumstances where such association  
15 creates a reasonable belief that the participation of the applicant in  
16 any activity required to be licensed under this act would be inimical to  
17 the policies of this article, provided however that association without  
18 the requisite showing of inimicality as set forth herein shall be insuf-  
19 ficient grounds for revocation; or

20 7. Conviction of a racketeering activity or knowing association with a  
21 person who has been convicted of a racketeering activity by a court of  
22 the United States or any state or territory thereof under circumstances  
23 where such association creates a reasonable belief that the partic-  
24 ipation of the applicant in any activity required to be licensed under  
25 this act would be inimical to the policies of this article, provided,  
26 however, that association without the requisite showing of inimicality  
27 as set forth herein shall be insufficient grounds for revocation.

28 § 534-v. Refusal to answer question, immunity; prosecution. 1. In any  
29 investigation, interview or other proceeding conducted under oath by the  
30 commission or any duly authorized officer, employee or agent thereof, if  
31 a person refuses to answer a question or produce evidence of any other  
32 kind on the ground that the person may be incriminated thereby, and,  
33 notwithstanding such refusal, an order is made upon twenty-four hours'  
34 prior written notice to the attorney general of the state of New York,  
35 and to the appropriate district attorney or prosecutor having an offi-  
36 cial interest therein, by the commissioner or by the commissioner's  
37 designees appointed pursuant to the provisions of subdivision three of  
38 section five hundred thirty-four-c of this article, that such person  
39 answer the question or produce the evidence, such person shall comply  
40 with the order. If such person complies with the order, and if, but for  
41 this subdivision, would have been privileged to withhold the answer  
42 given or the evidence produced by the person, then immunity shall be  
43 conferred upon the person, as provided for in this section. "Immunity"  
44 as used in this subdivision means that such person shall not be prose-  
45 cuted or subjected to any penalty or forfeiture for or on account of any  
46 transaction, matter or thing concerning which, in accordance with the  
47 order by the commission or the commissioner's designees appointed pursu-  
48 ant to the provisions of subdivision three of section five hundred thir-  
49 ty-four-c of this article, such person gave answer or produced evidence,  
50 and that no such answer given or evidence produced shall be received  
51 against the person upon any criminal proceeding. But the person may  
52 nevertheless be prosecuted or subjected to penalty or forfeiture for any  
53 perjury or contempt committed in answering, or failing to answer, or in  
54 producing or failing to produce evidence, in accordance with the order,  
55 and any such answer given or evidence produced shall be admissible  
56 against the person upon any criminal proceeding concerning such perjury



1 or contempt. Immunity shall not be conferred upon any person except in  
2 accordance with the provisions of this subdivision. If, after compli-  
3 ance with the provisions of this subdivision, a person is ordered to  
4 answer a question or produce evidence of any other kind and complies  
5 with such order, and it is thereafter determined that the attorney  
6 general or appropriate district attorney or prosecutor having an offi-  
7 cial interest therein not notified, such failure or neglect shall not  
8 deprive such person of any immunity otherwise properly conferred upon  
9 the person.

10 2. If a person, in obedience to a subpoena directing the person to  
11 attend and testify, comes into this state from another state, the person  
12 shall not, while in this state pursuant to such subpoena, be subject to  
13 arrest or the service of process, civil or criminal, in connection with  
14 matters which arose before the person's entrance into this state under  
15 the subpoena.

16 § 534-w. Annual preparation of a budget request and assessments. 1.  
17 The commission shall annually submit a budget request, which shall be  
18 submitted to the director of the budget in such form as the director may  
19 require.

20 2. After taking into account such funds as may be available, the  
21 balance of the commission's budgeted expenses shall be assessed upon  
22 employers of persons registered or licensed under this act. Each such  
23 employer shall pay an assessment computed upon the gross payroll  
24 payments made by such employer to longshore workers, pier superinten-  
25 dents, hiring agents and security officers for work or labor performed  
26 within the port of New York district in this state, at a rate, not in  
27 excess of two per cent, computed by the commission in the following  
28 manner: the commission shall annually estimate the gross payroll  
29 payments to be made by employers subject to assessment and shall compute  
30 a rate thereon which will yield revenues sufficient to finance the  
31 commission's budget for each year. Such budget to be assessed upon  
32 employers may include a reasonable amount not to exceed ten percent of  
33 the total of all other items of expenditure contained therein, which  
34 shall be allocated to an applicable fund balance to be held in the  
35 commission's employers assessment account.

36 3. The commission may provide by regulation for the collection and  
37 auditing of assessments. Such assessments shall be payable pursuant to  
38 such provisions for administration, collection and enforcement as the  
39 state may provide by legislation. In addition to any other sanction  
40 provided by law, the commission may revoke or suspend any license held  
41 by any person under this article, or the person's privilege of employing  
42 persons registered or licensed hereunder, for non-payment of any assess-  
43 ment when due.

44 4. The assessment pursuant to this section shall be in lieu of any  
45 other charge for the issuance of licenses to stevedores, pier super-  
46 intendents, hiring agents and security officers or for the registration  
47 of longshore workers or the use of an employment information center.  
48 The commission shall establish reasonable procedures for the consider-  
49 ation of protests by affected employers concerning the estimates and  
50 computation of the rate of assessment.

51 § 534-x. Payment of assessment. 1. Every person subject to the  
52 payment of any assessment under the provisions of section five hundred  
53 thirty-four-w of this article shall file on or before the fifteenth day  
54 of the first month of each calendar quarter-year a separate return,  
55 together with the payment of the assessment due, for the preceding  
56 calendar quarter-year during which any payroll payments were made to

1 longshore workers, pier superintendents, hiring agents or security offi-  
2 cers for work performed as such within the port of New York district in  
3 this state. Returns covering the amount of assessment payable shall be  
4 filed with the commission on forms to be furnished for such purpose and  
5 shall contain such data, information or matter as the commission may  
6 require to be included therein. The commission may grant a reasonable  
7 extension of time for filing returns, or for the payment of assessment,  
8 whenever good cause exists. Every return shall have annexed thereto a  
9 certification to the effect that the statements contained therein are  
10 true.

11 2. Every person subject to the payment of assessment hereunder shall  
12 keep an accurate record of that person's employment of longshore work-  
13 ers, pier superintendents, hiring agents or security officers, which  
14 shall show the amount of compensation paid and such other information as  
15 the commission may require. Such records shall be preserved for a peri-  
16 od of three years and be open for inspection at reasonable times. The  
17 commission may consent to the destruction of any such records at any  
18 time after said period or may require that they be kept longer, but not  
19 in excess of six years.

20 3. (a) The commission shall audit and determine the amount of assess-  
21 ment due from the return filed and such other information as is avail-  
22 able to it. Whenever a deficiency in payment of the assessment is  
23 determined the commission shall give notice of any such determination to  
24 the person liable therefor. Such determination shall finally and conclu-  
25 sively fix the amount due, unless the person against whom it is assessed  
26 shall, within thirty days after the giving of notice of such determi-  
27 nation, apply in writing to the commission for a hearing, or unless the  
28 commission on its own motion shall reduce the same. After such hearing,  
29 the commission shall give notice of its decision to the person liable  
30 therefor. A determination of the commission under this section shall be  
31 subject to judicial review, if application for such review is made with-  
32 in thirty days after the giving of notice of such decision. Any deter-  
33 mination under this section shall be made within five years from the  
34 time the return was filed and if no return was filed such determination  
35 may be made at any time.

36 (b) Any notice authorized or required under this section may be given  
37 by mailing the same to the person for whom it is intended at the last  
38 address given by that person to the commission, or in the last return  
39 filed by that person with the commission under this section, or, if no  
40 return has been filed then to such address as may be obtainable. The  
41 mailing of such notice shall be presumptive evidence of the receipt of  
42 same by the person to whom addressed. Any period of time, which is  
43 determined according to the provisions of this section, for the giving  
44 of notice shall commence to run from the date of mailing of such notice.

45 4. Whenever any person shall fail to pay, within the time limited  
46 herein, any assessment which the person is required to pay to the  
47 commission under the provisions of this section the commission may  
48 enforce payment of such fee by civil action for the amount of such  
49 assessment with interest and penalties.

50 5. The employment by a nonresident of a longshore worker, or a  
51 licensed pier superintendent, hiring agent or security officer in this  
52 state or the designation by a nonresident of a longshore worker, pier  
53 superintendent, hiring agent or security officer to perform work in this  
54 state shall be deemed equivalent to an appointment by such nonresident  
55 of the secretary of state to be the nonresident's true and lawful attor-  
56 ney upon whom may be served the process in any action or proceeding

1 against the nonresident growing out of any liability for assessments,  
2 penalties or interest, and a consent that any such process against the  
3 nonresident which is so served shall be of the same legal force and  
4 validity as if served personally within the state and within the terri-  
5 torial jurisdiction of the court from which the process issues. Service  
6 of process within this state shall be made by either:

7 (a) personally delivering to and leaving with the secretary of state  
8 duplicate copies thereof at the office of the department of state, in  
9 which event the secretary of state shall forthwith send by registered  
10 mail one of such copies to the person at the last address designated by  
11 the person to the commission for any purpose under this section or in  
12 the last return filed by the person under this section with the commis-  
13 sion or as shown on the records of the commission, or if no return has  
14 been filed, at the person's last known office address within or outside  
15 of the state; or

16 (b) personally delivering to and leaving with the secretary of state a  
17 copy thereof at the office of the department of state and by delivering  
18 a copy thereof to the person, personally outside of the state. Proof of  
19 such personal service outside of the state shall be filed with the  
20 clerk of the court in which the process is pending within thirty days  
21 after such service and such service shall be complete ten days after  
22 proof thereof is filed.

23 6. Whenever the commission shall determine that any moneys received as  
24 assessments were paid in error, it may cause the same to be refunded,  
25 provided an application therefor is filed with the commission within two  
26 years from the time the erroneous payment was made.

27 7. In addition to any other powers authorized hereunder, the commis-  
28 sion shall have power to promulgate reasonable rules and regulations to  
29 effectuate the purposes of this section.

30 8. Any person who shall willfully fail to pay any assessment due here-  
31 under, shall be assessed interest at a rate of one percent per month on  
32 the amount due and unpaid and penalties of five percent of the amount  
33 due for each thirty days or part thereof that the assessment remains  
34 unpaid. The commission, may, for good cause shown, abate all or part of  
35 such penalty.

36 9. Any person who shall willfully furnish false or fraudulent informa-  
37 tion or shall willfully fail to furnish pertinent information, as  
38 required, with respect to the amount of assessment due, shall be guilty  
39 of a misdemeanor, punishable by a fine of not more than one thousand  
40 dollars, or imprisonment for not more than three hundred sixty-four  
41 days, or both.

42 10. All funds of the commission received as payment of any assessment  
43 or penalty under this section shall be deposited with the comptroller.  
44 The comptroller may require that all such deposits be secured by obli-  
45 gations of the United States or of the state of New York of a market  
46 value equal at all times to the amount of the deposits, and all banks  
47 and trust companies are authorized to give such security for such  
48 deposits.

49 11. The commission shall reimburse the state for any funds advanced to  
50 the commission exclusive of sums appropriated pursuant to section five  
51 hundred thirty-four-w of this article.

52 § 534-y. Transfer of officers, employees. 1. Any officer or employee  
53 in the state, county or municipal civil service in either state who  
54 shall transfer to service with the commission may be given one or more  
55 leaves of absence without pay and may, before the expiration of  
56 such leave or leaves of absence, and without further examination or

1 qualification, return to the person's former position or be certified  
2 by the appropriate civil service agency for retransfer to a compa-  
3 erable position in such state, county, or municipal civil service if  
4 such a position is then available.

5 2. The commission may, by agreement with any federal agency from which  
6 any officer or employee may transfer to service with the commission,  
7 make similar provision for the retransfer of such officer or employee to  
8 such federal agency.

9 3. Any officer or employee in the state, county or municipal service  
10 in New York state who shall transfer to service with the commission and  
11 who is a member of the New York state and local retirement system,  
12 shall continue to have all rights, privileges, obligations and status  
13 with respect to such system as provided under the retirement and social  
14 security law.

15 § 534-z. Annual report. 1. The commission shall submit an annual  
16 report to the governor, the speaker of the assembly, and the temporary  
17 president of the senate on or before the first day of September of each  
18 year detailing the previous fiscal year. The commission shall post such  
19 report on its website upon the submission to the officials outlined in  
20 this section.

21 2. Such report shall include, but not be limited to:

22 (a) the status of waterfront practices and operations covered by this  
23 act;

24 (b) any legislative recommendations in furtherance of the purposes of  
25 this act;

26 (c) a detailed fiscal summary, including but not limited to: (i) the  
27 financial condition of the commission at the end of such preceding  
28 fiscal year; (ii) a detailed list of any bonds entered into by the  
29 commission; and (iii) revenues received by the commission, including  
30 employer assessments pursuant to section five hundred thirty-four-d of  
31 this article;

32 (d) an overview of waterfront labor in the port of New York district  
33 in this state, including but not limited to: (i) the total number of  
34 pier superintendents, hiring agents, security officers, and stevedores  
35 by title; (ii) the number of pier superintendent, hiring agent, security  
36 officer, and stevedore applications received by title; (iii) the number  
37 of pier superintendent, hiring agent, security officer and stevedore  
38 licenses issued by title; (iv) the number of pier superintendent, hiring  
39 agent, security officer, and stevedore applications denied, respective-  
40 ly, and the reasons for such denial by title; (v) the number of licenses  
41 revoked and the reasons for such revocation by title; (vi) the average  
42 length of time for the commission to issue a determination on pier  
43 superintendent, hiring agent, security officer and stevedore applica-  
44 tions by title; (vii) the total number of longshore workers in the long-  
45 shore workers' register; (viii) the number of longshore worker applica-  
46 tions received; (ix) the number of longshore worker registrations  
47 issued; (x) the number of longshore worker applications denied and the  
48 reasons for such denial; (xi) the number of longshore workers removed  
49 from the register and reasons therefor; and (xii) the average length of  
50 time for the commission to issue a determination on longshore worker  
51 applications;

52 (e) a detailed summary of commission operations including, but not  
53 limited to: (i) the number and allocated percentage of sworn investi-  
54 gators employed by the commission; (ii) the number and allocated  
55 percentage of administrative staff who solely performed administrative  
56 work during the preceding fiscal year; (iii) the number and allocated



1 percentage of staff which performed work related to the hiring and back-  
2 grounding of the port workforce; (iv) the number of cases or actions  
3 conducted by the commission during the preceding fiscal year; and (v) a  
4 summary of the commission's accomplishments; and  
5 (f) any other information relating to the purposes of this act.

6 3. Nothing in this section shall be read to require the disclosure of  
7 personally identifiable information pertaining to any applicant nor the  
8 disclosure of any information regarding ongoing criminal investigations.

9 § 3. Paragraphs (h) and (k) of subdivision 34 of section 1.20 of the  
10 criminal procedure law, as amended by chapter 187 of the laws of 2023,  
11 are amended to read as follows:

12 (h) An investigator employed by the New York Waterfront Commission or  
13 a commission created by an interstate compact[, or by section six of  
14 chapter eight hundred eighty-two of the laws of nineteen hundred fifty-  
15 three, constituting the waterfront commission act, as amended,] who is,  
16 to a substantial extent, engaged in the enforcement of the criminal laws  
17 of this state;

18 (k) A sworn officer of the New York Waterfront Commission or a police  
19 force of a public authority created by an interstate compact[, or by  
20 section six of chapter eight hundred eighty-two of the laws of nineteen  
21 hundred fifty-three, constituting the waterfront commission act, as  
22 amended,] where such force is certified in accordance with paragraph (d)  
23 of subdivision one of section eight hundred forty-six-h of the executive  
24 law;

25 § 4. Subdivision 34 of section 2.10 of the criminal procedure law, as  
26 added by chapter 843 of the laws of 1980, is amended to read as follows:

27 34. New York Waterfront [and airport] investigators, pursuant to  
28 [subdivision four of section ninety-nine hundred six of the unconsol-  
29 idated laws] article nineteen-I of the executive law; provided, however,  
30 that nothing in this subdivision shall be deemed to authorize such offi-  
31 cer to carry, possess, repair or dispose of a firearm unless the appro-  
32 priate license therefor has been issued pursuant to section 400.00 of  
33 the penal law.

34 § 5. Paragraph k of subdivision 11 of section 302 of the retirement  
35 and social security law, as added by chapter 187 of the laws of 2023, is  
36 amended to read as follows:

37 k. Service as an investigator or sworn officer of the New York Water-  
38 front Commission or the waterfront commission of New York harbor [or the  
39 commission created by section six of chapter eight hundred eighty-two of  
40 the laws of nineteen hundred fifty-three, constituting the waterfront  
41 commission act, as amended].

42 § 6. Subdivision a and subparagraph (ii) of paragraph 1 of subdivision  
43 c of section 381-b of the retirement and social security law, as amended  
44 by chapter 187 of the laws of 2023, are amended to read as follows:

45 a. Membership. Every member or officer of the division of state police  
46 in the executive department who enters or re-enters service in the divi-  
47 sion on or after April first, nineteen hundred sixty-nine, and every  
48 investigator or sworn officer employed by the commission created by  
49 section six of chapter eight hundred eighty-two of the laws of nineteen  
50 hundred fifty-three, constituting the waterfront commission act, as  
51 amended, on or after July first, two thousand twenty-three, and every  
52 investigator or sworn officer employed by the New York Waterfront  
53 Commission in the executive department shall be covered by the  
54 provisions of this section, and every member or officer of the division  
55 of state police in the executive department in such service on such date  
56 may elect to be covered by the provisions of this section by filing an

1 election therefor with the comptroller on or before March thirty-first,  
2 nineteen hundred seventy-two. To be effective, such election must be  
3 duly executed and acknowledged on a form prepared by the comptroller for  
4 that purpose.

5 (ii) for service rendered as an investigator or sworn officer of the  
6 waterfront commission of New York harbor, [and] for service rendered as  
7 an investigator or sworn officer of the New York Waterfront Commission,  
8 for service rendered as an investigator-trainee of the waterfront  
9 commission of New York harbor, and for service rendered as an investiga-  
10 tor-trainee of the New York Waterfront Commission, that was creditable  
11 under subdivision w of section three hundred eighty-four-d of this arti-  
12 cle; and

13 § 7. Subdivision w of section 384-d of the retirement and social secu-  
14 rity law, as added by chapter 407 of the laws of 2000, is amended to  
15 read as follows:

16 w. Notwithstanding any other provision of law to the contrary, any  
17 member of the New York state and local police and fire retirement system  
18 who was a member of the New York state and local employees' retirement  
19 system while employed as an investigator-trainee, Waterfront Commission  
20 of New York Harbor or the New York Waterfront Commission, which [is] are  
21 not deemed to be police service, who [is] are employed by the New York  
22 Waterfront Commission [of New York Harbor], which is an employer elect-  
23 ing to participate in the optional twenty year retirement plan pursuant  
24 to this section shall be deemed to have provided police service while so  
25 employed by the Waterfront Commission of New York Harbor or the New York  
26 Waterfront Commission and shall receive creditable service in the New  
27 York state and local police and fire retirement system for prior credit-  
28 able service in the New York state and local employees' retirement  
29 system earned while employed as an investigator-trainee and shall have  
30 the period of such prior service credit counted as police service for  
31 the purpose of determining the amount of their pension and retirement  
32 allowance and period of service needed for retirement.

33 § 8. Paragraph (c) of subdivision 1 of section 5 of the tax law, as  
34 added by chapter 295 of the laws of 1987, is amended to read as follows:

35 (c) "State agency" shall mean the state of New York, any department,  
36 board, bureau, commission, division, office, council or agency thereof,  
37 a public authority or a public benefit corporation. "State agency" shall  
38 also include the New York Waterfront Commission.

39 § 8-a. Paragraph (c) of subdivision 1 of section 5 of the tax law, as  
40 amended by chapter 170 of the laws of 1994, is amended to read as  
41 follows:

42 (c) "Covered agency" shall mean the state of New York, any county of  
43 the state of New York, any department, board, bureau, commission, divi-  
44 sion, office, council or agency of the state or any such county, a  
45 public authority, a public benefit corporation, the port authority of  
46 New York and New Jersey or the waterfront commission of New York harbor.  
47 When a county is wholly included within a city, then the term "county"  
48 shall be read to include the city. "Covered agency" shall also include  
49 the New York Waterfront Commission.

50 § 9. Paragraph 8 of subdivision (c) of section 1105 of the tax law, as  
51 added by chapter 190 of the laws of 1990, is amended to read as follows:

52 (8) Protective and detective services, including, but not limited to,  
53 all services provided by or through alarm or protective systems of every  
54 nature, including, but not limited to, protection against burglary,  
55 theft, fire, water damage or any malfunction of industrial processes or  
56 any other malfunction of or damage to property or injury to persons,



1 detective agencies, armored car services and guard, patrol and [watch-  
2 man] security services of every nature other than the performance of  
3 such services by a [port watchman] security officer licensed by the New  
4 York Waterfront Commission or the waterfront commission of New York  
5 harbor, whether or not tangible personal property is transferred in  
6 conjunction therewith.

7 § 10. This act shall take effect June 30, 2024; provided that section  
8 eight-a of this act shall take effect upon the enactment into law by the  
9 state of New Jersey of legislation having an identical effect with this  
10 act in accordance with chapter 598 of the laws of 1988, but if the state  
11 of New Jersey shall have already enacted such legislation, this act  
12 shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would create the New York Waterfront Commission and revise the Retirement and Social Security Law to make permanent the changes of Chapter 187 Laws of 2023, which added the titles of investigator and sworn officer employed by the Waterfront Commission Act, to the definition of membership in Section 381-b including making such service creditable under RSSL §381-b, and further expand creditable service to include service as an investigator-trainee.

If this bill is enacted during the 2024 Legislative Session, we do not anticipate any additional cost to the State of New York or the participating employers in the New York State and Local Police and Fire Retirement System.

To the extent that new members gain coverage under Section 381-b of the RSSL, we anticipate a contribution of 26.4% of salary paid to newly eligible members for the fiscal year ending March 31, 2025. In future years, this cost will vary but is expected to average 20.6% of salary annually.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 13, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-082, prepared by the Actuary for the New York State and Local Retirement System.

1 Section 1. Section 2 of part DDD of chapter 55 of the laws of 2021  
2 amending the public authorities law relating to the clean energy  
3 resources development and incentives program, is amended to read as  
4 follows:

5 § 2. This act shall take effect immediately and shall expire and be  
6 deemed repealed [three years after such date] April 19, 2030; provided  
7 however, that the amendments to section 1902 of the public authorities  
8 law made by section one of this act shall not affect the repeal of such  
9 section and shall be deemed repealed therewith.

10 § 2. The opening paragraph of paragraph (a) and paragraph (b) of  
11 subdivision 1 of section 1902 of the public authorities law, as added by  
12 section 6 of part JJJ of chapter 58 of the laws of 2020, are amended to  
13 read as follows:

14 Locate, identify and assess sites within the state that appear suit-  
15 able for the development of build-ready sites with a priority given to  
16 dormant electric generating sites, and preference to previously devel-  
17 oped sites[.], provided that land used in agricultural production as  
18 defined by the department of agriculture and markets, with additional  
19 consideration for land within an agricultural district or land that  
20 contains mineral soil groups 1-4, shall not be deemed suitable for  
21 the development of a build-ready site except when necessary for genera-  
22 tor lead lines and other equipment needed for interconnection of  
23 projects to the electric system. Such assessment may include but need  
24 not be limited to the following considerations:

25 (b) (i) In making such assessment the authority shall give priority to  
26 previously developed sites, existing or abandoned commercial sites,  
27 including without limitation brownfields, landfills, former commercial  
28 or industrial sites, dormant electric generating sites, or otherwise  
29 underutilized sites; and

30 (ii) the authority may establish a renewable energy generation project  
31 in furtherance of an agrivoltaic project, where "agrivoltaic project"  
32 shall mean the simultaneous use of areas of land for both solar power  
33 generation and agriculture, specific to the practice of such dual-use  
34 solar energy project, where any of the previously developed sites listed  
35 in subparagraph (i) of this paragraph is reclaimed as farmland.

36 § 3. Section 1900 of the public authorities law, as added by section 6  
37 of part JJJ of chapter 58 of the laws of 2020, is amended to read as  
38 follows:

39 § 1900. Statement of legislative intent. It is the intent of the  
40 legislature in enacting this title to empower the New York state energy  
41 research and development authority to establish effective programs and  
42 other mechanisms to: (1) foster and encourage the orderly and expedient  
43 siting and development of renewable energy facilities and qualified  
44 energy storage systems, particularly at sites which are difficult to  
45 develop, consistent with applicable law for the purpose of enabling the  
46 state to meet CLCPA targets as defined in subdivision [two of section  
47 ninety-four-c of the executive law] one of section one hundred thirty-  
48 seven of article eight of the public service law; (2) incentivize the  
49 re-use of previously developed sites for renewable energy facilities and  
50 qualified energy storage systems to protect the value of taxable land,  
51 capitalize on existing infrastructure; (3) support the provision of  
52 benefits to communities that host renewable energy facilities and quali-  
53 fied energy storage systems; and (4) protect environmental justice areas  
54 from adverse environmental impacts.

1 § 4. Subdivisions 5 and 8 of section 1901 of the public authorities  
2 law, as added by section 6 of part JJJ of chapter 58 of the laws of  
3 2020, are amended and a new subdivision 9 is added to read as follows:

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

7 8. "Build-ready site" shall mean a site for which the authority has  
8 secured permits, property interests, agreements and/or other authori-  
9 zations necessary to offer such site for further development,  
10 construction and operation of a renewable energy facility, with or with-  
11 out a paired qualified energy storage system, or a stand-alone qualified  
12 energy storage system, in accordance with the other provisions of this  
13 title.

14 9. "Qualified energy storage system" shall have the same meaning as  
15 qualified energy storage system defined in section seventy-four of the  
16 public service law.

17 § 5. Subdivisions 3 and 6 of section 1902 of the public authorities  
18 law, as added by section 6 of part JJJ of chapter 58 of the laws of  
19 2020, are amended to read as follows:

20 3. Establish procedures and protocols for the purpose of establishment  
21 and transfer of build-ready sites which shall include, at a minimum: (a)  
22 written notice at the earliest practicable time to a municipality in  
23 which a potential build-ready site has been identified, provided howev-  
24 er, that the authority shall not deem any site for qualified energy  
25 storage systems suitable without first consulting any municipalities  
26 with jurisdiction over the potential build-ready site and obtaining  
27 their approval; and (b) a preliminary screening process to determine, in  
28 consultation with the department of environmental conservation, whether  
29 the potential build-ready site is located in or near an environmental  
30 justice area and whether an environmental justice area would be adverse-  
31 ly affected by development of a build-ready site;

32 6. Establish one or more programs pursuant to which property owners  
33 and communities would receive incentives to host major renewable energy  
34 facilities or qualified energy storage systems developed for the purpose  
35 of advancing the state policies embodied in this article. Such program  
36 may include without limitation, and notwithstanding any other provision  
37 of law to the contrary, provisions for the authority to negotiate and  
38 enter into agreements with property owners and host communities provid-  
39 ing for incentives, including a payment in lieu of taxes, the transfer  
40 of the authority's interests in such agreements to developers to whom  
41 build-ready sites are transferred, and the provision of information and  
42 guidance to stakeholders concerning incentives. The authority shall  
43 maintain a record of such programs and incentives, and shall publish  
44 such record on the authority's website;

45 § 6. This act shall take effect immediately; provided, however, that  
46 the amendments to sections 1900, 1901 and 1902 of the public authorities  
47 law made by sections two, three, four and five of this act shall not  
48 affect the expiration and repeal of such sections and shall expire and  
49 be deemed repealed therewith; provided, however, if this act shall  
50 become a law after such date, it shall take effect immediately and shall  
51 be deemed to have been in full force and effect on and after April 1,  
52 2024.



1 Section 1. Expenditures of moneys by the New York state energy  
2 research and development authority for services and expenses of the  
3 energy research, development and demonstration program, including  
4 grants, the energy policy and planning program, and the Fuel NY program  
5 shall be subject to the provisions of this section. Notwithstanding the  
6 provisions of subdivision 4-a of section 18-a of the public service law,  
7 all moneys committed or expended in an amount not to exceed \$28,725,000  
8 shall be reimbursed by assessment against gas corporations, as defined  
9 in subdivision 11 of section 2 of the public service law and electric  
10 corporations as defined in subdivision 13 of section 2 of the public  
11 service law, where such gas corporations and electric corporations have  
12 gross revenues from intrastate utility operations in excess of \$500,000  
13 in the preceding calendar year, and the total amount assessed shall be  
14 allocated to each electric corporation and gas corporation in proportion  
15 to its intrastate electricity and gas revenues in the calendar year  
16 2022. Such amounts shall be excluded from the general assessment  
17 provisions of subdivision 2 of section 18-a of the public service law.  
18 The chair of the public service commission shall bill such gas and/or  
19 electric corporations for such amounts on or before August 10, 2024 and  
20 such amounts shall be paid to the New York state energy research and  
21 development authority on or before September 10, 2024. Upon receipt,  
22 the New York state energy research and development authority shall  
23 deposit such funds in the energy research and development operating fund  
24 established pursuant to section 1859 of the public authorities law. The  
25 New York state energy research and development authority is authorized  
26 and directed to: (1) transfer up to \$4 million to the state general fund  
27 for climate change related services and expenses of the department of  
28 environmental conservation from the funds received; and (2) commencing  
29 in 2016, provide to the chair of the public service commission and the  
30 director of the budget and the chairs and secretaries of the legislative  
31 fiscal committees, on or before August first of each year, an itemized  
32 record, certified by the president and chief executive officer of the  
33 authority, or his or her designee, detailing any and all expenditures  
34 and commitments ascribable to moneys received as a result of this  
35 assessment by the chair of the department of public service pursuant to  
36 section 18-a of the public service law. This itemized record shall  
37 include an itemized breakdown of the programs being funded by this  
38 section and the amount committed to each program. The authority shall  
39 not commit for any expenditure, any moneys derived from the assessment  
40 provided for in this section, until the chair of such authority shall  
41 have submitted, and the director of the budget shall have approved, a  
42 comprehensive financial plan encompassing all moneys available to and  
43 all anticipated commitments and expenditures by such authority from any  
44 source for the operations of such authority. Copies of the approved  
45 comprehensive financial plan shall be immediately submitted by the chair  
46 to the chairs and secretaries of the legislative fiscal committees. Any  
47 such amount not committed by such authority to contracts or contracts to  
48 be awarded or otherwise expended by the authority during the fiscal year  
49 shall be refunded by such authority on a pro-rata basis to such gas  
50 and/or electric corporations, in a manner to be determined by the  
51 department of public service, and any refund amounts must be explicitly  
52 lined out in the itemized record described above.

53 § 2. This act shall take effect immediately and shall be deemed to  
54 have been in full force and effect on and after April 1, 2024.



1 Section 1. Short title, legislative findings and declaration. This act  
2 shall be known and may be cited as the "renewable action through project  
3 interconnection and deployment (RAPID) act". The legislature hereby  
4 finds and declares that:

5 1. To timely achieve the renewable energy and greenhouse gas reduction  
6 targets established pursuant to the climate leadership and community  
7 protection act ("CLCPA"), while contemporaneously maintaining the reli-  
8 ability of the state's electric transmission system, action is needed to  
9 consolidate and expedite the environmental review and permitting of  
10 major renewable energy facilities and major electric utility trans-  
11 mission facilities.

12 2. Since enactment of the CLCPA, it has become apparent that the  
13 State's bulk and local transmission facilities need to be significantly  
14 upgraded to deliver renewable energy to load. These significant  
15 upgrades in the bulk and local transmission system must be undertaken in  
16 an expedited timeframe consistent with the timeframe to achieve the  
17 CLCPA targets.

18 3. In the context of achieving the CLCPA targets, a public policy  
19 purpose would be served and the interests of the people of the state of  
20 New York would be advanced by transferring the Office of Renewable Ener-  
21 gy Siting ("ORES"), currently under the auspices of the Department of  
22 State, to the Department of Public Service ("DPS") and providing such  
23 office with additional responsibilities for the review and permitting of  
24 major electric transmission facilities as set forth in this act.

25 4. The legislature finds that such a transfer would combine the long-  
26 standing expertise of DPS related to transmission siting, planning and  
27 compliance with environmental and reliability standards with ORES's  
28 expertise related to the siting of renewable energy resources and, in so  
29 doing, create synergies, and otherwise provide for more efficient siting  
30 of major renewable energy and transmission facilities.

31 § 2. Section 94-c of the executive law is REPEALED.

32 § 3. Transfer of Office of Renewable Energy Siting. ORES, an office  
33 established in the Department of State by the Accelerated Renewable  
34 Energy Growth and Community Benefit Act, enacted under part JJJ of chap-  
35 ter 58 of the laws of 2020, is hereby transferred to and established  
36 within the DPS, and shall continue to have all existing functions,  
37 powers, duties and obligations of ORES together with the new additional  
38 functions, powers, duties and obligations set forth in this act.

39 § 4. Continuity of existing functions, powers, duties and obli-  
40 gations. All of the existing functions, powers, obligations, and duties  
41 granted to ORES by section 94-c of the executive law now repealed, are  
42 hereby transferred, and shall be deemed to and held to constitute the  
43 continuation of such functions, powers, duties and obligations of ORES,  
44 and not a different agency, authority, department or office. All appli-  
45 cations pending before ORES on the effective date of this act shall be  
46 considered and treated as applications filed pursuant to this act as of  
47 the date of filing of such applications.

48 § 5. Transfer of employees. 1. Upon the transfer of such functions,  
49 powers, duties and obligations pursuant to this act, provision shall be  
50 made for the transfer of all employees of ORES situated within the  
51 department of state into DPS pursuant to subdivision 2 of section 70 of  
52 the civil service law. Employees so transferred shall be transferred  
53 without further examination or qualification to the same or similar  
54 titles, shall remain in the same collective bargaining units and shall  
55 retain their respective civil service classifications, status and rights

1 pursuant to their collective bargaining units and collective bargaining  
2 agreements.

3 2. All employees hired after the effective date of this act shall,  
4 consistent with the provisions of article 14 of the civil service law,  
5 be classified in the same bargaining units. Employees other than manage-  
6 ment or confidential persons as defined in article 14 of the civil  
7 service law serving positions in newly created titles shall be assigned  
8 to the appropriate bargaining unit. Nothing contained herein shall be  
9 construed to affect:

10 (a) the rights of employees pursuant to a collective bargaining agree-  
11 ment; or

12 (b) the representational relationships among employee organizations or  
13 the bargaining relationships between the state and an employee organiza-  
14 tion.

15 § 6. Transfer of records. All records, including but not limited to,  
16 books, papers, and property of ORES shall be transferred and delivered  
17 to DPS.

18 § 7. Transfer and continuation of regulations; conforming changes.  
19 Notwithstanding any inconsistent provision of the state administrative  
20 procedure act: all rules and regulations of ORES adopted at 19 NYCRR  
21 part 900 in force at the time of the transfer of ORES to DPS shall  
22 continue in full force and effect as rules and regulations of the  
23 department until duly modified or abrogated by such department; 19 NYCRR  
24 part 900 shall be and hereby is transferred to 16 NYCRR Chapter XI, with  
25 such conforming changes as shall be required to reflect the transfer and  
26 relocation of ORES to DPS as provided in this act, and shall continue in  
27 full force and effect. Provided, however, that such conforming changes  
28 are limited to such substitutions of numbering, names, titles, cita-  
29 tions, and other non-substantive amendments that are necessary only to  
30 effectuate the transfer and relocation of ORES to DPS, the changes may  
31 be filed with the secretary of state without the need for additional  
32 proceedings under the state administrative procedure act or section  
33 101-a of the executive law, and shall continue in full force and effect  
34 and be excluded from review for all purposes under the state environ-  
35 mental quality review act, and shall not be subject to review or other-  
36 wise actionable under article 78 of the civil practice law and rules.

37 § 8. Promulgation of rules and regulations. ORES, in consultation with  
38 DPS, shall be authorized to promulgate regulations subject to the  
39 approval of regulations by the public service commission on an emergency  
40 basis to ensure the implementation of this act.

41 § 9. The public service law is amended by adding a new section 3-c to  
42 read as follows:

43 § 3-c. Office of renewable energy siting and electric transmission.  
44 1. Definitions. For the purposes of this section, the following terms  
45 shall have the following meanings:

46 (a) "Executive director" or "director" shall mean the executive direc-  
47 tor of the office of renewable energy siting and electric transmission.

48 (b) "ORES" and "office" shall mean the office of renewable energy  
49 siting and electric transmission established pursuant to this section.

50 (c) "Siting permit" shall mean the major renewable energy facility  
51 siting permit or major electric transmission facility permit issued by  
52 the executive director pursuant to article VIII of this chapter, and the  
53 rules and regulations promulgated by ORES and approved by the commis-  
54 sion.

1 2. General powers and responsibilities. (a) There is hereby estab-  
2 lished in the department an office of renewable energy siting and elec-  
3 tric transmission.

4 (b) ORES shall accept applications and evaluate, issue, amend, and  
5 approve the assignment and/or transfer of siting permits pursuant to  
6 article VIII of this chapter. ORES shall exercise its authority by and  
7 through the executive director.

8 (c) ORES, by and through the executive director, shall be authorized  
9 to conduct hearings and dispute resolution proceedings, issue permits,  
10 and adopt, subject to the approval of the public service commission,  
11 such rules, regulations and procedures as may be necessary, or any  
12 amendments or modifications thereto, convenient, or desirable to effec-  
13 tuate the purposes of this section and article VIII of this chapter.

14 (d) ORES shall, among other things, continue unimpeded the work of the  
15 office of renewable energy siting established under the former section  
16 ninety-four-c of the executive law. All permits issued by the former  
17 office of renewable energy siting, established pursuant to former  
18 section ninety-four-c of the executive law, and all certificates of  
19 environmental compatibility and public need issued by the commission  
20 pursuant to article VII of this chapter shall be considered for all  
21 legal purposes to be permits issued by ORES.

22 (e) All final siting permits issued by ORES or heretofore issued by  
23 the office of renewable energy siting established pursuant to the former  
24 section ninety-four-c of the executive law are hereby enforceable by  
25 ORES and the department pursuant to section twenty-four, section twen-  
26 ty-five, and section twenty-six of this article as if issued by the  
27 commission, except that such permits issued to combination gas and elec-  
28 tric corporations are also enforceable by ORES and the department pursu-  
29 ant to section twenty-five-a of this article. ORES and the department  
30 shall monitor, enforce, and administer compliance with any terms and  
31 conditions set forth in a siting permit issued pursuant to article VIII  
32 of this chapter and in doing so may use and rely on authority provided  
33 to the commission otherwise available under this chapter. Notwithstand-  
34 ing any other provision of law to the contrary, the holder of a certif-  
35 icate or permit issued under article VIII of this chapter, or a prede-  
36 cessor statute thereto, for a major renewable energy facility with an  
37 electric generating capacity between twenty-five and eighty megawatts or  
38 that otherwise opts into article VIII of this chapter is subject to  
39 enforcement by ORES or the department pursuant to sections twenty-four,  
40 twenty-five and twenty-six of this article.

41 (f) At the request of ORES, all other state agencies and authorities  
42 are hereby authorized to provide support and render services to the  
43 office within their respective functions.

44 § 10. Continuity of existing functions, powers, duties, and obli-  
45 gations. All of the existing functions, powers, duties, and obligations  
46 of the farmland protection working group, and duties granted to the  
47 farmland protections working group by section 94-c of the executive law  
48 now repealed, are hereby transferred, and shall be deemed and be held to  
49 constitute the continuation of such functions, powers, duties, and  
50 obligations of the farmland protection working group and not to a  
51 different agency, authority, department or office.

52 § 11. Articles 8 of the public service law, as added by chapter 708 of  
53 the laws of 1978 and as added by chapter 385 of the laws of 1972, are  
54 REPEALED and a new article 8 is added to read as follows:

1

ARTICLE VIII

2

SITING OF RENEWABLE ENERGY AND ELECTRIC TRANSMISSION3 Section 136. Purpose.4 137. Definitions.5 138. General provisions related to establishing standards  
6 related to siting major renewable energy facilities.7 139. General provisions related to establishing standards  
8 related to siting major electric transmission facilities.9 140. Applicability related to siting major renewable energy  
10 facilities.11 141. Applicability related to siting major electric transmission  
12 facilities.13 142. Application, notice, and review relating to major renewable  
14 energy facility siting.15 143. Application, notice, and review relating to major electric  
16 transmission facility siting.17 144. Powers of municipalities and state agencies and authori-  
18 ties.19 145. Fees; local agency account.20 146. Judicial review.21 147. Farmland protection working group.22 148. Reports of the office of renewable energy siting and elec-  
23 tric transmission.24 § 136. Purpose. It is the purpose of this article to consolidate the  
25 environmental review, permitting, and siting in this state of major  
26 renewable energy facilities and major electric transmission facilities  
27 subject to this article, and to provide ORES as a single forum for the  
28 coordinated and timely review of such projects to meet the state's  
29 renewable energy goals and ensure the reliability of the electric trans-  
30 mission system, while also ensuring the protection of the environment  
31 and consideration of all pertinent social, economic and environmental  
32 factors in the decision to permit such projects as more specifically  
33 provided in this article.34 § 137. Definitions. Where used in this article, the following terms  
35 shall have the following meanings:36 1. "CLCPA targets" shall mean the public policies established in the  
37 climate leadership and community protection act enacted in chapter one  
38 hundred six of the laws of two thousand nineteen, including but not  
39 limited to the requirement that a minimum of seventy percent of the  
40 statewide electric generation be produced by renewable energy systems by  
41 two thousand thirty, that by the year two thousand forty the statewide  
42 electrical demand system will generate zero emissions, and the procure-  
43 ment of at least nine gigawatts of offshore wind electricity generation  
44 by two thousand thirty-five, six gigawatts of photovoltaic solar gener-  
45 ation by two thousand twenty-five and to support three gigawatts of  
46 statewide energy storage capacity by two thousand thirty.47 2. "Dormant electric generating site" shall mean a site at which one  
48 or more electric generating facilities produced electricity but has  
49 permanently ceased operating.50 3. "Major electric transmission facility" means an electric trans-  
51 mission line of a design capacity of one hundred twenty-five kilovolts  
52 or more extending a distance of one mile or more, or of one hundred  
53 kilovolts or more and less than one hundred twenty-five kilovolts,  
54 extending a distance of ten miles or more, including associated equip-  
55 ment, but shall not include any such transmission line located wholly



1 underground in a city with a population in excess of one hundred twen-  
2 ty-five thousand or a primary transmission line approved by the federal  
3 energy regulatory commission in connection with a hydro-electric facili-  
4 ty.

5 4. "Major renewable energy facility" means any renewable energy  
6 system, as such term is defined in section sixty-six-p of this chap-  
7 ter, with a nameplate generating capacity of twenty-five thousand kilo-  
8 watts or more, and any co-located system storing energy generated from  
9 such a renewable energy system prior to delivering it to the bulk  
10 transmission system, including all associated appurtenances to electric  
11 plants, including electric transmission facilities less than ten miles  
12 in length in order to provide access to load and to integrate such  
13 facilities into the state's bulk electric transmission system.

14 5. "Landowner" means the holder of any right, title, or interest in  
15 real property subject to a proposed site or right of way as identified  
16 from the most recent tax roll of the appropriate municipality.

17 6. "Local agency" means any local agency, board, district, commission  
18 or governing body, including any city, county, and other political  
19 subdivision of the state.

20 7. "Local agency account" or "account" shall mean the account estab-  
21 lished in subdivision seven of section ninety-four-c of the executive  
22 law now repealed and continued in section one hundred forty-five of this  
23 article.

24 8. "Municipality" shall mean a county, city, town, or village.

25 9. "Right-of-way" shall mean:

26 (a) real property that is used or authorized to be used for electric  
27 utility purposes; or

28 (b) real property owned or controlled by or under the jurisdiction of  
29 the state, a distribution utility, or a state public authority including  
30 by means of ownership, lease or easement, that is used or authorized to  
31 be used for transportation or canal purposes.

32 10. "ORES" shall mean the office of renewable energy siting and elec-  
33 tric transmission established pursuant to section three-c of this chap-  
34 ter.

35 11. "Executive director" or "director" shall mean the executive direc-  
36 tor of the office of renewable energy siting and electric transmission.

37 12. "Major renewable energy facility siting permit" shall mean the  
38 siting permit issued to a major renewable energy facility by the execu-  
39 tive director pursuant to this article, and the rules and regulations  
40 promulgated by ORES and the department and approved by the commission.

41 13. "Major electric transmission facility siting permit" shall mean  
42 the siting permit issued to a major electric transmission facility by  
43 the executive director pursuant to this article, and the rules and regu-  
44 lations promulgated by ORES and the department.

45 § 138. General provisions related to establishing standards related to  
46 siting major renewable energy facilities. 1. (a) ORES shall be author-  
47 ized to establish and amend, subject to the approval of the commission,  
48 a set of uniform standards and conditions for the siting, design,  
49 construction and operation of each type of major renewable energy facil-  
50 ity subject to this article relevant to issues that are common for  
51 particular classes and categories of major renewable energy facilities,  
52 in consultation with other offices within the department, the New York  
53 state energy research and development authority, the department of envi-  
54 ronmental conservation, the department of agriculture and markets, and  
55 other relevant state agencies and authorities with subject matter exper-  
56 tise.

1     (b) The uniform standards and conditions established pursuant to this  
 2 subdivision shall be designed to avoid or minimize, to the maximum  
 3 extent practicable, any potential significant adverse environmental  
 4 impacts related to the siting, design, construction and operation of a  
 5 major renewable energy facility. Such uniform standards and conditions  
 6 shall apply to those environmental impacts ORES determines are common to  
 7 each type of major renewable energy facility.

8     (c) In its review of an application for a permit to develop a major-  
 9 renewable energy facility, ORES, in consultation with the department of  
 10 environmental conservation, shall identify those site-specific adverse  
 11 environmental impacts, if any, that may be caused or contributed to by a  
 12 specific proposed major renewable energy facility and are unable to be  
 13 addressed by the uniform standards and conditions. ORES shall draft, in  
 14 consultation with the department of environmental conservation, site-  
 15 specific permit terms and conditions for such impacts, including  
 16 provisions for the avoidance or mitigation thereof, taking into account  
 17 the CLCPA targets and the environmental benefits of the proposed major  
 18 renewable energy facility; provided, however, that ORES shall require  
 19 that the application of uniform standards and conditions and site-spe-  
 20 cific conditions shall achieve a net conservation benefit to any  
 21 impacted endangered and threatened species.

22     2. To the extent that adverse environmental impacts are not completely  
 23 addressed by uniform standards and conditions and site-specific major  
 24 renewable energy facility siting permit conditions proposed by ORES, and  
 25 ORES determines that mitigation of such impacts may be achieved by off-  
 26 site mitigation, ORES may require payment of a fee by the applicant to  
 27 achieve such off-site mitigation. If ORES determines, in consultation  
 28 with the department of environmental conservation, that mitigation of  
 29 impacts to endangered or threatened species that achieves a net conser-  
 30 vation benefit can be achieved by off-site mitigation, the amount to be  
 31 paid for such off-site mitigation shall be set forth in the final major  
 32 renewable energy facility siting permit. ORES may require payment of  
 33 funds sufficient to implement such off-site mitigation into the endan-  
 34 gered and threatened species mitigation bank fund established pursuant  
 35 to section ninety-nine-hh of the state finance law.

36     3. ORES, in consultation with the department, shall promulgate rules  
 37 and regulations with respect to all necessary requirements to implement  
 38 the siting permit program established in this article and promulgate  
 39 modifications to such rules and regulations as it deems necessary;  
 40 provided that ORES shall promulgate regulations requiring the service of  
 41 applications on affected municipalities and political subdivisions  
 42 simultaneously with submission of an application. Any such rules and  
 43 regulations, or any amendments or modifications thereto, shall be  
 44 subject to the approval of the public service commission before they  
 45 become effective.

46     4. The uniform standards and conditions established pursuant to this  
 47 section shall be designed to avoid, minimize, or mitigate to the maximum  
 48 extent practicable, potential significant adverse impacts to land used  
 49 in agricultural production, with additional consideration for land with-  
 50 in an agricultural district or land that contains mineral soil groups  
 51 1-4. The provisions of this subdivision shall not apply in the consid-  
 52 eration of any permits for siting, design, construction, or operation of  
 53 a major renewable energy facility for which a completed application has  
 54 been received by the office of renewable energy siting and electric  
 55 transmissions prior to the adoption of amended uniform standards and  
 56 conditions consistent with this subdivision.

1 5. The office of renewable energy siting and electric transmission  
2 pursuant to section three-c of this chapter, in consultation with the  
3 department, shall post, maintain, and regularly update on its website a  
4 statewide map with the location, approximate acreage, and generation  
5 capacity of each approved and proposed facility pursuant to this article  
6 or renewable electric generating facility pursuant to article ten of  
7 this chapter for which permitted, complete, or incomplete applications  
8 or notices of intent have been received by such office or the public  
9 service commission. Such statewide map may include any additional infor-  
10 mation such office deems necessary. The information required pursuant to  
11 this subdivision shall be updated upon the completion of each new or  
12 updated application for a proposed facility.

13 § 139. General provisions related to establishing standards related to  
14 siting major electric transmission facilities. 1. (a) Within twelve  
15 months of the effective date of this section, ORES shall, subject to the  
16 approval of the commission, in consultation with other offices within  
17 the department, the New York state energy research and development  
18 authority, the department of environmental conservation, the department  
19 of agriculture and markets, and other agencies with subject matter  
20 expertise, establish a set of uniform standards and conditions for the  
21 siting, design, construction, and operation of major electric trans-  
22 mission facilities subject to this article relevant to issues that are  
23 common to such projects. Prior to adoption of uniform standards and  
24 conditions, the office of renewable energy siting and electric trans-  
25 missions shall hold four public hearings in different regions of the  
26 state to solicit comment from municipal, or political subdivisions, and  
27 the public on proposed uniform standards and conditions to avoid, mini-  
28 mize or mitigate potential adverse environmental impacts from the  
29 siting, design, construction and operation of a major electric trans-  
30 mission facility.

31 (b) The uniform standards and conditions established pursuant to this  
32 section shall be designed to avoid or minimize, to the maximum extent  
33 practicable, any potential significant adverse environmental impacts  
34 related to the siting, design, construction, and operation of a major  
35 electric transmission facility. Such uniform standards and conditions  
36 shall apply to those environmental impacts ORES determines are common to  
37 major electric transmission facilities.

38 (c) The uniform standards and conditions established pursuant to this  
39 section shall be designed to avoid, minimize, or mitigate to the maximum  
40 extent practicable, potential significant adverse impacts to land used  
41 in agricultural production, with additional consideration for land with-  
42 in an agricultural district or land that contain mineral soil groups 1-4  
43 as defined by the department of agriculture and markets.

44 (d) In its review of an application for a major electric transmission  
45 facility siting permit to develop a major electric transmission facili-  
46 ty, ORES, in consultation with the department of environmental conserva-  
47 tion, shall identify those adverse site-specific environmental impacts,  
48 if any, that may be caused or contributed to by a specific proposed  
49 major electric transmission facility and are unable to be addressed by  
50 the uniform standards and conditions. ORES shall draft in consultation  
51 with the department of environmental conservation site-specific major  
52 electric transmission facility siting permit terms and conditions for  
53 such impacts, including provisions for the avoidance or mitigation ther-  
54 eof, taking into account the CLCPA targets, the environmental benefits  
55 of, and public need for the proposed major electric transmission facili-  
56 ty; provided, however, that ORES shall require that the application of

1 uniform standards and conditions and site-specific conditions shall  
2 achieve a net conservation benefit to any impacted endangered and  
3 threatened species.

4 (e) Upon the establishment of uniform standards and conditions  
5 required by this section and the promulgation of regulations specifying  
6 the content of an application for a major electric transmission facility  
7 siting permit, an application for a major electric transmission facility  
8 siting permit shall only be made pursuant to this article.

9 2. To the extent that adverse environmental impacts are not completely  
10 addressed by uniform standards and conditions and site-specific major  
11 electric transmission facility siting permit conditions proposed by  
12 ORES, and ORES determines that mitigation of such impacts may be  
13 achieved by off-site mitigation, ORES may require payment of a fee by  
14 the applicant to achieve such off-site mitigation. If ORES determines,  
15 in consultation with the department of environmental conservation, that  
16 mitigation of impacts to endangered or threatened species that achieves  
17 a net conservation benefit can be achieved by off-site mitigation, the  
18 amount to be paid for such off-site mitigation shall be set forth in the  
19 final major electric transmission facility siting permit. ORES may  
20 require payment of funds sufficient to implement such off-site miti-  
21 gation into the endangered and threatened species mitigation bank fund  
22 established pursuant to section ninety-nine-hh of the state finance law.

23 3. ORES shall identify and make public the basis of the public need  
24 for a major electric transmission facility in a written finding and  
25 shall grant permits to such projects that demonstrate a qualified public  
26 need, so long as the adverse environmental impacts of the facility are  
27 identified and addressed by the uniform standards and conditions promul-  
28 gated pursuant to this article and any site-specific permit conditions  
29 applied to the facility. The written finding of a basis of a public  
30 need for a major electric transmission facility shall, at a minimum,  
31 include whether the proposed project conforms to plans relating to the  
32 expansion or upgrade of the electric power grid and interconnected util-  
33 ity systems or was included or considered in the power grid study  
34 required pursuant to section seven of part JJJ of chapter fifty-eight of  
35 the laws of two thousand twenty for a major electric transmission facil-  
36 ity. Notwithstanding any other provision of this article to the contra-  
37 ry, ORES shall only grant major electric transmission facility siting  
38 permits to such projects that: (i) demonstrate a qualified public need;  
39 (ii) are in the public and ratepayer interest; and (iii) identify and  
40 address the adverse environmental impacts of the facility pursuant to  
41 the uniform standards and conditions promulgated pursuant to this arti-  
42 cle and any site-specific major electric transmission facility siting  
43 permit conditions, or otherwise mitigated as provided in this article.

44 4. ORES, in consultation with the department, shall promulgate rules  
45 and regulations with respect to all necessary requirements to implement  
46 the siting permit program established in this article and promulgate  
47 modifications to such rules and regulations as it deems necessary;  
48 provided that ORES shall promulgate regulations requiring the service of  
49 applications on affected municipalities and political subdivisions  
50 simultaneously with submission of an application. Any such rules and  
51 regulations, or any amendments or modifications thereto, shall be  
52 subject to the approval of the commission before they become effective.

53 5. The office of renewable energy siting and electric transmission  
54 shall include within its regulations a framework to ensure potentially  
55 affected state- and federally-recognized indigenous nations are informed

1 and consulted with, as appropriate, when a facility is proposed within  
2 the ancestral territories of such nations.

3 6. After the effective date of this section, any person intending to  
4 construct a major electric transmission facility excluded from this  
5 section pursuant to paragraph (c) of subdivision five of section one  
6 hundred forty-one of this article may elect to become subject to the  
7 provisions of this section by filing an application for a siting  
8 permit pursuant to the regulations of ORES governing such applications.

9 § 140. Applicability related to siting major renewable energy facili-  
10 ties. 1. No person shall commence the preparation of a site for, or  
11 begin the construction of, a major renewable energy facility in the  
12 state, or increase the capacity of an existing major renewable energy  
13 facility, without having first obtained a major renewable energy facili-  
14 ty siting permit pursuant to this article. Any major renewable energy  
15 facility subject to this article with respect to which a siting permit  
16 is issued shall not thereafter be built, maintained, or operated except  
17 in conformity with such major renewable energy facility siting permit  
18 and any terms, limitations, or conditions contained therein, provided  
19 that nothing in this subdivision shall exempt such facility from compli-  
20 ance with federal laws and regulations.

21 2. A major renewable energy facility siting permit issued by ORES may  
22 be transferred or assigned, subject to the prior written approval of the  
23 office of renewable energy siting and electric transmissions, to a  
24 person that agrees to comply with the terms, limitations and conditions  
25 contained in such major renewable energy facility siting permit.

26 3. ORES or a permittee may initiate an amendment to a major renewable  
27 energy facility siting permit under this section. An amendment initiated  
28 by ORES or a permittee that is likely to result in any material increase  
29 in any adverse environmental impact or involves a substantial change to  
30 the terms or conditions of a major renewable energy facility siting  
31 permit shall comply with the public notice and hearing requirements of  
32 this section.

33 4. Any hearings or dispute resolution proceedings initiated under this  
34 article or pursuant to rules or regulations promulgated pursuant to this  
35 section may be conducted by the executive director of ORES or any person  
36 to whom the executive director shall delegate the power and authority to  
37 conduct such hearings or proceedings in the name of ORES at any time and  
38 place.

39 5. This section shall not apply:

40 (a) to normal repairs, maintenance, replacements, non-material modifi-  
41 cations and improvements of a major renewable energy facility subject to  
42 this article, whenever built, which are performed in the ordinary course  
43 of business and which do not constitute a violation of any applicable  
44 existing permit; and

45 (b) to a major renewable energy facility if, on or before the effec-  
46 tive date of this article, an application has been made or granted for a  
47 license, permit, certificate, consent or approval from any federal,  
48 state or local commission, agency, board or regulatory body.

49 § 141. Applicability related to siting major electric transmission  
50 facilities. 1. Except as provided in paragraph (b) of subdivision five  
51 of this section, no person shall commence the preparation of a site for,  
52 or begin the construction of, a major electric transmission facility in  
53 the state without having first obtained a siting permit pursuant to this  
54 article. Any major electric transmission facility subject to this arti-  
55 cle with respect to which a siting permit is issued shall not thereafter  
56 be built, maintained, or operated except in conformity with such siting



1 permit and any terms, limitations, or conditions contained therein,  
2 provided that nothing in this subdivision shall exempt such facility  
3 from compliance with federal laws and regulations.

4 2. A major electric transmission facility siting permit issued by ORES  
5 may be transferred or assigned, subject to the prior written approval of  
6 the office of renewable energy siting and electric transmissions, to a  
7 person that agrees to comply with the terms, limitations and conditions  
8 contained in such siting major electric transmission facility permit.

9 3. ORES or a permittee may initiate an amendment to a major electric  
10 transmission facility siting permit under this section. An amendment  
11 initiated by ORES or a permittee that is likely to result in any materi-  
12 al increase in any adverse environmental impact or involves a substan-  
13 tial change to the terms or conditions of a major electric transmission  
14 facility siting permit shall comply with the public notice and hearing  
15 requirements of this section.

16 4. Any hearings or dispute resolution proceedings initiated under this  
17 article or pursuant to rules or regulations promulgated pursuant to this  
18 section may be conducted by the executive director of ORES or any person  
19 to whom the executive director shall delegate the power and authority to  
20 conduct such hearings or proceedings in the name of ORES at any time and  
21 place.

22 5. This section shall not apply:

23 (a) to any major electric transmission facility over which any agency  
24 or department of the federal government has exclusive jurisdiction, or  
25 has jurisdiction concurrent with that of the state and has exercised  
26 such jurisdiction, to the exclusion of regulation of the facility by the  
27 state; provided, however, that nothing herein shall be construed to  
28 expand federal jurisdiction;

29 (b) to normal repairs, maintenance, replacements, non-material modifi-  
30 cations and improvements of a major electric transmission facility  
31 subject to this article, whenever built, which are performed in the  
32 ordinary course of business and which do not constitute a violation of  
33 any applicable existing permit; and

34 (c) to a major electric transmission facility for which an application  
35 pursuant to article VII of this chapter and its implementing regulations  
36 is submitted on or before the establishment of the uniform standards and  
37 conditions required pursuant to subdivision one of section one hundred  
38 forty-one of this article.

39 6. After the effective date of this section, any person intending to  
40 construct a major electric transmission facility excluded from this  
41 section pursuant to paragraph (c) of subdivision five of this section  
42 may elect to become subject to the provisions of this section by filing  
43 an application for a major electric transmission facility siting permit  
44 pursuant to the regulations of ORES governing such applications.

45 § 142. Application, notice, and review relating to major renewable  
46 energy facility siting. 1. Notwithstanding any law to the contrary,  
47 ORES shall, within sixty days of its receipt of an application for a  
48 siting permit with respect to a major renewable energy facility subject  
49 to this article determine whether the application is complete and notify  
50 the applicant of its determination. If ORES does not deem the applica-  
51 tion complete, ORES shall set forth in writing delivered to the appli-  
52 cant the reasons why it has determined the application to be incomplete.  
53 If ORES fails to make a determination within the foregoing sixty-day  
54 time period, the application shall be deemed complete; provided, howev-  
55 er, that the applicant may consent to an extension of the sixty-day time  
56 period for determining application completeness. Provided, further,



1 that no application may be complete without proof of consultation with  
2 the municipality or political subdivision where the project is proposed  
3 to be located, or an agency thereof, prior to submission of an applica-  
4 tion to ORES, related to procedural and substantive requirements of  
5 local law.

6 2. No later than sixty days following the date upon which an applica-  
7 tion has been deemed complete, and following consultation with any rele-  
8 vant state agency or authority, ORES shall publish for public comment  
9 draft permit conditions prepared by the office, which comment period  
10 shall be for a minimum of sixty days from public notice thereof, or  
11 notice of intent to deny with reasons thereof. Such public notice shall  
12 include, but shall not be limited to: (i) written notice to the munici-  
13 palities or political subdivisions in which such project is proposed to  
14 be located; (ii) publication in a newspaper or in electronic form,  
15 having general circulation in such municipalities or political subdivi-  
16 sions; (iii) posting the notice on the office of renewable energy siting  
17 and electric transmissions and the department's website; and (iv) writ-  
18 ten notice to each member of the legislature through whose district the  
19 facility proposed in the application would be located.

20 3. For any municipality, political subdivision or an agency thereof  
21 that has received notice of the filing of an application, pursuant to  
22 regulations promulgated in accordance with this article, the munici-  
23 pality or political subdivision or agency thereof shall within the time-  
24 frames established by this subdivision submit a statement to ORES indi-  
25 cating whether the proposed project is designed to be sited, constructed  
26 and operated in compliance with applicable local laws and regulations,  
27 if any, concerning the environment, or public health and safety. In the  
28 event that a municipality, political subdivision or an agency thereof  
29 submits a statement to ORES that the proposed project is not designed to  
30 be sited, constructed or operated in compliance with local laws and  
31 regulations and ORES determines not to hold an adjudicatory hearing on  
32 the application, ORES shall hold a non-adjudicatory public hearing in or  
33 near one or more of the affected municipalities or political subdivi-  
34 sions. In any such adjudicatory hearing, ORES or the department, shall  
35 designate members of its staff to represent the public interest, includ-  
36 ing with respect to the application of local and state laws.

37 4. If public comments on a draft permit condition published by ORES  
38 pursuant to this section, including comments provided by a municipality  
39 or political subdivision or agency thereof, landowners, or members of  
40 the public, raise a substantive and significant issue, as defined in  
41 regulations adopted pursuant to this article, that requires adjudi-  
42 cation, ORES shall promptly fix a date for an adjudicatory hearing to  
43 hear arguments and consider evidence with respect thereto.

44 5. Following the expiration of the public comment period set forth in  
45 this section, and following the conclusion of a hearing undertaken  
46 pursuant to subdivision four of this section, ORES shall, in the case of  
47 a public comment period, issue a written summary of public comments and  
48 an assessment of comments received, and in the case of an adjudicatory  
49 hearing, the executive director or any person to whom the executive  
50 director has delegated such authority shall issue a final written hear-  
51 ing report. A final siting permit may only be issued if ORES makes a  
52 finding that the proposed project, together with any applicable uniform  
53 and site-specific standards and conditions, would comply with applicable  
54 laws and regulations. In making a final siting permit determination with  
55 respect to a major renewable energy facility, ORES may elect not to  
56 apply, in whole or in part, any local law or ordinance that would other-

1 wise be applicable if it makes a finding that, as applied to the  
2 proposed facility, it is unreasonably burdensome in view of the CLCPA  
3 targets, and the environmental benefits.

4 6. Notwithstanding any other deadline made applicable by this section,  
5 ORES shall make a final decision on a major renewable energy facility  
6 siting permit within one year from the date the application was deemed  
7 complete, or within six months from the date the application was deemed  
8 complete if such application relates to a major renewable energy facili-  
9 ty that is proposed to be sited on an existing or abandoned commercial  
10 use, including without limitation, brownfields, landfills, former  
11 commercial or industrial sites, dormant electric generating sites, and  
12 abandoned or otherwise underutilized sites, as further defined by the  
13 regulations promulgated by or in effect under this article. Unless ORES  
14 and the applicant have agreed to an extension and if a final siting  
15 permit decision has not been made by ORES within such time period, then  
16 such siting permit shall be deemed to have been automatically granted  
17 for all purposes set forth in this article and all uniform conditions or  
18 site specific permit conditions issued for public comment shall consti-  
19 tute enforceable provisions of the siting permit; provided, however, any  
20 portion of which is to be located on the land of a landowner for which  
21 the applicant lacks an existing right-of-way agreement or valid and  
22 enforceable lease or easement for use of such relevant property, no such  
23 permit shall be automatically granted. The final siting permit related  
24 to a major renewable energy facility shall include a provision requiring  
25 the permittee to provide a host community benefit, which may be a host  
26 community benefit as determined by the commission pursuant to section  
27 eight of part JJJ of chapter fifty-eight of the laws of two thousand  
28 twenty or such other project as determined by ORES or as subsequently  
29 agreed to between the applicant and the host community.

30 § 143. Application, notice, and review relating to major electric  
31 transmission facility siting. 1. Notwithstanding any law to the contra-  
32 ry, ORES shall, within one hundred twenty days after its receipt of an  
33 application for a siting permit with respect to a major electric trans-  
34 mission facility, determine whether the application is complete and  
35 notify the applicant of its determination. If ORES does not deem the  
36 application complete, it shall set forth in writing delivered to the  
37 applicant the reasons why it has determined the application to be incom-  
38 plete. If ORES fails to make a determination within the foregoing one  
39 hundred twenty day time period, the application shall be deemed  
40 complete; provided, however, that the applicant may consent to an exten-  
41 sion of the one hundred twenty day time period for determining applica-  
42 tion completeness. Provided, further, that no application may be  
43 complete without proof of consultation with the municipality or poli-  
44 tical subdivision where the project is proposed to be located, or an  
45 agency thereof, prior to submission of an application to ORES, related  
46 to procedural and substantive requirements of local law.

47 2. In addition to addressing uniform standards and conditions, the  
48 application for a siting permit with respect to a major electric trans-  
49 mission facility shall include, in such form as ORES may prescribe, the  
50 following information: (i) the location of the site or right-of-way;  
51 (ii) a description of the transmission facility to be built thereon;  
52 (iii) a summary of any studies which have been made of the environmental  
53 impact of the project, and a description of such studies; (iv) a state-  
54 ment explaining the public need for the facility; (v) copies of any  
55 studies of the electrical performance and system impacts of the facility  
56 performed by the state grid operator pursuant to its tariff; (vi) such



1 other information as the applicant may consider relevant or ORES may by  
2 regulation require; and (vii) a description of any reasonable alterna-  
3 tive location or locations for the proposed facility, a description of  
4 the comparative merits and detriments of each location submitted, and a  
5 statement of the reasons why the primary proposed location is best suit-  
6 ed for the facility.

7 3. To the greatest extent practicable, each landowner of land on which  
8 any portion of such proposed facility is to be located shall be served  
9 by first class mail with a notice that such landowner's property may be  
10 impacted by a project and an explanation of how to file with ORES a  
11 notice of intent to be a party in the permit application proceedings and  
12 the timeframe for filing such application.

13 4. No later than sixty days following the date upon which an applica-  
14 tion has been deemed complete, and following consultation with any rele-  
15 vant state agency or authority, ORES shall publish for public comment  
16 draft permit conditions prepared by the office of renewable energy  
17 siting and electric transmissions, which comment period shall be for a  
18 minimum of sixty days from public notice thereof. Such public notice  
19 shall include, but shall not be limited to: (i) written notice to the  
20 municipalities and political subdivisions, in which the major electric  
21 utility transmission is proposed to be located and to landowners noti-  
22 fied of the application pursuant to subdivision three of this section;  
23 (ii) publication in a newspaper or in electronic form, having general  
24 circulation in such municipalities or political subdivisions; (iii)  
25 posting on the office's and the department's website; and (iv) written  
26 notice to each member of the legislature through whose district the  
27 facility or any alternate proposed in the application would pass and in  
28 the event that such facility or any portion thereof is located within  
29 the Adirondack Park or Tug Hill, the Adirondack Park Agency and Tug Hill  
30 commission respectively.

31 5. For any municipality, political subdivision or an agency thereof  
32 that has received notice of the filing of an application, pursuant to  
33 regulations promulgated in accordance with this section or otherwise in  
34 effect on the effective date of this article, the municipality or poli-  
35 tical subdivision or agency thereof shall within the timeframes estab-  
36 lished by this act submit a statement to ORES indicating whether the  
37 proposed facility is designed to be sited, constructed and operated in  
38 compliance with applicable local laws and regulations, if any, concern-  
39 ing the environment, or public health and safety. In the event that a  
40 municipality, political subdivision or an agency thereof submits a  
41 statement to ORES that the proposed facility is not designed to be  
42 sited, constructed or operated in compliance with local laws and regu-  
43 lations and ORES determines not to hold an adjudicatory hearing on the  
44 application, ORES shall hold a non-adjudicatory public hearing in the  
45 affected municipality or political subdivision.

46 6. If public comments on a draft permit condition published by ORES  
47 pursuant to this section, including comments provided by a municipality  
48 or political subdivision or agency thereof, landowners, or members of  
49 the public, raise a substantive and significant issue, as defined in  
50 regulations adopted pursuant to this article, that requires adjudi-  
51 cation, ORES shall promptly fix a date for an adjudicatory hearing to  
52 hear arguments and consider evidence with respect thereto; provided,  
53 however, that with respect to an application for a siting permit for a  
54 major electric transmission facility, any portion of which is to be  
55 located on the land of a landowner for which the applicant lacks a  
56 right-of-way agreement, ORES shall provide such landowner with an oppor-

1 tunity to challenge the explanation for the public need given in such  
2 application. In any such adjudicatory hearing, ORES or the department,  
3 shall designate members of its staff to represent the public interest,  
4 including with respect to the application of local and state laws.

5 7. Following the expiration of the public comment period set forth in  
6 this section, and following the conclusion of a hearing undertaken  
7 pursuant to subdivision six of this section, ORES shall, in the case of  
8 a public comment period, issue a written summary of public comments and  
9 an assessment of comments received, and in the case of an adjudicatory  
10 hearing, the executive officer or any person to whom the executive  
11 director has delegated such authority shall issue a final written hear-  
12 ing report. A final siting permit may only be issued if ORES makes a  
13 finding that the proposed project, together with any applicable uniform  
14 and site-specific standards and conditions, would comply with applicable  
15 laws and regulations. In making a final siting permit determination with  
16 respect to a major renewable energy facility or a major electric trans-  
17 mission facility, ORES may elect not to apply, in whole or in part, any  
18 local law or ordinance that would otherwise be applicable if it makes a  
19 finding that, as applied to the proposed facility, it is unreasonably  
20 burdensome in view of the CLCPA targets, the environmental benefits, and  
21 in the case of a transmission facility, the public need for the proposed  
22 project.

23 8. Notwithstanding any other deadline made applicable by this section,  
24 ORES shall make a final decision on a siting permit within one year from  
25 the date the application was deemed complete. Unless ORES and the  
26 applicant have agreed to an extension and if a final siting permit deci-  
27 sion has not been made by ORES within such time period, then such siting  
28 permit shall be deemed to have been automatically granted for all  
29 purposes set forth in this article and all uniform conditions or site  
30 specific permit conditions issued for public comment shall constitute  
31 enforceable provisions of the siting permit; provided, however, that  
32 with respect to a final siting permit decision related to a major elec-  
33 tric transmission facility, any portion of which is to be located on the  
34 land of a landowner for which the applicant lacks an existing right-of-  
35 way agreement and in which ORES has not made a public need determi-  
36 nation, no such permit shall be automatically granted.

37 9. For a major electric transmission facility that would be  
38 constructed substantially within existing rights-of-way that possess  
39 existing major electric transmission infrastructure, the office of  
40 renewable energy siting and electric transmission may include within  
41 its regulations a framework that relieves certain requirements of this  
42 article, provided that such relief is reasonable and does not impair any  
43 rights of municipalities established under this article or limit  
44 requirements relating to public notice or the finding of public need.

45 § 144. Powers of municipalities and state agencies and authorities. 1.  
46 Applicants shall, prior to filing an application, conduct meetings with  
47 the respective chief executive officer of all municipalities in which  
48 the proposed major renewable generation facility or major electric tran-  
49 smission facility will be located. The applicant shall provide as part  
50 of the application presentation materials and a summary of questions  
51 raised, and responses provided during such meetings with municipalities.  
52 In the event the applicant is unable to secure a meeting with a relevant  
53 municipality the application shall contain a detailed explanation of all  
54 of the applicant's best efforts and reasonable attempts to secure such  
55 meeting, including, but not limited to, written communications between  
56 the applicant and the municipality.

1 2. Notwithstanding any other provision of law, including without limi-  
 2 tation article eight of the environmental conservation law and article  
 3 VII of this chapter, no other state agency, department or authority, or  
 4 any municipality or political subdivision or any agency thereof may,  
 5 except as expressly authorized under this article or the rules and regu-  
 6 lations promulgated under this article, require any approval, consent,  
 7 permit, certificate, contract, agreement, or other condition for the  
 8 development, design, construction, operation, or decommissioning of a  
 9 major renewable energy facility or a major electric transmission facili-  
 10 ty with respect to which an application for a siting permit has been  
 11 filed, provided in the case of a municipality, political subdivision or  
 12 an agency thereof, such entity has received notice of the filing of the  
 13 application therefor. Notwithstanding the foregoing, the department of  
 14 environmental conservation shall be the permitting agency for permits  
 15 issued pursuant to federally delegated or federally approved programs.

16 3. This section shall not impair or abrogate any federal, state or  
 17 local labor laws or any otherwise applicable state law for the  
 18 protection of employees engaged in the construction and operation of a  
 19 major renewable energy facility or major electric transmission facility.

20 4. ORES and the department shall monitor, enforce and administer  
 21 compliance with any terms and conditions set forth in a siting permit  
 22 issued pursuant to this article and in doing so may use and rely on  
 23 authority otherwise available under this chapter.

24 § 145. Fees; local agency account. 1. Each application for a siting  
 25 permit shall be accompanied by a fee in an amount equal to the follow-  
 26 ing:

27 (a) for a major renewable energy facility, one thousand dollars for  
 28 each thousand kilowatts of capacity of the proposed major renewable  
 29 energy facility;

30 (b) for a major electric transmission facility of one hundred twenty-  
 31 five kilovolts or more extending a distance of over one hundred miles,  
 32 four hundred fifty thousand dollars;

33 (c) for a major electric transmission facility of one hundred twenty-  
 34 five kilovolts or more extending a distance of over fifty miles to one  
 35 hundred miles, three hundred fifty thousand dollars;

36 (d) for a major electric transmission facility requiring a new right-  
 37 of-way and one hundred twenty-five kilovolts or more extending a  
 38 distance of ten miles to fifty miles, one hundred thousand dollars; and

39 (e) for a major electric transmission facility utilizing an existing  
 40 right-of-way and one hundred twenty-five kilovolts or more extending a  
 41 distance of ten miles to fifty miles, fifty thousand dollars.

42 2. Such fee is to be deposited in an account to be known as the local  
 43 agency account established by subdivision seven of former section nine-  
 44 ty-four-c of the executive law for the benefit of local agencies and  
 45 community intervenors by the New York state energy research and develop-  
 46 ment authority and maintained in a segregated account in the custody of  
 47 the commissioner of taxation and finance. ORES, in consultation with the  
 48 department, may update the fee periodically solely to account for  
 49 inflation. The proceeds of such account shall be disbursed by the office  
 50 of renewable energy siting and electric transmissions, in accordance  
 51 with eligibility and procedures established by the rules and regulations  
 52 promulgated by ORES or the department pursuant to this article or in  
 53 effect as of the effective date of this article, for the participation  
 54 of local agencies and community intervenors in public comment periods or  
 55 hearing procedures established by this article, including the rules and  
 56 regulations promulgated hereto; provided that fees must be disbursed for

1 municipalities, political subdivisions or an agency thereof, to deter-  
2 mine whether a proposed project is designed to be sited, constructed and  
3 operated in compliance with the applicable local laws and regulations.

4 3. All funds so held by the New York state energy research and devel-  
5 opment authority shall be subject to an annual independent audit as part  
6 of such authority's audited financial statements, and such authority  
7 shall prepare an annual report summarizing account balances and activ-  
8 ities for each fiscal year ending March thirty-first and provide such  
9 report to the office of renewable energy siting and electric trans-  
10 missions no later than ninety days after commencement of such fiscal  
11 year and post on the authority's website.

12 4. To the extent an applicant submitted intervenor funds pursuant to  
13 article VII or X of this chapter and has now filed an application for a  
14 siting permit pursuant to this article, any amounts held in an interve-  
15 nor account established pursuant to articles VII and X of this chapter  
16 for that project shall be applied to the intervenor account established  
17 by this section.

18 5. In addition to the fees established pursuant to this section, ORES  
19 or the department, pursuant to regulations adopted pursuant to this  
20 article, may assess a fee on applicants for the purpose of recovering  
21 costs incurred by the office of renewable energy siting and electric  
22 transmissions; provided, however, that public utilities that are subject  
23 to section eighteen-a of this chapter shall not be assessed a fee for  
24 such costs.

25 § 146. Judicial review. 1. Any party aggrieved by the issuance or  
26 denial of a siting permit under this article may seek judicial review of  
27 such decision as provided in this section.

28 2. A judicial proceeding shall be brought in the third department of  
29 the appellate division of the supreme court of the state of New York.  
30 Such proceeding shall be initiated by the filing of a petition in such  
31 court within ninety days after the issuance of a final decision by ORES  
32 together with proof of service of a demand on ORES to file with said  
33 court a copy of a written transcript of the record of the proceeding and  
34 a copy of ORES's decision and opinion. ORES's copy of said transcript,  
35 decision and opinion, shall be available at all reasonable times to all  
36 parties for examination without cost. Upon receipt of such petition and  
37 demand ORES shall forthwith deliver to the court a copy of the record  
38 and a copy of ORES's decision and opinion. Thereupon, the court shall  
39 have jurisdiction of the proceeding and shall have the power to grant  
40 such relief as it deems just and proper, and to make and enter an order  
41 enforcing, modifying and enforcing as so modified, remanding for further  
42 specific evidence or findings or setting aside in whole or in part such  
43 decision. The appeal shall be heard on the record, without requirement  
44 of reproduction, and upon briefs to the court. The findings of fact on  
45 which such decision is based shall be conclusive if supported by  
46 substantial evidence on the record considered as a whole and matters of  
47 judicial notice set forth in the opinion. The jurisdiction of the appel-  
48 late division of the supreme court shall be exclusive and its judgment  
49 and order shall be final, subject to review by the court of appeals in  
50 the same manner and form and with the same effect as provided for  
51 appeals in a special proceeding. All such proceedings shall be heard and  
52 determined by the appellate division of the supreme court and by the  
53 court of appeals as expeditiously as possible and with lawful precedence  
54 over all other matters.

55 3. The grounds for and scope of review of the court shall be limited  
56 to whether the decision and opinion of ORES are:

1 (a) In conformity with the constitution, laws and regulations of the  
2 state and the United States;

3 (b) Supported by substantial evidence in the record and matters of  
4 judicial notice properly considered and applied in the opinion;

5 (c) Within the statutory jurisdiction or authority of ORES and the  
6 department;

7 (d) Made in accordance with procedures set forth in this section or  
8 established by rule or regulation pursuant to this article;

9 (e) Arbitrary, capricious or an abuse of discretion; or

10 (f) Made pursuant to a process that afforded meaningful involvement of  
11 citizens affected by the facility or project regardless of age, race,  
12 color, national origin and income.

13 4. Except as herein provided article seventy-eight of the civil prac-  
14 tice law and rules shall apply to appeals taken hereunder.

15 § 147. Farmland protection working group. 1. There is hereby created  
16 in the executive department a farmland protection working group consist-  
17 ing of appropriate stakeholders, including but not limited to:

18 (a) the commissioner of the department of agriculture and markets;

19 (b) the commissioner of the department of environmental conservation;

20 (c) the executive director of ORES;

21 (d) the chief executive officer of the department of public service;

22 (e) the president of the New York state energy research and develop-  
23 ment authority;

24 (f) local government officials or representatives from municipal  
25 organizations representing towns, villages, and counties; and

26 (g) representatives from at least two county agricultural and farmland  
27 protection boards.

28 2. The working group shall, no later than one year after the effective  
29 date of this article, recommend strategies to encourage and facilitate  
30 input from municipalities in the siting process of major renewable ener-  
31 gy facilities and major electric transmission facilities and to develop  
32 recommendations that include approaches to recognize the value of viable  
33 agricultural land and methods to minimize adverse impacts to any such  
34 land resulting from the siting of major renewable energy facilities and  
35 major electric transmission facilities.

36 3. The working group, on call of the commissioner of the department of  
37 agriculture and markets, shall meet at least three times each year and  
38 at such other times as may be necessary.

39 § 148. Reports of the office of renewable energy siting and electric  
40 transmissions. No later than one year after the effective date of this  
41 article and annually thereafter, the office of renewable energy siting  
42 and electric transmissions shall submit to the governor, the tempo-  
43 rary president of the senate and the speaker of the assembly, a report  
44 on the activities of such office. The report shall, without limitation,  
45 include:

46 1. the number of applications received and permits approved by such  
47 office for each type of major renewable energy facility or major elec-  
48 tric transmission facility;

49 2. description of the project of each permit granted by such office  
50 for the preceding year including scale, location and capacity;

51 3. average time taken to make a decision on an application;

52 4. the number of cases that require dispute resolution or judicial  
53 review;

54 5. the executive director's evaluation of overall public need for  
55 major renewable generation facilities and major electric transmission  
56 facilities;

1 6. the potential adverse environmental impacts of the facility are  
2 identified and addressed by the uniform standards and conditions  
3 promulgated pursuant to this article;

4 7. the number and description of projects where site-specific permit  
5 conditions were applied to the facility or where off-site mitigation was  
6 needed; and

7 8. total fees collected by such office and any fees collected specif-  
8 ically for off-site mitigation.

9 § 12. The public service law is amended by adding a new section 174 to  
10 read as follows:

11 § 174. Major steam electric generating facilities certificates. Any  
12 certificate of environmental compatibility and public need issued to a  
13 major steam electric generating facility under the former article VIII  
14 of this chapter shall be treated for purposes of compliance and enforce-  
15 ment as if such certificate was issued under this article.

16 § 13. Subdivision (B) of section 206 of the eminent domain procedure  
17 law is amended to read as follows:

18 (B) pursuant to article VII [or article VIII] of the public service  
19 law it obtained a certificate of environmental compatibility and public  
20 need or pursuant to article VIII of the public service law it obtained a  
21 siting permit with respect to a major electric transmission facility or;

22 § 14. Subparagraph (g) of paragraph 3 of subdivision (B) of section  
23 402 of the eminent domain procedure law is amended to read as follows:

24 (g) if the property is to be used for the construction of a major  
25 utility transmission facility, as defined in section one hundred twenty  
26 of the public service law[, or major steam electric generating facility  
27 as defined in section one hundred forty of such law] with respect to  
28 which a certificate of environmental compatibility and public need has  
29 been issued under such law, a statement that such certificate relating  
30 to such property has been issued and is in force, or if the property is  
31 to be used for the construction of a major electric transmission facil-  
32 ity, as defined under article VIII of the public service law, with  
33 respect to which a major electric transmission facility siting permit  
34 has been issued under such law, a statement that such permit relating to  
35 such property has been issued and is in force.

36 § 15. Subdivision 7 of section 6-106 of the energy law, as added by  
37 chapter 433 of the laws of 2009, is amended to read as follows:

38 7. Any person who participated in the state energy planning proceeding  
39 or any person who sought an amendment of the state energy plan pursuant  
40 to subdivision six of this section, may obtain, pursuant to article  
41 seventy-eight of the civil practice law and rules, judicial review of  
42 the board's decision adopting a plan, or any amendment thereto, or of  
43 the board's decision not to amend such plan pursuant to subdivision six  
44 of this section. Any such special proceeding shall be brought in the  
45 appellate division of the supreme court of the state of New York for the  
46 third judicial department. Such proceeding shall be initiated by the  
47 filing of a petition in such court within thirty days after the issuance  
48 of a decision by the board. The proceeding shall have a lawful prefer-  
49 ence over any other matter, shall be heard on an expedited basis and  
50 shall be completed in all respects, including any subsequent appeal,  
51 within one hundred eighty days of the filing of the petition. Where more  
52 than one such petition is filed, the court may provide for consolidation  
53 of the proceedings. Notwithstanding the provisions of [article] articles  
54 seven and eight of the public service law, the procedure set forth in  
55 this section shall constitute the exclusive means for seeking judicial  
56 review of any element of the plan.

1 § 16. Paragraph (b) of subdivision 5 of section 8-0111 of the environ-  
2 mental conservation law, as amended by section 1 of part BBB of chapter  
3 55 of the laws of 2021, is amended to read as follows:

4 (b) Actions subject to the provisions requiring a certificate of envi-  
5 ronmental compatibility and public need in articles seven[,] and ten  
6 [and the former article eight] of the public service law or requiring a  
7 major renewable energy facility or a major electric transmission facili-  
8 ty siting permit under [section ninety-four-c of the executive law]  
9 article eight of the public service law; or

10 § 17. Paragraph (d) of subdivision 2 of section 49-0307 of the envi-  
11 ronmental conservation law, as added by chapter 292 of the laws of 1984,  
12 is amended to read as follows:

13 (d) where land subject to a conservation easement or an interest in  
14 such land is required for a major utility transmission facility which  
15 has received a certificate of environmental compatibility and public  
16 need pursuant to article seven of the public service law [or is required  
17 for a major steam electric generating facility which has received a  
18 certificate of environmental compatibility and public need pursuant to  
19 article eight of the public service law] or a major electric trans-  
20 mission facility which has received a siting permit pursuant to article  
21 VIII of the public service law, upon the filing of such certificate or  
22 permit in a manner prescribed for recording a conveyance of real proper-  
23 ty pursuant to section two hundred ninety-one of the real property law  
24 or any other applicable provision of law.

25 § 18. Paragraph (e) of subdivision 3 of section 49-0307 of the envi-  
26 ronmental conservation law, as amended by chapter 388 of the laws of  
27 2011, is amended to read as follows:

28 (e) where land subject to a conservation easement or an interest in  
29 such land is required for a major utility transmission facility which  
30 has received a certificate of environmental compatibility and public  
31 need pursuant to article seven of the public service law [or is required  
32 for a major steam electric generating facility which has received a  
33 certificate of environmental compatibility and public need pursuant to  
34 the former article eight of the public service law], a major electric  
35 transmission facility which has received a siting permit pursuant to  
36 article VIII of the public service law, or a major electric generating  
37 facility or repowering project which has received a certificate of envi-  
38 ronmental compatibility and public need pursuant to article ten of the  
39 public service law, upon the filing of such certificate or permit in a  
40 manner prescribed for recording a conveyance of real property pursuant  
41 to section two hundred ninety-one of the real property law or any other  
42 applicable provision of law, provided that such certificate or permit  
43 contains a finding that the public interest in the conservation and  
44 protection of the natural resources, open spaces and scenic beauty of  
45 the Adirondack or Catskill parks has been considered.

46 § 19. Paragraph (p) of subdivision 27-a of section 1005 of the public  
47 authorities law, as added by section 1 of part QQ of chapter 56 of the  
48 laws of 2023, is amended to read as follows:

49 (p) Nothing in this subdivision or subdivision twenty-seven-b of this  
50 section, shall be construed as exempting the authority, its subsid-  
51 iaries, or any renewable energy generating projects undertaken pursuant  
52 to this section from the requirements of [section ninety-four-c of the  
53 executive law] article VIII of the public service law respecting any  
54 renewable energy system developed by the authority or an authority  
55 subsidiary after the effective date of this subdivision that meets the  
56 definition of "major renewable energy facility" as defined in [section

1 ninety-four-c of the executive law and section eight of part JJJ of  
2 chapter fifty-eight of the laws of two thousand twenty] article VIII of  
3 the public service law, as it relates to host community benefits, and  
4 section 11-0535-c of the environmental conservation law as it relates to  
5 an endangered and threatened species mitigation bank fund.

6 § 20. Section 1014 of the public authorities law, as amended by chap-  
7 ter 388 of the laws of 2011, is amended to read as follows:

8 § 1014. Public service law not applicable to authority; inconsistent  
9 provisions in other acts superseded. The rates, services and practices  
10 relating to the generation, transmission, distribution and sale by the  
11 authority, of power to be generated from the projects authorized by this  
12 title shall not be subject to the provisions of the public service law  
13 nor to regulation by, nor the jurisdiction of the department of public  
14 service. Except to the extent article seven of the public service law  
15 applies to the siting and operation of a major utility transmission  
16 facility as defined therein, article VIII of the public service law  
17 applies to the siting and operation of a major electric generation  
18 facility or a major electric transmission facility as defined therein,  
19 and article ten of the public service law applies to the siting of a  
20 major electric generating facility as defined therein, and except to the  
21 extent section eighteen-a of the public service law provides for assess-  
22 ment of the authority for certain costs relating thereto, the provisions  
23 of the public service law and of the environmental conservation law and  
24 every other law relating to the department of public service or the  
25 public service commission or to the environmental conservation depart-  
26 ment or to the functions, powers or duties assigned to the division of  
27 water power and control by chapter six hundred nineteen of the laws of  
28 nineteen hundred twenty-six, shall so far as is necessary to make this  
29 title effective in accordance with its terms and purposes be deemed to  
30 be superseded, and wherever any provision of law shall be found in  
31 conflict with the provisions of this title or inconsistent with the  
32 purposes thereof, it shall be deemed to be superseded, modified or  
33 repealed as the case may require.

34 § 21. Subdivision 1 of section 1020-s of the public authorities law,  
35 as amended by chapter 681 of the laws of 2021, is amended to read as  
36 follows:

37 1. The rates, services and practices relating to the electricity  
38 generated by facilities owned or operated by the authority shall not be  
39 subject to the provisions of the public service law or to regulation by,  
40 or the jurisdiction of, the public service commission, except to the  
41 extent (a) article seven of the public service law applies to the siting  
42 and operation of a major utility transmission facility as defined there-  
43 in, (b) article VIII of the public service law applies to the siting and  
44 operation of a major electric generation facility or a major electric  
45 transmission facility as defined therein, (c) article ten of such law  
46 applies to the siting of a generating facility as defined therein, [(c)]  
47 (d) section eighteen-a of such law provides for assessment for certain  
48 costs, property or operations, [(d)] (e) to the extent that the depart-  
49 ment of public service reviews and makes recommendations with respect to  
50 the operations and provision of services of, and rates and budgets  
51 established by, the authority pursuant to section three-b of such law,  
52 [(e)] (f) that section seventy-four of the public service law applies to  
53 qualified energy storage systems within the authority's jurisdiction,  
54 and [(f)] (g) that section seventy-four-b of the public service law  
55 applies to Long Island community choice aggregation programs.





1 § 22. Paragraph (b) of subdivision 1 of section 1020-ii of the public  
2 authorities law, as amended by chapter 201 of the laws of 2019, is  
3 amended to read as follows:

4 (b) "utility transmission facility" means any electric transmission  
5 line operating at sixty-five kilovolts or higher in the service area,  
6 including associated equipment. It shall not include any transmission  
7 line which is an in-kind replacement or which is located wholly under-  
8 ground. This section also shall not apply to any major [utility] elec-  
9 tric transmission facility subject to the jurisdiction of article seven  
10 of the public service law; and

11 § 23. Paragraph c of subdivision 8 of section 1020-c of the public  
12 authorities law, as amended by chapter 388 of the laws of 2011, is  
13 amended to read as follows:

14 c. [Article] Articles seven and eight of the public service law shall  
15 apply to the authority's siting and operation of a major electric trans-  
16 mission facility as therein defined and article ten of the public  
17 service law shall apply to the authority's siting and operation of a  
18 major electric generating facility as therein defined.

19 § 24. Subdivision 4 of section 18-a of the public service law, as  
20 amended by chapter 447 of the laws of 1972, is amended to read as  
21 follows:

22 4. In the case of the power authority of the state of New York, the  
23 [chairman] chairperson of the department shall ascertain from time to  
24 time, but not less than once in each fiscal year, all direct and indi-  
25 rect costs of investigating requests by the power authority of the state  
26 of New York to establish new, major [utility] electric transmission  
27 facilities [as defined in article seven of this chapter] and major  
28 renewable energy facilities or to establish new, major [steam] electric  
29 generating facilities [as defined in article eight of this chapter]. The  
30 [chairman] chairperson shall for each such investigation assess such  
31 costs against the power authority of the state of New York. Bills for  
32 such an investigation may be rendered from time to time, but not less  
33 than once in each fiscal year, and the amount of such bills shall be  
34 paid by the power authority of the state of New York to the department  
35 within thirty days from the date of rendition.

36 § 25. Subdivision 2 of section 160 of the public service law, as added  
37 by chapter 388 of the laws of 2011, is amended to read as follows:

38 2. "Major electric generating facility" means an electric generating  
39 facility with a nameplate generating capacity of twenty-five thousand  
40 kilowatts or more, including interconnection electric transmission lines  
41 that are not subject to review under article VIII of this chapter and  
42 fuel gas transmission lines that are not subject to review under article  
43 seven of this chapter.

44 § 26. Paragraph (e) of subdivision 4 of section 162 of the public  
45 service law, as added by section 3 of part JJJ of chapter 58 of the laws  
46 of 2020, is amended to read as follows:

47 (e) To a major renewable energy facility as such term is defined in  
48 [section ninety-four-c of the executive law] article VIII of this chap-  
49 ter; provided, however, that any person intending to construct a major  
50 renewable energy facility, that has a draft pre-application public  
51 involvement program plan pursuant to section one hundred sixty-three of  
52 this article and the regulations implementing this article, which is  
53 pending with the siting board as of the effective date of this paragraph  
54 may remain subject to the provisions of this article or, may, by written  
55 notice to the secretary of the commission, elect to become subject to

1 the provisions of [section ninety-four-c of the executive law] article  
2 VIII of this chapter.

3 § 27. Subdivision 3 of section 11-103 of the energy law, as amended by  
4 chapter 374 of the laws of 2022, is amended to read as follows:

5 3. Notwithstanding any other provision of law, the state fire  
6 prevention and building code council in accordance with the mandate  
7 under this article shall have exclusive authority among state agencies  
8 to promulgate a construction code incorporating energy conservation  
9 features and clean energy features applicable to the construction of any  
10 building, including but not limited to greenhouse gas reduction. Any  
11 other code, rule or regulation heretofore promulgated or enacted by any  
12 other state agency, incorporating specific energy conservation and clean  
13 energy requirements applicable to the construction of any building,  
14 shall be superseded by the code promulgated pursuant to this section.  
15 Notwithstanding the foregoing, nothing in this section shall be deemed  
16 to expand the powers of the council to include matters that are exclu-  
17 sively within the statutory jurisdiction of the public service commis-  
18 sion, the department of environmental conservation, [the office of  
19 renewable energy siting] or another state entity.

20 § 28. Paragraph (d) of subdivision 27-a of section 1005 of the public  
21 authorities law, as added by section 1 of part QQ of chapter 56 of the  
22 laws of 2023, is amended to read as follows:

23 (d) No later than one hundred eighty days after the effective date of  
24 this subdivision, and annually thereafter, the authority shall confer  
25 with the New York state energy research and development authority, [the  
26 office of renewable energy siting,] the department of public service,  
27 climate and resiliency experts, labor organizations, and environmental  
28 justice and community organizations concerning the state's progress on  
29 meeting the renewable energy goals established by the climate leadership  
30 and community protection act. When exercising the authority provided for  
31 in paragraph (a) of this subdivision, the information developed through  
32 such conferral shall be used to identify projects to help ensure that  
33 the state meets its goals under the climate leadership and community  
34 protection act. Any conferral provided for in this paragraph shall  
35 include consideration of the timing of projects in the interconnection  
36 queue of the federally designated electric bulk system operator for New  
37 York state, taking into account both capacity factors or planned  
38 projects and the interconnection queue's historical completion rate. A  
39 report on the information developed through such conferral shall be  
40 published and made accessible on the website of the authority.

41 § 29. Subparagraph (i) of paragraph (e) of subdivision 27-a of section  
42 1005 of the public authorities law, as added by section 1 of part QQ of  
43 chapter 56 of the laws of 2023, is amended to read as follows:

44 (i) Beginning in two thousand twenty-five, and biennially thereafter  
45 until two thousand thirty-three, the authority, in consultation with the  
46 New York state energy research and development authority, [the office of  
47 renewable energy siting,] the department of public service, and the  
48 federally designated electric bulk system operator for New York state,  
49 shall develop and publish biennially a renewable energy generation stra-  
50 tegic plan ("strategic plan") that identifies the renewable energy  
51 generating priorities based on the provisions of paragraph (a) of this  
52 subdivision for the two-year period covered by the plan as further  
53 provided for in this paragraph.

54 § 30. The public service commission shall commence a proceeding within  
55 ninety days of the effective date of this act to review the cause and  
56 extent of any delays to interconnection of distributed energy resources.

1 This proceeding shall consider metrics related to the timely intercon-  
2 nection of distributed generation resources into the distribution system  
3 owned by an electric corporation, as well as revenue adjustments related  
4 to such metrics.

5 § 31. Subdivisions 1 and 3 of section 224-d of the labor law, subdivi-  
6 sion 1 as separately amended by chapters 372 and 375 of the laws of 2022  
7 and subdivision 3 as added by section 2 of part AA of chapter 56 of the  
8 laws of 2021, are amended to read as follows:

9 1. For purposes of this section, a "covered renewable energy system"  
10 means (a) a renewable energy system, as such term is defined in section  
11 sixty-six-p of the public service law, with a capacity of one or more  
12 megawatts alternating current and which involves the procurement of  
13 renewable energy credits by a public entity, or a company or corporation  
14 provided in subdivisions twenty-three and twenty-four of section two of  
15 the public service law, or a third party acting on behalf and for the  
16 benefit of a public entity; [or] (b) any "thermal energy network" as  
17 defined by subdivision twenty-nine of section two of the public service  
18 law; (c) any offshore wind supply chain project, including but not  
19 limited to port infrastructure, primary component manufacturing,  
20 finished component manufacturing, subassembly manufacturing, subcompo-  
21 nent manufacturing, or raw material producers, or a combination thereof  
22 receiving direct funding from the New York state energy research and  
23 development authority pursuant to an award under a New York state energy  
24 research and development authority solicitation; or (d) a "major utility  
25 transmission facility" as such term is defined by section one hundred  
26 twenty of the public service law.

27 3. For purposes of this section, a covered renewable energy system  
28 shall exclude construction work performed under a pre-hire collective  
29 bargaining agreement between an owner or contractor and a bona fide  
30 building and construction trade labor organization which has established  
31 itself, and/or its affiliates, as the collective bargaining represen-  
32 tative for all persons who will perform work on such a project, and  
33 which provides that only contractors and subcontractors who sign a pre-  
34 negotiated agreement with the labor organization can perform work on  
35 such a project[, or construction work performed under a labor peace  
36 agreement, project labor agreement, or any other construction work  
37 performed under an enforceable agreement between an owner or contractor  
38 and a bona fide building and construction trade labor organization]  
39 provided, however, this subdivision shall not apply to any covered  
40 renewable energy systems defined in paragraph (d) of subdivision one of  
41 this section.

42 § 32. Subdivision 3 and paragraph (a) of subdivision 4 of section 66-r  
43 of the public service law, as added by section 2-a of part AA of chapter  
44 56 of the laws of 2021, are amended and a new subdivision 1-a is added  
45 to read as follows:

46 1-a. For the purposes of this section, an "other covered project"  
47 means: (a) any "thermal energy network" as defined by subdivision twen-  
48 ty-nine of section two of this chapter; (b) any offshore wind supply  
49 chain project, including but not limited to port infrastructure, primary  
50 component manufacturing, finished component manufacturing, subassembly  
51 manufacturing, subcomponent manufacturing, or raw material producers, or  
52 a combination thereof receiving direct funding from the New York state  
53 energy research and development authority pursuant to an award under a  
54 New York state energy research and development authority solicitation;  
55 or (c) a "major utility transmission facility" as such term is defined

1 by section one hundred twenty of this chapter or "major electric trans-  
2 mission facility" as defined by article VIII of this chapter.

3 3. The commission shall require that the owner of the covered renewa-  
4 ble energy system or other covered project, or a third party acting on  
5 the owner's behalf, as an ongoing condition of any renewable energy  
6 credits agreement with a public entity, shall stipulate to the fiscal  
7 officer that it will enter into [a] labor peace [agreement] agreements  
8 with [at least one] any bona fide labor [organization] organizations  
9 that either [where such bona fide labor organization is] are actively  
10 representing employees providing necessary operations and maintenance  
11 services for the renewable energy system at the time of such agreement  
12 or [upon] provides notice [by a bona fide labor organization] that it  
13 is attempting to represent any employees in any titles who provide, or  
14 who will provide, necessary operations and maintenance services for the  
15 renewable energy system employed in the state; provided, however, this  
16 subdivision shall not apply to any covered projects defined in paragraph  
17 (c) of subdivision one-a of this section. The maintenance of such a  
18 labor peace agreement, or agreements, which cover all classes of oper-  
19 ations and maintenance employees, shall be an ongoing material condition  
20 of any continuation of payments under a renewable energy credits agree-  
21 ment. For purposes of this section "labor peace agreement" means an  
22 agreement between an entity and labor organization that, at a minimum,  
23 protects the state's proprietary interests by prohibiting labor organ-  
24 izations and members from engaging in picketing, work stoppages,  
25 boycotts, and any other economic interference with the relevant renewa-  
26 ble energy system. "Renewable energy credits agreement" shall mean any  
27 public entity contract that provides production-based payments to a  
28 renewable energy project as defined in this section.

29 (a) Any public entity, in each contract for construction, recon-  
30 struction, alteration, repair, improvement or maintenance of a covered  
31 renewable energy system which involves the procurement of a renewable  
32 energy credits agreement by a public entity, or a third party acting on  
33 behalf and for the benefit of a public entity, the "public work" for the  
34 purposes of this subdivision, shall ensure that such contract shall  
35 contain a provision that the iron and [structural] steel used or  
36 supplied in the performance of the contract or any subcontract thereto  
37 [and that is permanently incorporated into the public work,] shall be  
38 produced or made in whole or substantial part in the United States, its  
39 territories or possessions. In the case of [a structural] an iron or  
40 [structural] steel product all manufacturing must take place in the  
41 United States, from the initial melting stage through the application of  
42 coatings, except metallurgical processes involving the refinement of  
43 steel additives. [For the purposes of this subdivision, "permanently  
44 incorporated" shall mean an iron or steel product that is required to  
45 remain in place at the end of the project contract, in a fixed location,  
46 affixed to the public work to which it was incorporated. Iron and steel  
47 products that are capable of being moved from one location to another  
48 are not permanently incorporated into a public work.]

49 § 33. Section 11-0535-c of the environmental conservation law is  
50 amended by adding a new subdivision 6 to read as follows:

51 6. The commissioner shall annually report to the department of public  
52 service, the governor, the temporary president of the senate and the  
53 speaker of the assembly on the status of the fund and all monies added  
54 to and expended from the fund.

55 § 34. This act shall take effect immediately and sections one, two,  
56 three, four, five, six, seven, eight, nine, ten, eleven, twelve, thir-

1 teen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty,  
 2 twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-  
 3 six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-three of  
 4 this act shall expire December 31, 2040 when upon such date this act  
 5 shall be deemed repealed; provided, that the amendments to paragraph (e)  
 6 of subdivision 4 of section 162 of the public service law made by  
 7 section twenty-six of this act shall not affect the repeal of such para-  
 8 graph and shall be deemed repealed therewith; provided, further, that  
 9 sections thirty-one and thirty-two of this act shall take effect Janu-  
 10 ary 1, 2025 and shall apply to any covered renewable energy system as  
 11 defined in section 224-d of the labor law and other covered project as  
 12 defined in section 66-r of the public service law, respectively, awarded  
 13 a contract pursuant to an advertisement or solicitation of a request for  
 14 proposal, invitation for bid, or solicitation of proposal, or any other  
 15 method provided for by law or regulation for soliciting a response for  
 16 offerors intending to result in a contract that is issued on or after  
 17 the effective date of this act.

18 PART P

19 Intentionally Omitted

20 PART Q

21 Section 1. Expenditures of moneys appropriated in a chapter of the  
 22 laws of 2024 to the department of agriculture and markets from the  
 23 special revenue funds-other/state operations, miscellaneous special  
 24 revenue fund-339, public service account shall be subject to the  
 25 provisions of this section. Notwithstanding any other provision of law  
 26 to the contrary, direct and indirect expenses relating to the department  
 27 of agriculture and markets' participation in general ratemaking  
 28 proceedings pursuant to section 65 of the public service law or certif-  
 29 ication proceedings or permits issued pursuant to article 7, 8, or 10 of  
 30 the public service law, shall be deemed expenses of the department of  
 31 public service within the meaning of section 18-a of the public service  
 32 law. No later than August 15th, 2025, the commissioner of the department  
 33 of agriculture and markets shall submit an accounting of such expenses,  
 34 including, but not limited to, expenses in the prior state fiscal year  
 35 for personal and non-personal services and fringe benefits, to the chair  
 36 of the public service commission for the chair's review pursuant to the  
 37 provisions of section 18-a of the public service law.

38 § 2. Expenditures of moneys appropriated to the department of state  
 39 from the special revenue funds-other/state operations, miscellaneous  
 40 special revenue fund-339, public service account shall be subject to the  
 41 provisions of this section. Notwithstanding any other provision of law  
 42 to the contrary, direct and indirect expenses relating to the activities  
 43 of the department of state's utility intervention unit pursuant to  
 44 subdivision 4 of section 94-a of the executive law, including, but not  
 45 limited to participation in general ratemaking proceedings pursuant to  
 46 section 65 of the public service law or certification proceedings or  
 47 permits issued pursuant to article 7, 8, or 10 of the public service  
 48 law, shall be deemed expenses of the department of public service within  
 49 the meaning of section 18-a of the public service law. No later than  
 50 August 15th, 2025, the secretary of state shall submit an accounting of  
 51 such expenses, including, but not limited to, expenses in the prior

1 state fiscal year for personal and non-personal services and fringe  
2 benefits, to the chair of the public service commission for the chair's  
3 review pursuant to the provisions of section 18-a of the public service  
4 law.

5 § 3. Expenditures of moneys appropriated to the office of parks,  
6 recreation and historic preservation from the special revenue funds-  
7 other/state operations, miscellaneous special revenue fund-339, public  
8 service account shall be subject to the provisions of this section.  
9 Notwithstanding any other provision of law to the contrary, direct and  
10 indirect expenses relating to the office of parks, recreation and  
11 historic preservation's participation in general ratemaking proceedings  
12 pursuant to section 65 of the public service law or certification  
13 proceedings or permits issued pursuant to article 7, 8, or 10 of the  
14 public service law, shall be deemed expenses of the department of public  
15 service within the meaning of section 18-a of the public service law. No  
16 later than August 15th, 2025, the commissioner of the office of parks,  
17 recreation and historic preservation shall submit an accounting of such  
18 expenses, including, but not limited to, expenses in the prior state  
19 fiscal year for personal and non-personal services and fringe benefits,  
20 to the chair of the public service commission for the chair's review  
21 pursuant to the provisions of section 18-a of the public service law.

22 § 4. Expenditures of moneys appropriated to the department of environ-  
23 mental conservation from the special revenue funds-other/state oper-  
24 ations, environmental conservation special revenue fund-301, utility  
25 environmental regulation account shall be subject to the provisions of  
26 this section. Notwithstanding any other provision of law to the contra-  
27 ry, direct and indirect expenses relating to the department of environ-  
28 mental conservation's participation in state energy policy proceedings,  
29 or certification proceedings or permits issued pursuant to article 7, 8,  
30 or 10 of the public service law, shall be deemed expenses of the depart-  
31 ment of public service within the meaning of section 18-a of the public  
32 service law. No later than August 15th, 2025, the commissioner of the  
33 department of environmental conservation shall submit an accounting of  
34 such expenses, including, but not limited to, expenses in the prior  
35 state fiscal year for personal and non-personal services and fringe  
36 benefits, to the chair of the public service commission for the chair's  
37 review pursuant to the provisions of section 18-a of the public service  
38 law.

39 § 5. Notwithstanding any other law, rule or regulation to the contra-  
40 ry, expenses of the department of health public service education  
41 program incurred pursuant to appropriations from the cable television  
42 account of the state miscellaneous special revenue funds shall be deemed  
43 expenses of the department of public service. No later than August 15th,  
44 2025, the commissioner of the department of health shall submit an  
45 accounting of expenses in the prior state fiscal year to the chair of  
46 the public service commission for the chair's review pursuant to the  
47 provisions of section 217 of the public service law.

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

52 § 7. This act shall take effect immediately and shall be deemed to  
53 have been in full force and effect on and after April 1, 2024 and shall  
54 expire and be deemed repealed April 1, 2025.

55

PART R

1

Intentionally Omitted

2

## PART S

3 Section 1. Subdivision 3 of section 54-1511 of the environmental  
4 conservation law, as added by section 5 of part U of chapter 58 of the  
5 laws of 2016, is amended to read as follows:

6 3. State assistance payments shall not exceed fifty percent of the  
7 project cost or two million dollars, whichever is less, provided however  
8 if a municipality meets criteria established by the department relating  
9 to either financial hardship or disadvantaged communities pursuant to  
10 section 75-0101 of this chapter, the commissioner may authorize state  
11 assistance payments of up to eighty percent of the project cost or two  
12 million dollars, whichever is less. Such costs are subject to final  
13 computation and determination by the commissioner upon completion of the  
14 project, and shall not exceed the maximum eligible cost set forth in the  
15 contract. A determination of financial hardship shall be based on  
16 criteria that clearly indicates that the municipality is experiencing  
17 significant and widespread financial distress, with primary consider-  
18 ation given to whether a municipality has a median household income at  
19 or below eighty percent of the state median household income.

20 § 2. This act shall take effect immediately and shall be deemed to  
21 have been in full force and effect on and after April 1, 2024.

22

## PART T

23 Section 1. Section 72-0302 of the environmental conservation law, as  
24 amended by chapter 608 of the laws of 1993, the opening paragraph of  
25 subdivision 1 and the closing paragraph as amended by chapter 432 of the  
26 laws of 1997, and paragraph (e) of subdivision 1 as amended and para-  
27 graphs (f) and (g) of subdivision 1 as relettered by chapter 170 of the  
28 laws of 1994, is amended to read as follows:

29 § 72-0302. State air quality control fees.

30 1. All persons, except those required to pay a fee under section  
31 72-0303 of this [article] title, who are required to obtain a permit,  
32 [certificate] registration or approval pursuant to the state air quality  
33 control program and the rules and regulations adopted by the department  
34 hereunder shall submit to the department a per emission point fee in an  
35 amount established as follows:

36 a. \$11,000.00 for a stationary combustion installation having a maxi-  
37 mum operating heat input equal to or greater than fifty million British  
38 thermal units per hour as stated on the most recent application for a  
39 permit [to construct or application for a certificate] or registration  
40 to operate and which emits or has the potential to emit equal to or  
41 greater than any one of the following:

42 (i) one hundred tons per year of oxides of nitrogen, or if located in  
43 a severe ozone nonattainment area, twenty-five tons per year; or

44 (ii) one hundred tons per year of sulfur dioxide; or

45 (iii) one hundred tons per year of particulates.

46 b. \$2,000.00 for all stationary combustion installations which are not  
47 included under paragraph a of this subdivision and which have a maximum  
48 operating heat input greater than fifty million British thermal units  
49 per hour as stated on the most recent application for a [certificate]  
50 permit or registration to operate.



1 c. \$100.00 for a stationary combustion installation having a maximum  
2 operating heat input less than fifty million British thermal units per  
3 hour as stated on the most recent application for a [certificate] permit  
4 or registration to operate.

5 d. \$2,000.00 for a process air contamination source for an annual  
6 emission rate equal to or greater than twenty-five tons per year of any  
7 one of the following: sulfur dioxide, nitrogen dioxide, total particu-  
8 lates, carbon monoxide, total volatile organic compounds and other  
9 specific air contaminants. The annual emission rate shall be the actual  
10 annual emission rate as stated on the most recent application for a  
11 permit [to construct] or [application for a certificate] registration to  
12 operate. In the event that hours of operation have not been specified  
13 on the [applications] application then maximum possible hours of opera-  
14 tion (8760 hours) will be used to calculate actual annual emissions.

15 e. \$160.00 for a process air contamination source, except a gasoline  
16 [dispensing] dispensing site, for an annual emission rate less than  
17 twenty-five tons per year of any one of the following: sulfur dioxide,  
18 nitrogen dioxide, total particulates, carbon monoxide, total volatile  
19 organic compounds and other specific air contaminants. The annual emis-  
20 sion rate shall be the actual annual emission rate as applied for on the  
21 most recent application for a permit [to construct or application for a  
22 certificate] or registration to operate. In the event that hours of  
23 operation have not been specified on the [applications] application then  
24 maximum possible hours of operation (8760 hours) will be used to calcu-  
25 late actual annual emissions.

26 f. \$2,000.00 for an incinerator capable of charging two thousand  
27 pounds of refuse per hour or greater. The charging capacity will be  
28 established in accordance with the application for the most recent  
29 permit [to construct or application for a certificate] or registration  
30 to operate the incinerator source and will be calculated on an emission  
31 point basis.

32 g. \$160.00 for an incinerator with a maximum design charge rate of  
33 less than two thousand pounds of refuse per hour. The charging capacity  
34 will be established in accordance with the application for the most  
35 recent permit [to construct or application for a certificate] or regis-  
36 tration to operate the incinerator source and will be calculated on an  
37 emission point basis.

38 Provided, however, that where a city or county is delegated the  
39 authority to administer the state air quality control program, or any  
40 portion thereof, pursuant to paragraph p of subdivision two of section  
41 3-0301 of this chapter and such city or county collects a fee in  
42 connection with the issuance of a permit, [certificate] registration or  
43 approval [for a combustion installation, incinerator or process air  
44 contamination source] pursuant to the state air quality control program,  
45 no additional liability for fees under this section shall accrue for the  
46 particular combustion installation, incinerator or process air contam-  
47 ination source that is subject to the delegation.

48 § 2. Subdivisions 1 and 2 of section 72-0303 of the environmental  
49 conservation law, subdivision 1 as amended by section 1 of part D of  
50 chapter 413 of the laws of 1999, the opening paragraph of subdivision 1  
51 as amended by section 1 of part Y of chapter 58 of the laws of 2015 and  
52 subdivision 2 as added by chapter 608 of the laws of 1993, are amended  
53 to read as follows:

54 1. Commencing January first, two thousand [fifteen] twenty-seven and  
55 every year thereafter, all sources of regulated air contaminants identi-  
56 fied pursuant to subdivision one of section 19-0311 of this chapter



1 shall submit to the department an annual base fee of [two] eight thou-  
2 sand five hundred dollars per facility. This base fee shall be in addi-  
3 tion to the fees listed below. Commencing January first, [nineteen  
4 hundred ninety-four] two thousand twenty-seven and every year  
5 thereafter, all sources of regulated air contaminants identified pursu-  
6 ant to subdivision one of section 19-0311 of this chapter shall submit  
7 to the department an annual fee not to exceed the per ton fees described  
8 below. The per ton fee is assessed on each ton of emissions [up to seven  
9 thousand tons annually] of each regulated air contaminant as follows:  
10 [sixty] two hundred dollars per ton for facilities with total emissions  
11 less than one thousand tons annually; [seventy] two hundred twenty-five  
12 dollars per ton for facilities with total emissions of one thousand or  
13 more but less than two thousand tons annually; [eighty] two hundred  
14 fifty dollars per ton for facilities with total emissions of two thou-  
15 sand or more but less than five thousand tons annually; and [ninety]  
16 three hundred dollars per ton for facilities with total emissions of  
17 five thousand or more tons annually. Such [fee] fees shall be suffi-  
18 cient to support an appropriation approved by the legislature for the  
19 direct and indirect costs associated with the operating permit program  
20 established in section 19-0311 of this chapter. Such [fee] fees shall be  
21 established by the department and shall be calculated by dividing the  
22 amount of the current year appropriation from the operating permit  
23 program account of the clean air fund by the total tons of emissions of  
24 regulated air contaminants, including hazardous air pollutants, that are  
25 subject to the operating permit program fees from sources subject to the  
26 operating permit program pursuant to section 19-0311 of this chapter [up  
27 to seven thousand tons annually of each regulated air contaminant from  
28 each source]; provided that, in making such calculation, the department  
29 shall adjust their calculation to account for any deficit or surplus in  
30 the operating permit program account of the clean air fund established  
31 pursuant to section ninety-seven-00 of the state finance law[; any loan  
32 repayment from the mobile source account of the clean air fund estab-  
33 lished pursuant to section ninety-seven-00 of the state finance law;]  
34 and the rate of collection by the department of the bills issued for the  
35 [fee] fees for the prior year.

36 Notwithstanding the provisions of the state administrative procedure  
37 act, such calculation and [fee] fees shall be established as a rule by  
38 publication in the Environmental Notice Bulletin no later than thirty  
39 days after the budget bills making appropriations for the support of  
40 government are enacted or July first, whichever is later, of the year  
41 such [fee] fees will be effective. In no event shall the [fee] fees  
42 established herein be any greater than the maximum fee identified pursu-  
43 ant to this section.

44 2. Bills issued for the [fee] fees established by subdivision one of  
45 this section shall be based on actual emissions for the prior calendar  
46 year, as demonstrated to the department's satisfaction, or in the  
47 absence of such demonstration, on permitted emissions, or, where there  
48 is no permit, on potential to emit. Persons required to submit an emis-  
49 sions statement to the department shall use such statement to demon-  
50 strate actual emissions under this section.

51 § 3. Subdivision 7 of section 72-0303 of the environmental conserva-  
52 tion law is REPEALED.

53 § 4. Subdivisions 8, 9 and 10 of section 72-0303 of the environmental  
54 conservation law are renumbered subdivisions 7, 8 and 9.

55 § 5. Paragraph c of subdivision 2 of section 97-00 of the state  
56 finance law, as added by chapter 608 of the laws of 1993, is REPEALED.

1 § 6. The environmental conservation law is amended by adding a new  
2 section 19-0328 to read as follows:

3 § 19-0328. Ozone non-attainment fee programs.

4 1. The department may implement new or revise existing regulatory or  
5 permitting fee programs only to the extent necessary to comply with  
6 section 7511d of the Act related to the non-attainment of national ambi-  
7 ent air quality standards.

8 2. Fees imposed pursuant to subdivision one of this section shall be  
9 calculated in the manner set forth in the Act.

10 3. The department shall further establish by rule or rules additional  
11 procedures to the extent necessary for assessment of and collection of  
12 such fees that shall ensure sufficient notice, fee amounts and compli-  
13 ance information are given to affected parties.

14 4. Moneys received pursuant to this section shall be deposited in the  
15 air quality improvement fund as established in section ninety-nine-rr of  
16 the state finance law.

17 § 7. The state finance law is amended by adding a new section 99-rr to  
18 read as follows:

19 § 99-rr. Air quality improvement fund. 1. There is hereby established  
20 in the joint custody of the comptroller and the commissioner of taxation  
21 and finance a fund to be known as the "air quality improvement fund".

22 2. Such fund shall consist of revenues received by the state pursuant  
23 to section 19-0328 of the environmental conservation law and all other  
24 moneys, appropriated, credited, or transferred thereto from any other  
25 fund or source pursuant to law.

26 3. All moneys of the air quality improvement fund, following appropri-  
27 ation by the legislature, shall be made available for the purposes of  
28 reducing air pollution and improving or enhancing air quality in  
29 affected communities, including but not limited to: (a) measures related  
30 to achieving the national ambient air quality standards, including  
31 community level projects to reduce or eliminate air pollution from  
32 stationary and/or mobile sources of air pollution; and (b) investments  
33 which are consistent with the strategies and community emissions  
34 reduction programs prepared pursuant to section 75-0115 of the environ-  
35 mental conservation law. Any moneys expended from the fund shall ensure  
36 that disadvantaged communities, as defined in subdivision five of  
37 section 75-0101 of the environmental conservation law, receive overall  
38 benefits that approximate the proportion of disadvantaged communities in  
39 the applicable federally designated area of nonattainment in New York,  
40 provided that such communities shall not receive less than thirty-five  
41 percent of the benefit of such funds.

42 4. Moneys shall be payable from the fund on the audit and warrant of  
43 the comptroller on vouchers approved and certified by the commissioner  
44 of environmental conservation.

45 § 8. This act shall take effect immediately and shall be deemed to  
46 have been in full force and effect on and after April 1, 2024; provided,  
47 however, if this act shall have become a law after such date then it  
48 shall take effect immediately and shall be deemed to have been in full  
49 force and effect on and after April 1, 2024; provided, however, that  
50 sections one, three, four, and five of this act shall take effect Janu-  
51 ary 1, 2025; and provided further, however, that section two of this act  
52 shall take effect January 1, 2027.

53 PART U

54 Intentionally Omitted

1

## PART V

2 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the  
3 public authorities law relating to the powers and duties of the dormito-  
4 ry authority of the state of New York relative to the establishment of  
5 subsidiaries for certain purposes, as amended by section 1 of part DD of  
6 chapter 58 of the laws of 2022, is amended to read as follows:

7 § 2. This act shall take effect immediately and shall expire and be  
8 deemed repealed on July 1, [2024] 2026; provided however, that the expi-  
9 ration of this act shall not impair or otherwise affect any of the  
10 powers, duties, responsibilities, functions, rights or liabilities of  
11 any subsidiary duly created pursuant to subdivision twenty-five of  
12 section 1678 of the public authorities law prior to such expiration.

13 § 2. This act shall take effect immediately.

14

## PART W

15 Section 1. Paragraph (f) of subdivision 1 of section 1977-a of the  
16 public authorities law, as amended by section 1 of part EE of chapter 58  
17 of the laws of 2023, is amended to read as follows:

18 (f) Additional authorizations. For the purpose of financing capital  
19 costs in connection with a program of infrastructure construction,  
20 improvements and other capital expenditures for the project area, the  
21 authority may, in addition to the authorizations contained elsewhere in  
22 this title, borrow money by issuing bonds and notes in an aggregate  
23 principal amount not exceeding [one billion five hundred million  
24 dollars] two billion five hundred million dollars, plus a principal  
25 amount of bonds or notes issued (i) to fund any related debt service  
26 reserve fund, (ii) to provide capitalized interest, and (iii) to provide  
27 for fees and other charges and expenses including any underwriters'  
28 discounts, related to the issuance of such bonds or notes, all as deter-  
29 mined by the authority, excluding bonds and notes issued to refund  
30 outstanding bonds and notes issued pursuant to this section.

31 § 2. This act shall take effect immediately.

32

## PART X

33 Section 1. Subdivision 6 of section 211 of the economic development  
34 law, as amended by chapter 294 of the laws of 2019, is amended to read  
35 as follows:

36 6. Grants made pursuant to this section shall be subject to the  
37 following limitations:

38 (a) no grant shall be made to any one or any consortium of career  
39 education agencies and not-for-profit corporations in excess of [one  
40 hundred seventy-five] two hundred fifty thousand dollars; and

41 (b) each grant shall be disbursed for payment of the cost of services  
42 and expenses of the program director, the instructors of the participat-  
43 ing career education agency or not-for-profit corporation, the faculty  
44 and support personnel thereof and any other person in the service of  
45 providing instruction and counseling in furtherance of the program.

46 § 2. This act shall take effect immediately.

47

## PART Y

48 Section 1. The opening paragraph of subdivision (h) of section 121 of  
49 chapter 261 of the laws of 1988, amending the state finance law and

1 other laws relating to the New York state infrastructure trust fund, as  
2 amended by chapter 96 of the laws of 2019, is amended to read as  
3 follows:

4 The provisions of sections sixty-two through sixty-six of this act  
5 shall expire and be deemed repealed on [December thirty-first] July  
6 first, two thousand [twenty-four] twenty-five, except that:

7 § 2. This act shall take effect immediately.

8

## PART Z

9 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174  
10 of the laws of 1968 constituting the New York state urban development  
11 corporation act, as amended by section 1 of part JJ of chapter 58 of the  
12 laws of 2023, is amended to read as follows:

13 3. The provisions of this section shall expire, notwithstanding any  
14 inconsistent provision of subdivision 4 of section 469 of chapter 309 of  
15 the laws of 1996 or of any other law, on July 1, [2024] 2025.

16 § 2. This act shall take effect immediately.

17

## PART AA

18 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the  
19 New York state urban development corporation act, relating to the powers  
20 of the New York state urban development corporation to make loans, as  
21 amended by section 1 of part GG of chapter 58 of the laws of 2023, is  
22 amended to read as follows:

23 § 2. This act shall take effect immediately provided, however, that  
24 section one of this act shall expire on July 1, [2024] 2025, at which  
25 time the provisions of subdivision 26 of section 5 of the New York state  
26 urban development corporation act shall be deemed repealed; provided,  
27 however, that neither the expiration nor the repeal of such subdivision  
28 as provided for herein shall be deemed to affect or impair in any manner  
29 any loan made pursuant to the authority of such subdivision prior to  
30 such expiration and repeal.

31 § 2. This act shall take effect immediately.

32

## PART BB

33 Section 1. Section 4 of chapter 495 of the laws of 2004, amending the  
34 insurance law and the public health law relating to the New York state  
35 health insurance continuation assistance demonstration project, as  
36 amended by section 1 of part U of chapter 58 of the laws of 2023, is  
37 amended to read as follows:

38 § 4. This act shall take effect on the sixtieth day after it shall  
39 have become a law; provided, however, that this act shall remain in  
40 effect until July 1, [2024] 2025 when upon such date the provisions of  
41 this act shall expire and be deemed repealed; provided, further, that a  
42 displaced worker shall be eligible for continuation assistance retroac-  
43 tive to July 1, 2004.

44 § 2. This act shall take effect immediately.

45

## PART CC

46

Intentionally Omitted

1

PART DD

2

Intentionally Omitted

3

PART EE

4 Section 1. Subparagraph (B) of paragraph 15-a of subsection (i) of  
5 section 3216 of the insurance law, as amended by section 1 of part DDD  
6 of chapter 56 of the laws of 2020, is amended to read as follows:

7 (B) Such coverage may be subject to annual deductibles and coinsurance  
8 as may be deemed appropriate by the superintendent and as are consistent  
9 with those established for other benefits within a given policy;  
10 provided, however, [the total amount] that [a covered person is required  
11 to pay out of pocket for] covered prescription insulin drugs shall [be  
12 capped at an amount not to exceed one hundred dollars per thirty-day  
13 supply, regardless of the amount or type of insulin needed to fill such  
14 covered person's prescription and regardless of the insured's] not be  
15 subject to a deductible, copayment, coinsurance or any other cost shar-  
16 ing requirement.

17 § 2. Subparagraph (B) of paragraph 7 of subsection (k) of section 3221  
18 of the insurance law, as amended by section 2 of part DDD of chapter 56  
19 of the laws of 2020, is amended to read as follows:

20 (B) Such coverage may be subject to annual deductibles and coinsurance  
21 as may be deemed appropriate by the superintendent and as are consistent  
22 with those established for other benefits within a given policy;  
23 provided, however, [the total amount] that [a covered person is required  
24 to pay out of pocket for] covered prescription insulin drugs shall [be  
25 capped at an amount not to exceed one hundred dollars per thirty-day  
26 supply, regardless of the amount or type of insulin needed to fill such  
27 covered person's prescription and regardless of the insured's] not be  
28 subject to a deductible, copayment, coinsurance or any other cost shar-  
29 ing requirement.

30 § 3. Paragraph 2 of subsection (u) of section 4303 of the insurance  
31 law, as amended by section 3 of part DDD of chapter 56 of the laws of  
32 2020, is amended to read as follows:

33 (2) Such coverage may be subject to annual deductibles and coinsurance  
34 as may be deemed appropriate by the superintendent and as are consistent  
35 with those established for other benefits within a given policy;  
36 provided, however, [the total amount] that [a covered person is required  
37 to pay out of pocket for] covered prescription insulin drugs shall [be  
38 capped at an amount not to exceed one hundred dollars per thirty-day  
39 supply, regardless of the amount or type of insulin needed to fill such  
40 covered person's prescription and regardless of the insured's] not be  
41 subject to a deductible, copayment, coinsurance or any other cost shar-  
42 ing requirement.

43 § 4. This act shall take effect January 1, 2025 and shall apply to  
44 any policy or contract issued, renewed, modified, altered, or amended on  
45 or after such date.

46

PART FF

47

Intentionally Omitted

48

PART GG

1 Intentionally Omitted

2 PART HH

3 Intentionally Omitted

4 PART II

5 Intentionally Omitted

6 PART JJ

7 Intentionally Omitted

8 PART KK

9 Section 1. Section 4 of part WW of chapter 56 of the laws of 2022  
10 amending the public officers law relating to permitting videoconferenc-  
11 ing and remote participation in public meetings under certain circum-  
12 stances, is amended to read as follows:

13 § 4. This act shall take effect immediately and shall expire and be  
14 deemed repealed July 1, [2024] 2026.

15 § 2. This act shall take effect immediately.

16 PART LL

17 Section 1. Paragraph 2 of subsection (f) of section 1308 of the insur-  
18 ance law, as amended by section 2 of chapter 802 of the laws of 1985, is  
19 amended to read as follows:

20 (2) Any domestic life insurance company proposing to assume by rein-  
21 surance all or any part of the business in force, other than portions of  
22 individual risks, of any domestic, foreign or alien life insurance  
23 company, fraternal benefit society or other organization having  
24 outstanding policies or certificates of life insurance or accident and  
25 health insurance or annuity contracts shall make written application to  
26 the superintendent for permission to do so. If after due consideration  
27 the superintendent is satisfied that the proposed reinsurance will not  
28 prejudice the interests of the policyholders of either the applicant or  
29 the companies [which] that are members of The Life Insurance Guaranty  
30 Corporation or of The Life and Health Insurance Company Guaranty Corpo-  
31 ration of New York, [he] the superintendent shall grant the permission.

32 § 2. Paragraph 1 of subsection (a) of section 7434 of the insurance  
33 law, as amended by chapter 134 of the laws of 1999, is amended to read  
34 as follows:

35 (1) Upon the recommendation of the superintendent, and under the  
36 direction of the court, distribution payments shall be made in a manner  
37 that will assure the proper recognition of priorities and a reasonable  
38 balance between the expeditious completion of the liquidation and the  
39 protection of unliquidated and undetermined claims. The priority of  
40 distribution of claims from an insolvent [property/casualty] insurer  
41 other than a life insurer in any proceeding subject to this article  
42 shall be in accordance with the order in which each class of claims is

1 set forth in this paragraph and as provided in this paragraph. Every  
2 claim in each class shall be paid in full or adequate funds retained for  
3 such payment before the members of the next class receive any payment.  
4 No subclasses shall be established within any class. No claim by a  
5 shareholder, policyholder or other creditor shall be permitted to  
6 circumvent the priority classes through the use of equitable remedies.  
7 The order of distribution of claims shall be:

8 [(i)] (A) Class one. Claims with respect to the actual and necessary  
9 costs and expenses of administration, incurred by the liquidator, reha-  
10 bilitator or conservator under this article.

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

16 [(iii)] (C) Class three. Claims of the federal government except those  
17 under class two above.

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

25 [(v)] (E) Class five. Claims of state and local governments except  
26 those under class two above.

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

29 [(vii)] (G) Class seven. Claims filed late or any other claims other  
30 than claims under class eight or class nine below.

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

33 [(ix)] (I) Class nine. Claims of shareholders or other owners in their  
34 capacity as shareholders.

35 § 3. Paragraphs 1 and 4 of subsection (a) of section 7435 of the  
36 insurance law, as added by chapter 802 of the laws of 1985, are amended  
37 to read as follows:

38 (1) Class one. Claims with respect to the actual and necessary costs  
39 and expenses of administration, incurred by the liquidator, rehabilita-  
40 tor, conservator or ancillary rehabilitator under this article, or by  
41 The Life Insurance Guaranty Corporation or The Life and Health Insurance  
42 Company Guaranty Corporation of New York, and claims described in  
43 subsection (d) of section seven thousand seven hundred thirteen of this  
44 chapter.

45 (4) Class four. All claims under insurance policies, annuity contracts  
46 and funding agreements, and all claims of The Life and Health Insurance  
47 Company Guaranty Corporation of New York or any other guaranty corpo-  
48 ration or association of this state or another jurisdiction, other than  
49 [(i)] claims provided for in paragraph one of this subsection[,] and  
50 [(ii)] claims for interest.

51 § 4. Paragraph 2 of subsection (c) of section 7709 of the insurance  
52 law, as amended by section 10 of subpart D of part Y of chapter 57 of  
53 the laws of 2023, is amended to read as follows:

54 (2) The amount of any class B or class C assessment, except for  
55 assessments related to long-term care insurance, shall be allocated for  
56 assessment purposes among the accounts in the proportion that the premi-

1 ums received by the impaired or insolvent insurer on the policies or  
2 contracts covered by each account for the last calendar year preceding  
3 the assessment in which the impaired or insolvent insurer received  
4 premiums bears to the premiums received by such insurer for such calen-  
5 dar year on all covered policies. The amount of any class B or class C  
6 assessment for long-term care insurance written by the impaired or  
7 insolvent insurer shall be allocated according to a methodology included  
8 in the plan of operation and approved by the superintendent. The meth-  
9 odology shall provide for fifty percent of the assessment to be allo-  
10 cated to health insurance company member insurers and fifty percent to  
11 be allocated to life insurance company member insurers; provided, howev-  
12 er, that a property/casualty insurer that writes health insurance shall  
13 be considered a health insurance company member for this purpose. Class  
14 B and class C assessments against member insurers for each account shall  
15 be in the proportion that the premiums received on business in this  
16 state by each assessed member insurer on policies covered by each  
17 account for the three calendar years preceding the assessment bears to  
18 such premiums received on business in this state for such calendar years  
19 by all assessed member insurers. Class B and Class C assessments  
20 against member insurers for the health insurance account shall be  
21 further reduced for not-for-profit member insurers pursuant to a method-  
22 ology included in the plan of operation and approved by the superinten-  
23 dent. Such methodology shall reduce the assessments imposed on not-for-  
24 profit member insurers in an amount that, when accounting for  
25 appropriate factors, including the value of the tax credits and a factor  
26 for the time value of money, results in a percentage of net assessments  
27 to premiums that is equivalent for not-for-profit member insurers and  
28 for-profit member insurers.

29 § 5. Section 7712 of the insurance law, as added by chapter 802 of the  
30 laws of 1985, subsection (a) as amended by section 11 of subpart D of  
31 part Y of chapter 57 of the laws of 2023, is amended to read as follows:

32 § 7712. Credits for assessments paid. (a) The superintendent shall  
33 annually[, within six months following the close of each calendar year,  
34 furnish to the commissioner of taxation and finance and the director of  
35 the division of the budget a statement of operations for the life insur-  
36 ance guaranty corporation and the life and health insurance company  
37 guaranty corporation of New York. Such statement shall show the assess-  
38 ments, less any refunds or reimbursements thereof, paid by each insur-  
39 ance company pursuant to the provisions of article seventy-five or]  
40 issue a certificate of tax credit for net class A assessments paid, and  
41 a separate certificate of tax credit for total net class B and class C  
42 assessments paid, as such assessments are described in section seven  
43 thousand seven hundred nine of this article, [for the purposes of meet-  
44 ing the requirements of this chapter. Each statement, starting with the  
45 statement furnished in the year nineteen hundred eighty-six and ending  
46 with the statement furnished in the year two thousand, shall show the  
47 annual activity for every year commencing from nineteen hundred eighty-  
48 five through the most recently completed year. Each statement furnished  
49 in each year after the year two thousand shall reflect such assessments  
50 paid during the preceding fifteen calendar years. The superintendent  
51 shall also furnish a copy of such statement to each such] to an insur-  
52 ance company that is required to file a tax return pursuant to article  
53 thirty-three of the tax law. The superintendent shall issue such  
54 certificates by March thirty-first of the year following the year in  
55 which the class A, B, and C assessments are paid or to which they are  
56 allocated pursuant to the provisions of subsection (c) of this section.





1 For the purposes of this section, an insurance company's "net class A  
2 assessments paid" shall mean its gross class A assessments paid pursuant  
3 to the provisions of article seventy-five or section seven thousand  
4 seven hundred nine of this article, less any refunds, recoveries, or  
5 reimbursements, and an insurance company's "total net class B and class  
6 C assessments paid" shall mean its gross class B and class C assessments  
7 paid pursuant to the provisions of article seventy-five or section seven  
8 thousand seven hundred nine of this article, less any refunds, recov-  
9 eries, or reimbursements.

10 (b) The [maximum authorized] certificates of tax credit [for each  
11 company in respect of the assessments paid during the most recent calen-  
12 dar year covered by such statement] shall [be] set forth the amount of  
13 tax credit an insurance company may claim as follows:

14 (1) [if the sum of the net assessments paid by all companies in the  
15 period reported on in the statement of operations required to be  
16 furnished by the superintendent pursuant to the provisions of subsection  
17 (a) of this section is less than one hundred million dollars, no such  
18 credits shall be authorized] for net class A assessments, the eligible  
19 credit amount shall be equal to the product of eighty per centum and the  
20 company's net class A assessments paid; and

21 (2) [(A) if the sum of such net assessments exceeds one hundred  
22 million dollars, the maximum authorized credit for each company with  
23 respect to net assessments paid by such company in any year shall be the  
24 excess, if any, of (i) over (ii), where (i) is the sum of such company's  
25 tentative cross-over year credit and its tentative credits for subse-  
26 quent years, both as determined pursuant to subparagraphs (B) and (C) of  
27 this paragraph, and (ii) is the sum of the maximum credits theretofore  
28 authorized for the years covered by such statement, to and including the  
29 most recently completed year, determined with reference to the periods  
30 covered by all prior such statements.

31 (B) Such company's tentative cross-over year credit shall be eighty  
32 per centum of the product of (i) and (ii), where (i) is the sum of  
33 assessments paid by such company during the cross-over year, and (ii) is  
34 a fraction, the numerator of which is the excess over one hundred  
35 million dollars of the sum of net assessments paid by all companies  
36 during such period and the denominator of which is the sum of net  
37 assessments paid by such companies during the cross-over year. For  
38 purposes of this paragraph, the cross-over year is the first year during  
39 the period covered by such statement in which the net assessments paid  
40 by all companies during such period exceeded one hundred million dollars  
41 in whole or in part.

42 (C) Such company's tentative credit for each year subsequent to the  
43 cross-over year shall be eighty per centum of the net assessments paid  
44 by such company during such year.

45 (3) For the purposes of this section, net assessments means gross  
46 assessments, less any recoveries or reimbursements, paid during the  
47 period covered by the most recent statement of operations furnished by  
48 the superintendent pursuant to the provisions of subsection (a) of this  
49 section] for total net class B and class C assessments, the eligible  
50 credit amount shall be equal to the product of eighty per centum and the  
51 company's total net class B and class C assessments paid, subject to  
52 subsection (c) of this section.

53 (c) (1) The aggregate amount of tax credits pursuant to this section  
54 for total net class B and class C assessments in each calendar year  
55 shall not exceed one hundred fifty million dollars. The aggregate tax  
56 credit amount shall be allocated annually by the superintendent on a pro

1 rata basis to each company required to file a tax return pursuant to  
2 article thirty-three of the tax law.

3 (2) The superintendent shall allocate any tax credit amount that  
4 exceeds the annual credit cap of one hundred fifty million dollars to  
5 the following calendar year and include such amount within the calcu-  
6 lation of the eligible credit amount subject to the aggregate credit  
7 amount for the succeeding calendar year by the superintendent.

8 (3) For companies issued a certificate of tax credit for total net  
9 class B and class C assessments, such annual certificate shall set forth  
10 an amount equal to thirty-three and one-third per centum of the amount  
11 calculated under subsection (b) of this section and allocated pursuant  
12 to paragraph one of this subsection. The amount on the certificate of  
13 tax credit shall be eligible to be claimed in the taxable year that  
14 begins in the calendar year that such certificate is issued. Thirty-  
15 three and one-third per centum of such amount shall be eligible to be  
16 claimed in each of the two taxable years following such taxable year.

17 (d) (1) The superintendent shall, in consultation with the commissioner  
18 of taxation and finance, develop a certificate of tax credit for net  
19 class A assessments, and a certificate of tax credit for total net class  
20 B and class C assessments. Each certificate shall contain such informa-  
21 tion as required by the commissioner of taxation and finance, including  
22 a certificate date.

23 (2) The superintendent shall solely determine the tax credit eligibil-  
24 ity of any insurance company and shall revoke any certificate of tax  
25 credit issued to an insurance company that no longer qualifies for a tax  
26 credit. The superintendent shall modify the amount of the credit shown  
27 on any such certificate if the superintendent determines that the amount  
28 certified under subsection (b) of this section was not computed properly  
29 pursuant to this section.

30 (3) To be issued a certificate of tax credit by the superintendent,  
31 each insurance company shall:

32 (A) agree to allow the department of taxation and finance to share the  
33 insurance company's tax information relevant to the administration of  
34 this section with the superintendent. However, any information shared  
35 with the superintendent as a result of this section shall not be avail-  
36 able for public disclosure or inspection under article six of the public  
37 officers law;

38 (B) allow the superintendent and the corporation access to any and all  
39 books and records the superintendent or corporation may require to moni-  
40 tor compliance with this section; and

41 (C) agree to provide any additional information required by the super-  
42 intendent relevant to this section.

43 § 6. Subdivision (f) of section 1511 of the tax law, as amended by  
44 chapter 803 of the laws of 1985, paragraph 1 as amended by chapter 217  
45 of the laws 2012, subparagraph (B) of paragraph 3 as further amended by  
46 section 104 of part A of chapter 62 of the laws of 2011 and paragraph 5  
47 as amended by section 9 of part H3 of chapter 62 of the laws of 2003, is  
48 amended to read as follows:

49 (f) Credit relating to life and health insurance guaranty corporation  
50 assessments. [A] (1) Allowance of credit. For taxable years beginning  
51 on or after January first, two thousand twenty-four, a credit shall be  
52 allowed against the tax imposed pursuant to this article (other than  
53 section fifteen hundred five-a of this article)[, for a portion of the  
54 assessments paid by a taxpayer pursuant to article seventy-five or  
55 section seven thousand seven hundred nine of the insurance law. The

1 credit shall be determined in accordance with the following provisions]  
2 as hereinafter provided.

3 [(1)] (2) Amount of credit. The [maximum authorized] amount of the  
4 credit for each taxpayer shall [be determined as provided in] equal the  
5 amount shown on the certificate of tax credit, or the amounts shown on  
6 such certificates, issued to such taxpayer pursuant to section seven  
7 thousand seven hundred twelve of the insurance law. With respect to  
8 each such certificate, the amount of the credit must be claimed in the  
9 taxable year that begins in the calendar year that such certificate is  
10 issued.

11 [(2) Thirty-three and one-third per centum of the maximum authorized  
12 credit for the second calendar year preceding the taxable year, plus any  
13 amount carried forward under subparagraph (C) of paragraph three of this  
14 subdivision or paragraph four of this subdivision, shall be allowed as a  
15 credit under this subdivision for such taxable year, and thirty-three  
16 and one third per centum of such maximum authorized credit for such  
17 second preceding calendar year, plus any amount carried forward under  
18 subparagraph (C) of this subdivision or paragraph four of this subdivi-  
19 sion, shall be allowed in each of the two taxable years following such  
20 taxable year.]

21 (3) [(A) For each calendar year for which a credit has been authorized  
22 pursuant to section seven thousand seven hundred twelve of the insurance  
23 law, the commissioner of taxation and finance shall determine the total  
24 tax liability of all life insurance corporations under this article,  
25 other than under section fifteen hundred five-a of this article, before  
26 the application of any credits allowed pursuant to this section, for  
27 taxable years beginning in such calendar year. Such total tax liability  
28 shall be published in the state register on or before the thirtieth day  
29 of September of the next succeeding calendar year.

30 (B) The credit allowed under paragraph two of this subdivision for  
31 each taxpayer shall not exceed the product of (x) and (y) where (x) is a  
32 fraction, the numerator of which is the sum of the gross assessments  
33 paid by the particular taxpayer during the calendar year for which the  
34 credit has been authorized and the denominator of which is the sum of  
35 the gross assessments paid by all companies during such year, both as  
36 shown in the most recent statement of operations furnished by the super-  
37 intendent of financial services under subsection (a) of section seven  
38 thousand seven hundred twelve of the insurance law and both the numera-  
39 tor and denominator being reduced, as appropriate, by any refunds or  
40 reimbursements and (y) is the greater of (i) forty per centum of the  
41 total tax liability published by the commissioner pursuant to subpara-  
42 graph (A) of this paragraph and (ii) forty million dollars.

43 (C) The amount by which the allowable credit computed without refer-  
44 ence to the limitation contained in subparagraph (B) of this paragraph  
45 exceeds the allowable credit for such taxable year shall be carried  
46 forward as a credit under paragraph two of this subdivision.

47 (D) With respect to estimated taxes payable under section fifteen  
48 hundred fourteen of this article any increase in estimated taxes due to  
49 the limitation imposed by this paragraph shall be deemed timely paid if  
50 paid on or before the fifteenth day of December next following the date  
51 specified in subparagraph (A) of this paragraph.] Carryover. The credit  
52 allowed under this subdivision for any taxable year shall not reduce the  
53 tax due for such year to less than the minimum fixed by paragraph four  
54 of subdivision (a) of section fifteen hundred two of this article or  
55 section fifteen hundred two-a of this article, whichever is applicable.  
56 However, if the amount of credit allowable under this subdivision for

1 any taxable year reduces the tax to such amount, any amount of credit  
2 not deductible in such taxable year may be carried over to the following  
3 year or years and may be deducted from the taxpayer's tax for such year  
4 or years.

5 (4) [If for any taxable year the credits allowable under paragraph two  
6 of this subdivision determined without regard to this paragraph exceed  
7 the taxpayer's liability for taxes under this article for the taxable  
8 year after the allowance of all other credits under this section, then  
9 the sum of two hundred fifty dollars and the amount by which such cred-  
10 its under this subdivision exceed such tax liability shall be carried  
11 forward as a credit under paragraph two of this subdivision for the  
12 taxable year next following.] Eligibility. To be eligible for the cred-  
13 it, the taxpayer shall have been issued a certificate, or certificates,  
14 of tax credit by the department of financial services pursuant to  
15 section seven thousand seven hundred twelve of the insurance law, each  
16 of which certificates shall set forth the amount of the credit that may  
17 be claimed and the certificate date. A taxpayer that is a partner in a  
18 partnership, member of a limited liability company or shareholder in a  
19 subchapter S corporation that has received a certificate, or certif-  
20 icates, of tax credit shall be allowed its pro rata share of the credit  
21 earned by the partnership, limited liability company or subchapter S  
22 corporation.

23 (5) [No credit allowed pursuant to this subdivision shall reduce the  
24 tax payable by any taxpayer under this article for any taxable year to  
25 an amount less than the minimum tax fixed by paragraph four of subdivi-  
26 sion (a) of section fifteen hundred two of this article or section  
27 fifteen hundred two-a of this article, whichever is applicable.] Tax  
28 return requirement. The taxpayer is required to include with its tax  
29 return in the form prescribed by the commissioner, proof of receipt of  
30 its certificate, or certificates, of tax credit issued by the department  
31 of financial services.

32 (6) Information sharing. Notwithstanding any provision of this chap-  
33 ter, employees of the department of financial services and the depart-  
34 ment shall be allowed and are directed to share and exchange:

35 (A) information regarding the credit allowed or claimed pursuant to  
36 this subdivision and taxpayers that are claiming the credit; and

37 (B) information contained in or derived from credit claim forms  
38 submitted to the department. All information exchanged between the  
39 department of financial services and the department shall not be subject  
40 to public disclosure or inspection under article six of the public offi-  
41 cers law.

42 (7) Credit recapture. If a certificate of tax credit issued by the  
43 department of financial services under section seven thousand seven  
44 hundred twelve of the insurance law is revoked by such department, the  
45 amount of credit described in this subdivision and claimed by the  
46 taxpayer prior to such revocation shall be added back to tax in the  
47 taxable year in which any such revocation becomes final. If an amount of  
48 credit on any such certificate of tax credit is modified by the depart-  
49 ment of financial services, the difference between the amount of credit  
50 described in this subdivision and claimed by the taxpayer prior to such  
51 modification and the modified amount shall be added back to tax in the  
52 taxable year in which any such modification becomes final.

53 (8) Net assessments. No amount of any net assessments paid by such  
54 taxpayer included as the basis for the calculation of the amount shown  
55 on any such certificate shall be the basis for any other tax credit  
56 under this chapter.

1 § 7. Notwithstanding the provisions of sections one through six of  
2 this act, in 2024, for the calendar year 2023, the superintendent of  
3 financial services shall furnish the statement of operations for the  
4 life insurance guaranty corporation and the life and health insurance  
5 company guaranty corporation of New York as provided in subsection (a)  
6 of section 7712 of the insurance law, as such provision of law was in  
7 effect immediately prior to the effective date of this act.

8 § 8. Notwithstanding the provisions of sections one through seven of  
9 this act, an insurance company allowed a tax credit pursuant to section  
10 7712 of the insurance law and subdivision (f) of section 1511 of the tax  
11 law, as such provisions of law were in effect immediately prior to the  
12 effective date of this act, shall continue to be allowed the credit  
13 relating to life insurance guaranty corporation assessments under such  
14 subdivision (f), for assessments paid on or before December 31, 2023, as  
15 follows:

16 (i) any amount of such credit that has not been claimed in a taxable  
17 year beginning before January 1, 2024 shall be allowed as a credit  
18 against the tax imposed pursuant to article 33 of the tax law, other  
19 than section 1505-a of such article, in the taxable year beginning on or  
20 after such date; and

21 (ii) any amount of credit allowed pursuant to the previous paragraph  
22 shall be subject to the carryover provision of paragraph 3 of subdivi-  
23 sion (f) of section 1511 of the tax law, as such subdivision has been  
24 amended by section six of this act.

25 § 9. This act shall take effect immediately and shall apply to taxable  
26 years beginning on or after January 1, 2024.

27 PART MM

28 Section 1. Short title. This act shall be known and may be cited as  
29 the "artificial intelligence deceptive practices act".

30 § 2. This act enacts into law major components of legislation neces-  
31 sary to implement the artificial intelligence deceptive practices act.  
32 Each component is wholly contained within a Subpart identified as  
33 Subparts A through B. The effective date for each particular provision  
34 contained within such Subpart is set forth in the last section of such  
35 Subpart. Any provision in any section contained within a Subpart,  
36 including the effective date of the Subpart, which makes a reference to  
37 a section "of this act", when used in connection with that particular  
38 component, shall be deemed to mean and refer to the corresponding  
39 section of the Subpart in which it is found. Section four of this act  
40 sets forth the general effective date of this act.

41 SUBPART A

42 Section 1. Section 50 of the civil rights law is amended to read as  
43 follows:

44 § 50. Right of privacy. A person, firm or corporation that uses for  
45 advertising purposes, or for the purposes of trade, the name, portrait  
46 [or], picture, likeness, or voice of any living person without having  
47 first obtained the written consent of such person, or if a minor of [his  
48 or her] such minor's parent or guardian, is guilty of a misdemeanor.

49 § 2. Section 51 of the civil rights law, as amended by chapter 674 of  
50 the laws of 1995, is amended to read as follows:

51 § 51. Action for injunction and for damages. Any person whose name,  
52 portrait, picture, likeness or voice is used within this state for

1 advertising purposes or for the purposes of trade without the written  
2 consent first obtained as above provided may maintain an equitable  
3 action in the supreme court of this state against the person, firm or  
4 corporation so using [his] such person's name, portrait, picture, like-  
5 ness or voice, to prevent and restrain the use thereof; and may also sue  
6 and recover damages for any injuries sustained by reason of such use and  
7 if the defendant shall have knowingly used such person's name, portrait,  
8 picture, likeness or voice in such manner as is forbidden or declared to  
9 be unlawful by section fifty of this article, the jury, in its  
10 discretion, may award exemplary damages. But nothing contained in this  
11 article shall be so construed as to prevent any person, firm or corpo-  
12 ration from selling or otherwise transferring any material containing  
13 such name, portrait, picture, likeness or voice in whatever medium to  
14 any user of such name, portrait, picture, likeness or voice, or to any  
15 third party for sale or transfer directly or indirectly to such a user,  
16 for use in a manner lawful under this article; nothing contained in this  
17 article shall be so construed as to prevent any person, firm or corpo-  
18 ration, practicing the profession of photography, from exhibiting in or  
19 about [his or its] their establishment specimens of the work of such  
20 establishment, unless the same is continued by such person, firm or  
21 corporation after written notice objecting thereto has been given by the  
22 person portrayed; and nothing contained in this article shall be so  
23 construed as to prevent any person, firm or corporation from using the  
24 name, portrait, picture, likeness or voice of any manufacturer or dealer  
25 in connection with the goods, wares and merchandise manufactured,  
26 produced or dealt in by [him] such manufacturer or dealer which [he has]  
27 they have sold or disposed of with such name, portrait, picture, like-  
28 ness or voice used in connection therewith; or from using the name,  
29 portrait, picture, likeness or voice of any author, composer or artist  
30 in connection with [his] their literary, musical or artistic productions  
31 which [he has] they have sold or disposed of with such name, portrait,  
32 picture, likeness or voice used in connection therewith. Nothing  
33 contained in this section shall be construed to prohibit the copyright  
34 owner of a sound recording from disposing of, dealing in, licensing or  
35 selling that sound recording to any party, if the right to dispose of,  
36 deal in, license or sell such sound recording has been conferred by  
37 contract or other written document by such living person or the holder  
38 of such right. Nothing contained in the foregoing sentence shall be  
39 deemed to abrogate or otherwise limit any rights or remedies otherwise  
40 conferred by federal law or state law.

41 § 3. The opening paragraph of subdivision 1 and subdivisions 4 and 5  
42 of section 52-b of the civil rights law, as added by chapter 109 of the  
43 laws of 2019, are amended and a new subdivision 11 is added to read as  
44 follows:

45 Any person depicted in a still or video image, including an image  
46 created or altered by digitization, regardless of whether or not the  
47 original still or video image was consensually obtained, shall have a  
48 cause of action against an individual who, for the purpose of harassing,  
49 annoying or alarming such person, disseminated or published, or threat-  
50 ened to disseminate or publish, such still or video image, where such  
51 image:

52 4. Any person depicted in a still or video image, including an image  
53 created or altered by digitization, that depicts an unclothed or exposed  
54 intimate part of such person, or such person engaging in sexual conduct  
55 as defined in subdivision ten of section 130.00 of the penal law with  
56 another person, which is disseminated or published without the consent

1 of such person and where such person had a reasonable expectation that  
2 the image would remain private, may maintain an action or special  
3 proceeding for a court order to require any website that is subject to  
4 personal jurisdiction under subdivision five of this section to perma-  
5 nently remove such still or video image; any such court order granted  
6 pursuant to this subdivision may direct removal only as to images that  
7 are reasonably within such website's control.

8 5. a. Any website that hosts or transmits a still or video image,  
9 including an image created or altered by digitization, viewable in this  
10 state, taken under circumstances where the person depicted had a reason-  
11 able expectation that the image would remain private, which depicts:

12 (i) an unclothed or exposed intimate part, as defined in section  
13 245.15 of the penal law, of a resident of this state; or

14 (ii) a resident of this state engaging in sexual conduct as defined in  
15 subdivision ten of section 130.00 of the penal law with another person;  
16 and

17 b. Such still or video image is hosted or transmitted without the  
18 consent of such resident of this state, shall be subject to personal  
19 jurisdiction in a civil action in this state to the maximum extent  
20 permitted under the United States constitution and federal law.

21 11. For purposes of this section, "digitization" means the use of  
22 software, machine learning, artificial intelligence, or any other compu-  
23 ter-generated or technological means, including adapting, modifying,  
24 manipulating, or altering a realistic depiction.

25 § 4. Paragraphs b and e of subdivision 1 of section 52-c of the civil  
26 rights law, as added by chapter 304 of the laws of 2020, are amended to  
27 read as follows:

28 b. "digitization" means to realistically depict the nude body parts of  
29 another human being as the nude body parts of the depicted individual,  
30 computer-generated nude body parts as the nude body parts of the  
31 depicted individual or the depicted individual engaging in sexual  
32 conduct, as defined in subdivision ten of section 130.00 of the penal  
33 law, in which the depicted individual did not engage. "Digitization"  
34 may also mean the use of software, machine learning, artificial intelli-  
35 gence, or any other computer-generated or technological means, including  
36 adapting, modifying, manipulating, or altering a realistic depiction.

37 e. "sexually explicit material" means any portion of an audio visual  
38 work that shows the depicted individual:

39 i. performing in the nude, meaning with an unclothed or exposed inti-  
40 mate part, as defined in section 245.15 of the penal law[, or];

41 ii. appearing to engage in, or being subjected to, sexual conduct, as  
42 defined in subdivision ten of section 130.00 of the penal law[.]; or

43 iii. posed in a manner intended to elicit sexual arousal or gratifi-  
44 cation and where a person would have a reasonable expectation of priva-  
45 cy.

46 § 5. This act shall take effect immediately.

47 SUBPART B

48 Section 1. Section 14-106 of the election law is amended by adding two  
49 new subdivisions 5 and 6 to read as follows:

50 5. (a) For purposes of this subdivision:

51 (i) "Materially deceptive media" means any image, video, audio, text,  
52 or any technological representation of speech or conduct fully or  
53 partially created or modified that:

1 (1) exhibits a high level of authenticity or convincing appearance  
2 that is visually or audibly indistinguishable from reality to a reason-  
3 able person;

4 (2) depicts a scenario that did not actually occur or that has been  
5 altered in a significant way from how they actually occurred; and

6 (3) is created by or with software, machine learning, artificial  
7 intelligence, or any other computer-generated or technological means,  
8 including adapting, modifying, manipulating, or altering a realistic  
9 depiction.

10 (ii) "Information content provider" means any person or entity that is  
11 responsible, in whole or in part, for the creation or development of  
12 information provided through the Internet or any other interactive  
13 computer service.

14 (b) (i) A person, firm, association, corporation, campaign, committee,  
15 or organization that distributes or publishes any political communi-  
16 cation that was produced by or includes materially deceptive media and  
17 knows or should know that it is materially deceptive shall be required  
18 to disclose this use.

19 (ii) (1) For visual media the disclosure shall be printed or typed in  
20 a legible font size easily readable by the average viewer that is no  
21 smaller than other text appearing in the visual media and in the same  
22 language used on the communication to read as follows: "This (image,  
23 video, or audio) has been manipulated".

24 (2) For communication that is auditory, such as radio or automated  
25 telephone calls, clearly speaking the statement at the beginning of the  
26 audio, at the end of the audio, and, if the audio is greater than two  
27 minutes in length, interspersed within the audio at intervals of not  
28 greater than two minutes each and in the same language as the rest of  
29 the audio used in the communication, and in a pitch that can be easily  
30 heard by the average listener satisfies the requirements of clause one  
31 of this subparagraph.

32 (iii) This paragraph shall not apply to the following:

33 (1) materially deceptive media that constitutes satire or parody;

34 (2) materially deceptive media created for the purposes of bona fide  
35 news reporting when the required disclosure is included; or

36 (3) initial dissemination by a platform or service including, but not  
37 limited to, a website, regularly published newspaper, or magazine, where  
38 the content disseminated is materially deceptive media provided by  
39 another information content provider when a good faith effort has been  
40 made to establish that the depiction is not materially deceptive  
41 media.

42 (iv) A candidate whose voice or likeness appears in materially decep-  
43 tive media in violation of this subdivision may seek reasonable court  
44 costs and attorneys' fees and injunctive relief prohibiting the  
45 distribution, publication or broadcasting of any materially deceptive  
46 media in violation of this subdivision against such individual or entity  
47 who disseminated or published such media without the consent of the  
48 person depicted and who knew or should have known that it was mate-  
49 rially deceptive. An action under this paragraph shall be initiated by  
50 filing an application for an order to show cause in the supreme court  
51 where the materially deceptive media at issue could deceive and influ-  
52 ence electors in an upcoming election. Such action shall be entitled to  
53 an automatic calendar preference and be subject to expedited pretrial  
54 and trial proceedings.



1 (v) In any action alleging a violation of this subdivision in which  
2 a plaintiff seeks preliminary relief with respect to an upcoming  
3 election, the court shall grant relief if it determines that:

4 (A) plaintiffs are more likely than not to succeed on the merits; and

5 (B) it is possible to implement an appropriate remedy that would  
6 resolve the alleged violation in the upcoming election.

7 (vi) In any action commenced under this subdivision, the plaintiff  
8 bears the burden of establishing the use of materially deceptive media  
9 by clear and convincing evidence.

10 6. Nothing in this section shall be construed to limit, or to enlarge,  
11 the protections that 47 U.S.C. § 230 confers on an interactive computer  
12 service for content provided by another information content provider, as  
13 such terms are defined in 47 U.S.C. § 230.

14 § 2. This act shall take effect immediately.

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

25 § 4. This act shall take effect immediately provided, however, that  
26 the applicable effective date of Subparts A through B of this act shall  
27 be as specifically set forth in the last section of such Subparts.

28 PART NN

29 Section 1. Section 2328 of the insurance law, as amended by chapter  
30 182 of the laws of 2023, is amended to read as follows:

31 § 2328. Certain motor vehicle insurance rates; prior approval. [For  
32 the periods February first, nineteen hundred seventy-four through August  
33 second, two thousand one, and the effective date of the  
34 property/casualty insurance availability act through June thirtieth, two  
35 thousand twenty-six, no] No changes in rates, rating plans, rating rules  
36 and rate manuals applicable to motor vehicle insurance, including  
37 no-fault coverages under article fifty-one of this chapter, shall be  
38 made effective until approved by the superintendent, notwithstanding any  
39 inconsistent provisions of this article[; provided, however, that chang-  
40 es in such rates, rating plans, rating rules and rate manuals may be  
41 made effective without such approval if the rates that result from such  
42 changes are no higher than the insurer's rates last approved by the  
43 superintendent]. This section shall apply only to policies covering  
44 losses or liabilities arising out of ownership of a motor vehicle used  
45 principally for the transportation of persons for hire, including a bus  
46 or a school bus as defined in sections one hundred four and one hundred  
47 forty-two of the vehicle and traffic law.

48 § 2. This act shall take effect immediately.

49 PART OO

50 Section 1. Subdivision 20 of section 16-e of section 1 of chapter 174  
51 of the laws of 1968, constituting the New York state urban development

1 corporation act, is amended by adding a new paragraph (f) to read as  
2 follows:

3 (f) Each regional economic development council awardee may certify in  
4 writing to such regional economic development council that they maintain  
5 internship opportunities, along with the number of opportunities, a  
6 description of the work the interns will engage in, and descriptions of  
7 any supplementary programming offered to the interns.

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

10 PART PP

11 Section 1. Section 1115 of the tax law is amended by adding a new  
12 subdivision (11) to read as follows:

13 (11) The following shall be exempt from tax under this article: (1)  
14 Receipts from the retail sale of, and consideration given or contracted  
15 to be given for, or for the use of, residential energy storage systems  
16 equipment and the service of installing such systems. For the purposes  
17 of this subdivision, "residential energy storage systems equipment"  
18 shall mean an arrangement or combination of components installed in a  
19 residence that stores electricity for use at a later time to provide  
20 heating, cooling, hot water and/or electricity.

21 (2) Receipts from the sale of electricity by a person primarily  
22 engaged in the sale of energy storage system equipment and/or electric-  
23 ity generated by such equipment pursuant to a written agreement under  
24 which such electricity is generated by residential energy system storage  
25 equipment that is: (A) owned by a person other than the purchaser of  
26 such electricity; (B) installed on residential property of the purchaser  
27 of such electricity; and (C) used to provide heating, cooling, hot water  
28 or electricity.

29 § 2. This act shall take effect June 1, 2024 and shall expire and be  
30 deemed repealed June 1, 2026.

31 PART QQ

32 Section 1. (1) Within 18 months of the effective date of this section  
33 the New York state energy research and development authority, hereinaft-  
34 er authority, in consultation with the department of public service, the  
35 department of transportation, the department of motor vehicles, the New  
36 York state thruway authority, the New York power authority, and the Long  
37 Island power authority, the department of environmental conservation  
38 shall conduct a needs evaluation to:

39 (a) consider planning for fast charger deployment along alternative  
40 fuel corridors and major freight corridors;

41 (b) identify the number and location of fast chargers along priority  
42 highway corridors and major freight corridors, including fast chargers  
43 currently in operation and in development;

44 (c) estimate future need for fast charger deployment along priority  
45 highway and major freight corridors for the purposes of (i) facilitating  
46 the cost-effective and timely achievement of mandates under (A) article  
47 75 of the environmental conservation law, (B) section 19-0306-b of the  
48 environmental conservation law regarding zero-emissions vehicle sales  
49 targets, (C) rules and regulations for zero-emissions vehicles adopted  
50 by the commissioner of environmental conservation, and (D) other rele-  
51 vant and applicable federal and state rules or regulations or local

1 goals to reduce transportation sector emissions; and (ii) supporting  
2 electric vehicle adoption by consumers and fleet operators;

3 (d) identify the number and location of highway charging hubs, includ-  
4 ing but not limited to thruway charging hubs and freight charging hubs,  
5 currently in operation and in development along priority highway and  
6 major freight corridors;

7 (e) estimate total charging capacity required to serve light duty,  
8 medium duty, and heavy duty electric vehicles at each highway and  
9 freight charging hub through 2035;

10 (f) identify, to the extent practicable, the number and location of  
11 commercial and public fleet vehicles in operation, including their body  
12 type, fuel type, model year, zip code, and other relevant information  
13 needed to forecast the number and location of zero-emissions vehicles,  
14 per state policy;

15 (g) identify the number and location of fleet charging zones;

16 (h) estimate future need for charging deployment and charging capacity  
17 in the fleet charging zones, sufficient to satisfy the targets and regu-  
18 lations identified in paragraph (c) of this subdivision;

19 (i) examine ways to optimize fast charger deployment among the highway  
20 charging hubs, the freight charging hubs, and all such charging hubs,  
21 and charging development among the fleet charging zones to reduce the  
22 cost of interconnection, if deemed necessary, and electric distribution  
23 and local transmission upgrades while serving projected vehicle traffic  
24 volumes;

25 (j) analyze and assess the total potential costs associated with any  
26 identified need;

27 (k) analyze and assess federal or state funding opportunities to mini-  
28 mize such costs to rate payers; and

29 (1) identify the number and location of critical public charging sites  
30 and estimate future need for charging deployment and charging capacity  
31 for critical public charging sites.

32 (2) The authority shall develop a stakeholder engagement process to  
33 raise consumer awareness and education across the state and solicit  
34 feedback from the public, local government, representatives or residents  
35 of environmental justice or disadvantaged communities, electric vehicle  
36 manufacturers, electric vehicle supply equipment manufacturers, fleet  
37 operators, school district transportation directors and others on the  
38 highway and depot charging needs evaluation. To the extent practicable  
39 and consistent with applicable timelines, the authority may coordinate  
40 the highway and depot charging needs evaluation stakeholder input proc-  
41 ess with the process set forth in section 1884 of the public authorities  
42 law.

43 (3) The needs evaluation shall be made publicly available on the  
44 authority's website.

45 (4) When conducting the needs evaluation, the following locations  
46 shall be considered for designation as highway and/or freight charging  
47 hubs:

48 (a) All thruway charging hubs.

49 (b) Additional sites or geographic areas based on (i) eligibility for  
50 federal, state, or other funding opportunities, including but not limit-  
51 ed to needs identified through the NEVI formula program planning proc-  
52 ess, (ii) proximity to electric transmission infrastructure, (iii)  
53 projected vehicle traffic, (iv) charging network coverage, (v) inter-  
54 state and intrastate commerce, (vi) benefits to environmental justice  
55 and disadvantaged communities, (vii) benefits of increased charging  
56 accessibility in host communities, (viii) real property ownership or

1 control of potential sites, (ix) relevant commitments from site and/or  
2 charging operators, and (x) other factors deemed relevant for the devel-  
3 opment and successful implementation of the highway charging needs eval-  
4 uation.

5 (c) Locations within one mile of the priority highway corridors,  
6 spaced no more than fifty miles apart along the priority highway corri-  
7 dors and reasonably accessible regardless of direction of travel.

8 (d) Privately operated sites which are open to the public or multiple  
9 commercial entities that have adequate parking and amenities to serve as  
10 a highway charging hub or freight charging hub, subject to reasonable  
11 restrictions.

12 (5) When conducting the needs evaluation, the following geographic  
13 area criteria shall be considered when determining designations as fleet  
14 charging zones:

15 (a) total number of commercial and public fleet vehicles in operation  
16 and/or total number of fleet operators in the geographic area,

17 (b) projected vehicle traffic in the geographic area,

18 (c) benefits to public fleets, such as school bus operators,

19 (d) benefits to environmental justice and disadvantaged communities,

20 (e) relevant commitments from fleet and/or site operators to install  
21 charging equipment,

22 (f) available capacity on the electric distribution and local trans-  
23 mission network to serve vehicle chargers,

24 (g) ensuring equitable coverage and access to fleet charging through-  
25 out the state, and

26 (h) sites where private or public fleet vehicles are regularly parked,  
27 maintained, or otherwise dispatched for service, including school bus  
28 garages.

29 (6) As used in this section, the following terms shall have the  
30 following meanings:

31 (a) "Alternative fuel corridors" shall mean highways designated within  
32 the state pursuant to the national electric vehicle infrastructure  
33 formula program under 23 U.S.C. 151 and previously designated under the  
34 federal Fixing America's Surface Transportation Act of 2015.

35 (b) "Charging needs evaluation" shall mean the highway and depot  
36 charging needs evaluation.

37 (c) "Critical public charging site" shall mean a priority site for the  
38 deployment of charging infrastructure designed to support buildout of  
39 charging in densely populated urban areas where access to charging may  
40 be limited.

41 (d) "Fast charger" shall mean a direct current electric vehicle charg-  
42 ing port which can charge at a level of at least 150 kilowatts.

43 (e) "Fleet charging zone" shall mean a priority geographic area for  
44 the deployment of charging infrastructure for public and commercial  
45 fleet operators or owners, including school bus fleets, taxi and ride-  
46 share vehicle fleets.

47 (f) "Freight charging hub" shall mean a priority site for the deploy-  
48 ment of large scale, fast charging infrastructure, which has minimum  
49 station power capability to simultaneously provide power across at least  
50 four ports for charging. These sites may include highway charging hubs.

51 (g) "Highway and depot charging needs evaluation" shall mean the needs  
52 evaluation developed pursuant to subdivision two of this section.

53 (h) "Highway charging hub" shall mean a priority site for the deploy-  
54 ment of large scale, fast charging infrastructure, which has minimum  
55 station power capability to simultaneously provide power across four

1 ports for charging. These sites shall include but are not limited to  
2 thruway charging hubs.

3 (i) "Major freight corridor" shall mean segments of the freight trans-  
4 portation network identified by the federal highway administration that  
5 carry more than 50,000,000 tons per year, including highway segments  
6 that carry at least 8,500 trucks per day, additional highway segments  
7 and parallel rail lines that together carry at least 8,500 trucks,  
8 trailer-on-flatcar, and container-on-flatcar payloads of typically high-  
9 value, time sensitive cargo, and rail lines and waterways that carry  
10 fifty million tons in bulk cargo per year.

11 (j) "NEVI" shall mean the national electric vehicle infrastructure  
12 program established under the federal Infrastructure Investment and Jobs  
13 Act of 2021.

14 (k) "Priority highway corridor" shall mean alternative fuel corridors  
15 and other state and county highways identified in the charging needs  
16 evaluation as appropriate to ensure sufficient and equitable charging  
17 access throughout the state.

18 (l) "Thruway charging hubs" shall mean all highway service areas  
19 controlled, leased, owned, or operated by the New York state thruway  
20 authority.

21 § 2. This act shall take effect immediately and shall be deemed to  
22 have been in full force and effect on and after April 1, 2024.

23

## PART RR

24 Section 1. Notwithstanding any law to the contrary, the state of New  
25 York may consent to binding arbitration with respect to the interpreta-  
26 tion of a contract, agreement, or other document or instrument or any  
27 matter in each case set forth therein that is lawfully adopted by the  
28 Gateway Development Commission pursuant to the Gateway Development  
29 Commission Act, chapter 108 of the laws of 2019, with respect to phase  
30 one of the Gateway Project as described in paragraph (h) of subdivision  
31 2 of section 2 of that act, and to which the state of New York is a  
32 party.

33 § 2. This act shall take effect immediately.

34

## PART SS

35 Section 1. This act enacts into law major components of legislation  
36 necessary related to transparency in local economic development act.  
37 Each component is wholly contained within a Subpart identified as  
38 Subparts A through B. The effective date for each particular provision  
39 contained within such Subpart is set forth in the last section of such  
40 Subpart. Any provision in any section contained within a Subpart,  
41 including the effective date of the Subpart, which makes a reference to  
42 a section "of this act", when used in connection with that particular  
43 component, shall be deemed to mean and refer to the corresponding  
44 section of the Subpart in which it is found. Section three of this act  
45 sets forth the general effective date of this act.

46

## SUBPART A

47 Section 1. The public authorities law is amended by adding a new  
48 section 8 to read as follows:

1 § 8. Local authorities searchable subsidy and economic development  
2 benefits database. 1. For the purposes of this section, the following  
3 terms shall have the following meanings:

4 (a) "Economic development benefits" shall mean:

5 (i) funds made available by a local development corporation for  
6 economic development, or job creation purposes including, but not limit-  
7 ed to, grants, loans, and bonds; and

8 (ii) bonds and tax exemptions which are applied for and preapproved or  
9 certified by or on behalf of an industrial development agency for  
10 economic development.

11 (b) "Qualified participant" shall mean a project operator pursuant to  
12 section eight hundred seventy-four of the general municipal law with a  
13 project pursuant to section eight hundred fifty-four of the general  
14 municipal law.

15 (c) "Full-time equivalent" shall mean a unit of measure, which is  
16 equal to one filled, full-time, annual-salaried position in a manner  
17 consistent with federal calculations.

18 (d) "The office" shall mean the authorities budget office.

19 (e) "The database" or "the searchable database" shall mean the data-  
20 base created pursuant to subdivision two of this section.

21 (f) "The project" shall mean specific work, action, endeavor, contract  
22 or agreement for which any economic benefit as defined in paragraph (a)  
23 of this subdivision, is made available or awarded by a local development  
24 corporation or industrial development agency to a person, business,  
25 limited liability corporation or any other entity.

26 2. Notwithstanding any laws to the contrary, the office shall create a  
27 searchable database, displaying data regarding economic development  
28 benefits that a qualified participant has been awarded. Such searchable  
29 database shall include the following data, features and functionality to  
30 the extent practicable:

31 (a) the ability to search the database by each of the reported infor-  
32 mation fields;

33 (b) the ability to be searchable, downloadable, and posted on a  
34 publicly accessible website as well as referenced on the office's  
35 website, with a direct link to the database;

36 (c) the ability to digitally select defined individual fields corre-  
37 sponding to any of the reported information from qualified participants  
38 to create unique database views;

39 (d) the ability to download the database in its entirety, or in part,  
40 in a common machine readable format;

41 (e) a definition or description of terms for fields in the database;

42 (f) a summary of each separate economic development benefit defined in  
43 paragraph (a) of subdivision one of this section awarded to qualified  
44 participants;

45 (g) a user-friendly guide to outline the features and functionality of  
46 the database;

47 (h) a dedicated email account for the public to direct questions  
48 related to the database, and the office mailing address, office tele-  
49 phone number, and name of the chief officer;

50 (i) the following data on local development corporations shall be  
51 included:

52 (i) relating to grants, the source of funds for the grant, the name  
53 and address of the entity that received the grant, the date and amount  
54 awarded, how the grant funds will be used, whether the grant proceeds  
55 were expected to result in new jobs being created, and if so, how many

1 jobs were planned to be created and how many jobs have been created to  
2 date;

3 (ii) relating to loans, the source of funds for the loan, the name and  
4 address of the entity that received the loan, the date and amount  
5 awarded, the loan interest rate, the length of the loan in years, the  
6 amount repaid to date, how the loan funds will be used, and whether the  
7 loan was provided to the recipient for the purpose of creating jobs, and  
8 if so, how many jobs were planned to be created and how many jobs have  
9 been created to date; and

10 (iii) relating to bonds, the name and address of the recipient of the  
11 bond proceeds, the amount and date of the bond issuance, the bond inter-  
12 est rate, the year the bonds are expected to be fully retired, the  
13 amount of bond principal retired during the reporting period, how the  
14 bond proceeds are used, whether the bond proceeds were provided to the  
15 recipient to create jobs, and if so, how many jobs were planned to be  
16 created and how many jobs have been created to date; and

17 (j) the following data on industrial development agency projects shall  
18 be included:

19 (i) project name, project type, project location, and the project's  
20 complete address, including the postal code in a separate and searchable  
21 field;

22 (ii) whether the project is part of another phase or multi phase, the  
23 category of the project purpose, the total project amount, the benefited  
24 project amount, if the project type was a bond, the bond amount, if the  
25 project type was a lease, the lease amount, whether the qualified recip-  
26 ient is a not-for-profit, the date the project was approved, whether the  
27 industrial development agency took title to a property, and if so, the  
28 date that title was taken, and the year financial assistance is planned  
29 to end;

30 (iii) the qualified participant's name and the qualified participant's  
31 complete address, including the postal code in a separate and searchable  
32 field;

33 (iv) the amount of project tax exemptions granted, including for  
34 state sales tax, local sales tax, county real property tax, local prop-  
35 erty tax, school property tax, mortgage recording tax, the total  
36 exemptions, and the total exemptions net of real property tax law  
37 section four hundred eighty-five-b;

38 (v) the amount of payments in lieu of taxes agreed upon and actually  
39 made to the county, local municipality, or school district, the total  
40 amount of payments in lieu of taxes agreed upon and actually made, and  
41 the net exemptions once the payments in lieu of taxes are subtracted  
42 from the total project tax exemptions; and

43 (vi) the total number of employees for the project prior to industrial  
44 development agency status, estimate of jobs to be created, average esti-  
45 imated annual salary of jobs to be created, annualized salary range of  
46 jobs to be created, original estimate of jobs to be retained, estimated  
47 average annual salary of jobs to be retained, current number of full-  
48 time equivalents, number of full-time equivalent construction jobs  
49 during the reporting fiscal year, and the net employment change.

50 3. The office shall submit a quarterly report to the governor, tempo-  
51 rary president of the senate, and speaker of the assembly outlining key  
52 usage statistics of the database created pursuant to subdivision two of  
53 this section including, but not limited to, the total number of unique  
54 users that quarter.

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

1

## SUBPART B

2 Section 1. The public authorities law is amended by adding a new  
3 section 2829 to read as follows:

4 § 2829. State and local authorities subject to the open meetings and  
5 freedom of information laws. All state and local authorities, as such  
6 terms are defined in section two of this chapter, as well as all subsid-  
7 iaries of such state and local authorities, as such terms are defined in  
8 section two of this chapter, shall be subject to the provisions of arti-  
9 cles six and seven of the public officers law relating to the freedom of  
10 information and open meetings laws respectively. All state and local  
11 authorities, as well as all subsidiaries of such state and local author-  
12 ities, shall, to the extent practicable, stream all open meetings and  
13 public hearings on their website in real-time, post video recordings of  
14 all open meetings and public hearings on their website within five busi-  
15 ness days of the meeting or hearing and maintain such recordings for a  
16 period of not less than five years.

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

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

29 § 3. This act shall take effect immediately provided, however, that  
30 the applicable effective date of Subparts A through B of this act shall  
31 be as specifically set forth in the last section of such Subpart.

32

## PART TT

33 Section 1. This part enacts into law components of legislation relat-  
34 ing to the establishment of the New York state empire artificial intel-  
35 ligence research program. Each component is wholly contained within a  
36 Subpart identified as Subparts A through B. The effective date for each  
37 particular provision contained within such Subpart as set forth in the  
38 last section of such Subpart. Any provision in any section contained  
39 within a Subpart, including the effective date of the Subpart, which  
40 makes a reference to a section "of this act", when used in connection  
41 with that particular component, shall be deemed to mean and refer to the  
42 corresponding section of the Subpart in which it is found. Section three  
43 of this act sets forth the general effective date of this act.

44

## SUBPART A

45 Section 1. The economic development law is amended by adding a new  
46 section 361 to read as follows:

47 § 361. New York state empire artificial intelligence research program.  
48 1. Definitions. Whenever used in this section:

49 (a) "Division" shall mean the division of science, technology, and  
50 innovation within the department.



1 (b) "Empire AI consortium" or "the consortium" shall be the not-for-  
2 profit corporation created to construct and manage the institute.

3 (c) "Institute" shall mean the empire AI research institute at the  
4 university of Buffalo established pursuant to subdivision two of this  
5 section.

6 2. Empire AI research institute at the university of Buffalo. A state-  
7 owned research and computing facility at the state university of New  
8 York at Buffalo shall be established, to be known as the empire AI  
9 research institute, to promote responsible research and development to  
10 advance the ethical and public interest uses of artificial intelligence  
11 technology in the state. The institute shall be operated and managed by  
12 the consortium. Construction of the institute shall be completed by the  
13 university at Buffalo, its affiliates or related entities at the direc-  
14 tion of the consortium, or the consortium.

15 3. Labor standards. Any construction project done pursuant to this  
16 section or using the moneys appropriated by New York state for the  
17 purposes of this section, shall require the use of a project labor  
18 agreement, as defined in subdivision one of section two hundred twenty-  
19 two of the labor law, for all contractors and subcontractors on the  
20 project, consistent with paragraph (a) of subdivision two of section two  
21 hundred twenty-two of the labor law.

22 4. Energy efficiency. The division, in cooperation with the urban  
23 development corporation and the empire AI consortium, shall work with  
24 the power authority of New York, the New York state energy research and  
25 development authority, and the department of environmental conservation  
26 to ensure a reliable and sufficient clean energy supply for the insti-  
27 tute, to maximize the energy efficiency of the facility or facilities  
28 and equipment of the institute, and minimize emissions and negative  
29 environmental impacts, including from the use of freshwater resources,  
30 from constructing, operating, and of maintaining the institute.

31 § 2. Section 1 of chapter 174 of the laws of 1968, constituting the  
32 New York state urban development corporation act, is amended by adding a  
33 new section 16-ii to read as follows:

34 § 16-ii. Empire AI consortium reports. Beginning May first, two thou-  
35 sand twenty-seven, and annually thereafter, the corporation shall  
36 prepare and publish on its website, an annual report on the empire AI  
37 research institute at the university of Buffalo. Such report shall  
38 include but not be limited to: detail on achieving the goals and mission  
39 of the empire AI research institute at the university of Buffalo, a  
40 summary of the state investment into the empire AI research institute at  
41 the university of Buffalo, the leveraged investment, job creation  
42 impact, the total investment, total funding disbursed by the corporation  
43 to date, the names of the private sector and academic partners that  
44 participate in the empire AI research institute at the university of  
45 Buffalo and affirmation that any and all academic partners are recog-  
46 nized by the board of regents as defined in section two hundred two of  
47 the education law, a list of research areas of focus, an accounting of  
48 the total number of small businesses provided access to the supercomput-  
49 ing equipment, an assessment of whether or not the contract awardee, via  
50 the corporation, is in compliance with the terms and conditions of the  
51 contract with regard to the empire AI research institute at the univer-  
52 sity of Buffalo, an articulation of any additional state benefits for  
53 empire state development projects as defined in paragraph (a-3) of  
54 subdivision one of section fifty-eight of this chapter. Additionally, in  
55 all years in which the institute is fully operational, such report shall



1 include noteworthy projects or innovations which serve to highlight the  
2 developments occurring in New York state as a result of the project.

3 § 3. Provisions related to the empire AI consortium. 1. As used in  
4 this section, the terms "consortium", "institute" or "division" shall  
5 have the same meaning as provided in section 361 of the economic devel-  
6 opment law.

7 2. Plan of operation. No later than one year after the incorporation  
8 of the empire AI consortium, the consortium shall file with the division  
9 its plan of operation, which shall be designed to assure the fair,  
10 responsible, reasonable, and equitable administration of the consortium.  
11 A copy of the plan shall be submitted to the governor, the temporary  
12 president of the senate and the speaker of the assembly. The plan of  
13 operation shall at minimum, in addition to any requirements enumerated  
14 elsewhere in law, establish:

15 (a) the mission of the consortium and principles of ethical use of  
16 artificial intelligence technologies;

17 (b) procedures for application and approval of new members and policy  
18 regarding rights and responsibilities of a member of the consortium;

19 (c) adequate privacy controls to ensure the privacy and confidentiali-  
20 ty of individuals' personal data; and

21 (d) adequate cybersecurity controls to ensure the confidentiality,  
22 integrity, and availability of systems and data.

23 3. Financial oversight of the consortium. No later than May first of  
24 each year after the incorporation of the consortium, the consortium  
25 shall submit to the governor, the temporary president of the senate, the  
26 speaker of the assembly, and the director of budget, the certified  
27 financial statements prepared in accordance with generally accepted  
28 accounting principles by a certified public accountant. The consortium  
29 shall be required on and after January first of each year to afford the  
30 certified public accountant convenient access at all reasonable hours to  
31 all books, records, and other documents, including but not limited to  
32 invoices and vouchers, necessary or useful in the preparation of such  
33 statements and in the verification of the monthly statements submitted  
34 to the consortium.

35 § 4. This act shall take effect immediately; provided, however, that  
36 section three of this act shall expire and be deemed repealed five years  
37 after such date.

38

#### SUBPART B

39 Section 1. Legislative findings. The legislature finds that the state  
40 university of New York at Buffalo ("UB") seeks to use a portion of the  
41 grounds and facilities on UB's campus for the purposes of the empire AI  
42 consortium to create and launch a state-of-the-art artificial intelli-  
43 gence computing center. The legislature further finds that housing this  
44 consortium on the UB campus will allow the consortium to bring together  
45 artificial intelligence researchers and scientists to accelerate  
46 research and innovation. Finally, the legislature finds that granting  
47 the trustees of the state university of New York the authority and power  
48 to lease and otherwise contract to make available such grounds and  
49 facilities for such purpose will serve the interests of the people of  
50 New York state by expanding educational and research opportunities,  
51 spurring innovation, and strengthening the economy.

52 § 2. Notwithstanding any other law to the contrary, the state univer-  
53 sity trustees are authorized and empowered, without any public bidding,  
54 to lease and otherwise contract to make available to the empire AI

1 consortium (the "ground lessee") a portion of the lands of the universi-  
2 ty generally described in this act for the purpose of developing,  
3 constructing, maintaining and operating a facility situated on the  
4 campus of the state university of New York at Buffalo for use by the  
5 empire AI consortium, an artificial intelligence data science technology  
6 hub and computing center. The lease shall permit the construction of a  
7 facility by the university at Buffalo, its affiliates or related enti-  
8 ties at the direction of the consortium, or the empire AI consortium.  
9 Notwithstanding anything in this act to the contrary, the empire AI  
10 consortium and/or any subsidiary of such consortium is specifically  
11 authorized to operate on the leased real property. Such lease or  
12 contract shall be without any fee simple conveyance and otherwise upon  
13 terms and conditions determined by such trustees, subject to the  
14 approval of the director of the division of the budget, the attorney  
15 general and the state comptroller. In the event that the real property  
16 that is the subject of such lease or contract shall cease to be used for  
17 the purpose described in this act, such lease or contract shall imme-  
18 diately terminate, and the real property and any improvements thereon  
19 shall revert to the state university of New York. Any lease or contract  
20 entered into pursuant to this act shall be for a period not exceeding  
21 twenty years, and provide that the real property that is the subject of  
22 such lease or contract and any improvements thereon shall revert to the  
23 state university of New York on the expiration of such contract or  
24 lease.

25 § 3. Any contract or lease entered into pursuant to this act shall be  
26 deemed to be a state contract for purposes of article 15-A of the execu-  
27 tive law, and any contractor, subcontractor, lessee or sublessee enter-  
28 ing into such contract or lease for the construction, demolition, recon-  
29 struction, excavation, rehabilitation, repair, renovation, alteration or  
30 improvement authorized pursuant to this act shall be deemed a state  
31 agency for the purposes of article 15-A of the executive law and subject  
32 to the provisions of such article.

33 § 4. Notwithstanding any general, special or local law or judicial  
34 decision to the contrary, all work performed on a project authorized by  
35 this act where all or any portion thereof involves a lease or agreement  
36 for construction, demolition, reconstruction, excavation, rehabili-  
37 tation, repair, renovation, alteration or improvement shall be deemed  
38 public work and shall be subject to and performed in accordance with the  
39 provisions of article 8 of the labor law to the same extent and in the  
40 same manner as a contract of the state, and compliance with all the  
41 provisions of article 8 of the labor law shall be required of any  
42 lessee, sublessee, contractor or subcontractor on the project, including  
43 the enforcement of prevailing wage requirements by the fiscal officer as  
44 defined in paragraph e of subdivision 5 of section 220 of the labor law  
45 to the same extent as a contract of the state.

46 § 5. Notwithstanding any law, rule or regulation to the contrary, the  
47 state university of New York shall not contract out to the ground lessee  
48 or any subsidiary for the instruction or any pedagogical functions or  
49 services, or any administrative services, and similar professional  
50 services currently being exclusively performed by state employees. All  
51 such functions and services shall be performed by state employees pursu-  
52 ant to the civil service law. Nothing in this act shall result in the  
53 displacement of any currently employed state worker or the loss of posi-  
54 tion (including partial displacement such as reduction in the hours of  
55 non-overtime, wages or employment benefits), or result in the impairment  
56 of existing contracts for services or collective bargaining rights

1 pursuant to existing agreements. All positions currently at the state  
2 university of New York in the unclassified service of the civil service  
3 law shall remain in the unclassified service.

4 § 6. For the purposes of this act:

5 (a) "Project" shall mean work at the property authorized by this act  
6 to be leased to the ground lessee as described in section twelve of this  
7 act that involves the design, construction, reconstruction, demolition,  
8 excavation, rehabilitation, repair, renovation, alteration or improve-  
9 ment of such property.

10 (b) "Project labor agreement" shall mean a pre-hire collective  
11 bargaining agreement between a contractor and a labor organization,  
12 establishing the labor organization as the collective bargaining repre-  
13 sentative for all persons who will perform work on the project, and  
14 which provides that only contractors and subcontractors who sign a pre-  
15 negotiated agreement with the labor organization can perform project  
16 work.

17 § 7. Nothing in this act shall be deemed to waive or impair any rights  
18 or benefits of employees of the state university of New York that other-  
19 wise would be available to them pursuant to the terms of agreements  
20 between the certified representatives of such employees and the state of  
21 New York pursuant to article 14 of the civil service law, and all work  
22 performed on such property that ordinarily would be performed by employ-  
23 ees subject to article 14 of the civil service law shall continue to be  
24 performed by such employees.

25 § 8. Notwithstanding the provisions of any general, special, or local  
26 law or judicial decision to the contrary, the ground lessee shall  
27 require the use of a project labor agreement, as defined in subdivision  
28 one of section two hundred twenty-two of the labor law, for all contrac-  
29 tors and subcontractors on the project, consistent with paragraph (a) of  
30 subdivision 2 of section 222 of the labor law.

31 § 9. Without limiting the determination of the terms and conditions of  
32 such contracts or leases, such terms and conditions may provide for  
33 leasing, subleasing, construction, reconstruction, rehabilitation,  
34 improvement, operation and management of and provision of services and  
35 assistance and the granting of licenses, easements and other arrange-  
36 ments with regard to such grounds and facilities by the ground lessee,  
37 and parties contracting with the ground lessee, and in connection with  
38 such activities, the obtaining of funding or financing, whether public  
39 or private, unsecured or secured (including, but not limited to, secured  
40 by leasehold mortgages and assignments of rents and leases), by the  
41 ground lessee and parties contracting with the ground lessee for the  
42 purposes of completing the project described in this act.

43 § 10. Such lease shall include an indemnity provision whereby the  
44 lessee or sublessee promises to indemnify, hold harmless and defend the  
45 lessor against all claims, suits, actions, and liability to all persons  
46 on the leased premises, including tenant, tenant's agents, contractors,  
47 subcontractors, employees, customers, guests, licensees, invitees and  
48 members of the public, for damage to any such person's property, whether  
49 real or personal, or for personal injuries arising out of tenant's use  
50 or occupation of the demised premises.

51 § 11. Any construction contracts entered into pursuant to this act  
52 between the ground lessee and parties contracting with the ground lessee  
53 shall be awarded by a competitive process.

54 § 12. The property authorized by this act to be leased to the ground  
55 lessee is generally described as within one of two parcels of real prop-  
56 erty with improvements thereon consisting of a total of approximately

1 3.13 acres situated on the campus of the state university of New York at  
2 Buffalo. The description in this section of the parcels that may be made  
3 available pursuant to this act is not meant to be a legal description,  
4 but is intended only to identify the parcels:

5 Parcel 1

6 Beginning at a point identified as X coordinate -78.79788341 and Y coor-  
7 dinate 42.99251367;

8 Running thence approximately east for a distance of 400 feet to a point  
9 identified as X coordinate -78.79638843 and Y coordinate 42.99251637;

10 Running thence approximately south for a distance of 200 feet to a point  
11 identified as X coordinate -78.79638612 and Y coordinate 42.99196762;

12 Running thence approximately west for a distance of 400 feet to a point  
13 identified as X coordinate -78.79788117 and Y coordinate 42.99196493;  
14 and

15 Running thence approximately north for a distance of 200 feet to the  
16 point or place of beginning.

17 Containing 80,000 sq. ft. (1.84 acres), more or less. Subject to all  
18 existing easements and restrictions of record.

19 Parcel 2

20 Beginning at a point identified as X coordinate -78.78973207 and Y coor-  
21 dinate 42.99481553;

22 Running thence approximately east for a distance of 450 feet to a point  
23 identified as X coordinate -78.78808744 and Y coordinate 42.99481837;

24 Running thence approximately south for a distance of 125 feet to a point  
25 identified as X coordinate -78.78808635 and Y coordinate 42.9944754;

26 Running thence approximately west for a distance of 450 feet to a point  
27 identified as X coordinate -78.78973097 and Y coordinate 42.99447256;  
28 and

29 Running thence approximately north for a distance of 125 feet to the  
30 point or place of beginning.

31 Containing 56,250 sq. ft. (1.29 acres), more or less. Subject to all  
32 existing easements and restrictions of record.

33 In the event that the trustees of the state university of New York  
34 determine that it is in the best interests of the state to utilize a  
35 different parcel on the campus of the state university of New York at  
36 Buffalo for the purposes set out in this act, they are authorized to do  
37 so upon sixty days notice to the director of the budget, the secretary  
38 of the senate finance committee, and the secretary of the assembly ways  
39 and means committee.

1 § 13. The state university of New York shall not lease lands described  
2 in this act unless any such lease shall be executed within 5 years of  
3 the effective date of this act.

4 § 14. Insofar as the provisions of this act are inconsistent with the  
5 provisions of any law, general, special or local, the provisions of this  
6 act shall be controlling.

7 § 15. This act shall take effect immediately.

8 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
9 sion, section or subpart of this act shall be adjudged by any court of  
10 competent jurisdiction to be invalid, such judgment shall not affect,  
11 impair, or invalidate the remainder thereof, but shall be confined in  
12 its operation to the clause, sentence, paragraph, subdivision, section  
13 or subpart thereof directly involved in the controversy in which such  
14 judgment shall have been rendered. It is hereby declared to be the  
15 intent of the legislature that this act would have been enacted even if  
16 such invalid provisions had not been included herein.

17 § 3. This act shall take effect immediately provided, however, that  
18 the applicable effective date of Subparts A through B of this act shall  
19 be as specifically set forth in the last section of such Subparts.

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

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