

FY 2022 NEW YORK STATE EXECUTIVE BUDGET
TRANSPORTATION, ECONOMIC DEVELOPMENT AND
ENVIRONMENTAL CONSERVATION
ARTICLE VII LEGISLATION

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CONSERVATION
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Legislative Bill Drafting Commission
12573-01-1

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI

(Enacts into law major components of
legislation necessary to implement
the state transportation, economic
development and environmental
conservation budget for the
2021-2022 state fiscal year)

BUDGBI. TED; G

AN ACT

to amend the vehicle and traffic law
and the general business law, in
relation to penalties for commercial
vehicles on parkways and penalties
for overweight vehicles and to
preventing bridge strikes (Part A);
to amend the penal law and the vehi-
cle and traffic law, in relation to
transportation worker safety
(Subpart A); to amend the vehicle

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s17 Felder	s07 Kaplan	s58 O'Mara	s10 Sanders
s52 Akshar	s59 Gallivan	s26 Kavanagh	s62 Ortt	s23 Savino
s36 Bailey	s05 Gaughran	s63 Kennedy	s01 Palumbo	s32 Sepulveda
s30 Benjamin	s12 Gianaris	s28 Krueger	s21 Parker	s41 Serino
s34 Biaggi	s22 Gounardes	s24 Lanza	s19 Persaud	s29 Serrano
s57 Borrello	s47 Griffo	s11 Liu	s13 Ramos	s39 Skoufis
s04 Boyle	s40 Harckham	s50 Mannion	s61 Rath	s16 Stavisky
s44 Breslin	s54 Helming	s42 Martucci	s38 Reichlin-	s45 Stec
s25 Brisport	s46 Hinchey	s02 Mattera	Melnick	s35 Stewart-
s08 Brooks	s27 Hoylman	s53 May	s48 Ritchie	Cousins
s55 Brouk	s31 Jackson	s37 Mayer	s33 Rivera	s49 Tedisco
s14 Comrie	s43 Jordan	s20 Myrie	s60 Ryan	s06 Thomas
s56 Cooney	s09 Kaminsky	s51 Oberacker	s18 Salazar	s03 Weik

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a063 Cusick	a021 Griffin	a051 Mitaynes	a111 Santabarbara
a092 Abinanti	a045 Cymbrowitz	a100 Gunther	a015 Montesano	a090 Sayegh
a031 Anderson	a018 Darling	a139 Hawley	a145 Morinello	a099 Schmitt
a122 Angelino	a053 Davila	a083 Heastie	a065 Niou	a076 Seawright
a107 Ashby	a072 De La Rosa	a028 Hevesi	a037 Nolan	a084 Septimo
a035 Aubry	a003 DeStefano	a128 Hunter	a144 Norris	a016 Sillitti
a120 Barclay	a070 Dickens	a029 Hyndman	a069 O'Donnell	a052 Simon
a030 Barnwell	a054 Dilan	a079 Jackson	a091 Otis	a114 Simpson
a106 Barrett	a081 Dinowitz	a104 Jacobson	a132 Palmesano	a005 Smith
a060 Barron	a147 DiPietro	a011 Jean-Pierre	a088 Paulin	a118 Smullen
a082 Benedetto	a009 Durso	a134 Jensen	a141 Peoples-	a022 Solages
a042 Bichotte	a048 Eichenstein	a115 Jones	Stokes	a057 Souffrant
Hermelyn	a004 Englebright	a077 Joyner	a058 Perry	Forrest
a117 Blankenbush	a074 Epstein	a125 Kelles	a023 Pheffer	a110 Steck
a098 Brabenc	a109 Fahy	a040 Kim	Amato	a010 Stern
a026 Braunstein	a061 Fall	a105 Lalor	a086 Pichardo	a127 Stirpe
a138 Bronson	a080 Fernandez	a013 Lavine	a089 Pretlow	a102 Tague
a012 Brown	a008 Fitzpatrick	a097 Lawler	a073 Quart	a064 Tannousis
a093 Burdick	a124 Friend	a126 Lemondes	a019 Ra	a071 Taylor
a085 Burgos	a046 Frontus	a135 Lunsford	a038 Rajkumar	a001 Thiele
a142 Burke	a095 Galef	a123 Lupardo	a006 Ramos	a033 Vanel
a119 Buttenschon	a050 Gallagher	a129 Magnarelli	a062 Reilly	a116 Walczyk
a094 Byrne	a131 Gallahan	a036 Mamdani	a087 Reyes	a055 Walker
a133 Byrnes	a007 Gandolfo	a130 Manktelow	a043 Richardson	a143 Wallace
a103 Cahill	a002 Giglio, J.A.	a108 McDonald	a078 Rivera, J.	a112 Walsh
a044 Carroll	a148 Giglio, J.M.	a014 McDonough	a149 Rivera, J.D.	a041 Weinstein
a136 Clark	a066 Glick	a146 McMahan	a068 Rodriguez	a024 Weprin
a047 Colton	a034 Gonzalez-	a137 Meeks	a027 Rosenthal, D.	a059 Williams
a140 Conrad	Rojas	a017 Mikulin	a067 Rosenthal, L.	a113 Woerner
a032 Cook	a150 Goodell	a101 Miller, B.	a025 Rozic	a096 Zebrowski
a039 Cruz	a075 Gottfried	a020 Miller, M.	a121 Salka	a056 Zinerman

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and: in Assembly 2 copies of memorandum in support, in
Senate 4 copies of memorandum in support (single house); or 4 signed copies
of bill and 6 copies of memorandum in support (uni-bill).

and traffic law and the highway law, in relation to highway clearance (Subpart B); to amend the vehicle and traffic law, in relation to increased fines for injury to pedestrians (Subpart C); and to amend the vehicle and traffic law, in relation to work zone safety and outreach (Subpart D) (Part B); to amend the public authorities law, in relation to electronic bidding (Part C); to amend the public authorities law, in relation to the minimum amount for a procurement contract (Part D); to amend the penal law, in relation to including the intentional use of any toll highway, parkway, road, bridge or tunnel or entry into or remaining in a tolled central business district without payment of the lawful toll or charge as a theft of services; and to amend the vehicle and traffic law, in relation to the penalty imposed upon the operator of a vehicle with an altered or obscured license plate while on a toll highway, bridge or tunnel (Part E); to amend the public authorities law, in relation to procurements conducted by the New York City transit authority and the metropolitan transportation authority; to amend part 00 of chapter 54 of the laws of 2016, amending the public authorities law relating to procurements by the New York City transit authority and the metropolitan transportation authority, in relation to the effectiveness thereof; and to repeal certain provisions of the public authorities law relating thereto (Part F); to amend the public authorities law, in relation to metropolitan transportation authority capital projects and utility relocations (Part G); to amend the public authorities law, in relation to the use and occupancy of streets for transportation projects (Part H); to amend the penal law, in relation to assaulting or harassing certain employees of a transit agency or authority (Part I); 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 J); to amend the 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 K); to amend the multiple dwelling law, in relation to temporary rules for certain multiple dwelling units used as joint living-work quarters; and providing for the repeal of such provisions upon expiration thereof (Part L); to amend section 3 of part S of chapter 58 of the laws of 2016, relating to transferring the statutory authority for the promulgation of marketing orders from the department of agriculture and markets to the New York state urban development corporation, in relation to the effectiveness thereof (Part M); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to the effectiveness thereof (Part N); to amend the business corporation law, the general associations law, the limited liability company law, the not-for-profit corporation law, the partnership law and the real property law, in relation to service of process (Part O); to amend the executive law, in relation to authorizing remote notarization (Part P); to amend the environmental conservation law, the executive law, and the public service law, in relation to making technical amendments related to the office of renewable energy siting (Part Q); in relation to the eligibility of certain renewable energy credits for purposes of compliance with local building emissions requirements; and providing for the repeal of such provisions upon the expiration thereof (Part R); to amend the public

authorities law, in relation to powers of the New York convention center operating corporation (Part S); to amend part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority, in relation to the utility debt securitization authority; and in relation to permitting the issuance of securitized restructuring bonds to finance system resiliency costs (Part T); to amend the economic development law, in relation to recharge New York power for eligible small businesses and not-for-profit corporations (Part U); to amend the insurance law, the public authorities law and the tax law, in relation to authorizing the power authority of the state of New York to form a pure captive insurance company (Part V); to authorize the 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 and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part W); to amend the environmental conservation law and the state finance law, in relation to hunting; and to repeal certain provisions of the environmental conservation law relating thereto (Part X); to amend the environmental conservation law, in relation to prohibiting plastic carryout bags (Part Y); to authorize the county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart A); to authorize the village of East Rockaway, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart B); and to authorize the village of Rockville Centre, county of Nassau, to permanently and temporarily

convey certain easements and to temporarily alienate certain parklands (Subpart C) (Part Z); to amend the tax law, in relation to extending certain brownfield credit periods that expire on or after 3/20/20 and before 12/31/21 for two years (Part AA); to authorize the grant of certain easements to AlleCatt Wind Energy LLC on a proportion of real property within the Farmersville State Forest, Swift Hill State Forest, and Lost Nation State Forest in the county of Allegany; and providing for the repeal of such provisions upon the expiration thereof (Part BB); to amend chapter 58 of the laws of 2013 amending the environmental conservation law and the state finance law relating to the "Cleaner, Greener NY Act of 2013", in relation to the effectiveness thereof (Part CC); in relation to establishing the "rail advantaged housing act" (Part DD); to amend the public authorities law, in relation to the clean energy resources development and incentives program (Part EE); to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; and to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee (Part FF); to amend the vehicle and traffic law, in relation to requiring persons to use one hand while operating a motor vehicle, unless such vehicle is engaged to perform steering function; and 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 required submission of a report on the demonstrations and tests of motor vehicles equipped with autonomous vehicle technology; and in relation to the effectiveness thereof (Part GG); to amend the vehicle and traffic law and the state finance law, in relation to temporarily requiring the department of motor vehicles to

collect a one dollar convenience fee for modernization of information technology used by the department; and providing for the repeal of such provisions upon expiration thereof (Part HH); to amend chapter 58 of the laws of 2012, amending the public health law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to the effectiveness thereof (Part II); to amend the insurance law, in relation to unauthorized providers of health services; and to authorize the superintendent of financial services to convene a motor vehicle insurance task force to examine alternatives to the no-fault insurance system and deliver a report relating thereto (Part JJ); to repeal section 410 of the economic development law; and to amend the public authorities law, in relation to authorizing the department of economic development to designate centers for advanced technology program (Part KK); to amend the banking law, in relation to the forbearance of residential mortgage payments (Part LL); establishing the COVID-19 emergency eviction and foreclosure prevention for tenants and owners of commercial real property act of 2021; relating to a temporary stay of eviction proceedings of commercial tenants; and providing for the repeal of certain provisions upon expiration thereof (Subpart A); and relating to a temporary stay of mortgage foreclosure proceedings for commercial or multi-family real property; and providing for the repeal of certain provisions upon expiration thereof (Subpart B) (Part MM); to amend subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, in relation to funding to local government entities from the urban development corporation (Part NN); to amend chapter 108 of the laws of 2020, amending the public service law relating to issuing a moratorium

on utility termination of services during periods of pandemics and/or state of emergencies, in relation to making such provisions permanent; to amend the public service law, the public authorities law and the general business law, in relation to issuing a moratorium on utility termination of services; and providing for the repeal of certain provisions of the public service law relating thereto (Part OO); to amend the general obligations law, in relation to the discontinuance of the London interbank offered rate (Part PP); to amend the general business law, in relation to broadband service for low-income consumers (Part QQ); to amend the public authorities law, in relation to authorizing the dormitory authority of the state of New York to enter into certain loans (Part RR); to amend the New York state medical care facilities finance agency act, in relation to the ability to issue certain bonds and notes (Part SS); and to amend the economic development law and the tax law, in relation to establishing the small business return-to-work tax credit program (Subpart A); to amend the economic development law and the tax law, in relation to establishing the restaurant return-to-work tax credit program (Subpart B); and to amend the tax law and the state finance law, in relation to establishing the New York city musical and theatrical production tax credit (Subpart C) (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 2021-2022 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. Subdivisions (h) and (i) of section 1800 of the vehicle and
15 traffic law, as amended by section 1 of part B of chapter 58 of the laws
16 of 2020, are amended to read as follows:

17 (h) Notwithstanding the provisions of subdivisions (b) and (c) of this
18 section, a person convicted of a traffic infraction for a violation of
19 any ordinance, order, rule, regulation or local law adopted pursuant to
20 one or more of the following provisions of this chapter: paragraphs two
21 and nine of subdivision (a) of section sixteen hundred twenty-one;
22 subdivision three of section sixteen hundred thirty; or subdivision five
23 of section seventy-one of the transportation law, prohibiting the opera-
24 tion on a highway or parkway of a motor vehicle registered as a commer-
25 cial vehicle and having a gross vehicle weight rating of at least ten
26 thousand pounds but no more than twenty-six thousand pounds shall, for a

1 first conviction thereof, be punished by a fine of not more than [three
2 hundred fifty] one thousand dollars or by imprisonment of not more than
3 fifteen days or by both such fine and imprisonment; for a conviction of
4 a second violation, both of which were committed within a period of
5 eighteen months, such person shall be punished by a fine of not more
6 than [seven] one thousand five hundred dollars or by imprisonment for
7 not more than forty-five days or by both such fine and imprisonment;
8 upon a conviction of a third or subsequent violation, all of which were
9 committed within a period of eighteen months, such person shall be
10 punished by a fine of not more than [one] two thousand five hundred
11 dollars or by imprisonment of not more than ninety days or by both such
12 fine and imprisonment; provided, however, the provisions of this subdi-
13 vision shall not apply to a commercial motor vehicle as such term is
14 defined in paragraph (a) of subdivision four of section five hundred
15 one-a of this chapter.

16 (i) Notwithstanding the provisions of subdivisions (b) and (c) of this
17 section, a person convicted of a traffic infraction for a violation of
18 any ordinance, order, rule, regulation or local law adopted pursuant to
19 one or more of the following provisions of this chapter: paragraphs two
20 and nine of subdivision (a) of section sixteen hundred twenty-one;
21 subdivision three of section sixteen hundred thirty; or subdivision five
22 of section seventy-one of the transportation law, prohibiting the opera-
23 tion on a highway or parkway of a commercial motor vehicle as defined in
24 paragraph (a) of subdivision four of section five hundred one-a of this
25 chapter, for a first conviction thereof, be punished by a fine of not
26 more than [seven hundred] five thousand dollars or by imprisonment of
27 not more than fifteen days or by both such fine and imprisonment; for a
28 conviction of a second violation, both of which were committed within a

1 period of eighteen months, such person shall be punished by a fine of
2 not more than [one] seven thousand five hundred dollars or by imprison-
3 ment for not more than forty-five days or by both such fine and impri-
4 sonment; upon a conviction of a third or subsequent violation, all of
5 which were committed within a period of eighteen months, such person
6 shall be punished by a fine of not more than [two] ten thousand dollars
7 or by imprisonment of not more than ninety days or by both such fine and
8 imprisonment. In addition to the penalties provided for in this subdivi-
9 sion, the registration of the vehicle may be suspended for a period not
10 to exceed one year whether at the time of the violation the vehicle was
11 in charge of the owner or his agent. The provisions of section five
12 hundred ten of this chapter shall apply to such suspension except as
13 otherwise provided herein.

14 § 2. Subdivision 18-a of section 385 of the vehicle and traffic law,
15 as added by section 2 of part B of chapter 58 of the laws of 2020, is
16 amended to read as follows:

17 18-a. A violation of the provisions of [subdivisions] subdivision two
18 or fourteen of this section, where the violation relates to the height
19 of the vehicle, including a violation related to the operation, within a
20 city not wholly included within one county, of a vehicle which exceeds
21 the limitations provided for in the rules and regulations of the city
22 department of transportation of such city, shall be punishable by a fine
23 of not more than [one] five thousand dollars, or by imprisonment for not
24 more than thirty days, or by both such fine and imprisonment, for the
25 first offense; by a fine of not more than [two] seven thousand five
26 hundred dollars, or by imprisonment for not more than sixty days, or by
27 both such fine and imprisonment, for the second or subsequent offense;
28 provided that a sentence or execution thereof for any violation under

1 this subdivision may not be suspended. For any violation of the
2 provisions of [subdivisions] subdivision two or fourteen of this section
3 where the violation relates to the height of the vehicle, including a
4 violation related to the operation, within a city not wholly included
5 within one county, of a vehicle which exceeds the limitations provided
6 for in the rules and regulations of the city department of transporta-
7 tion of such city, the registration of the vehicle may be suspended for
8 a period not to exceed one year whether at the time of the violation the
9 vehicle was in charge of the owner or his agent. The provisions of
10 section five hundred ten of this chapter shall apply to such suspension
11 except as otherwise provided herein.

12 § 3. Subdivision 54 of section 375 of the vehicle and traffic law, as
13 added by chapter 11 of the laws of 2020, is amended to read as follows:

14 54. Stretch limousine and commercial motor vehicle commercial GPS. (a)
15 Every stretch limousine and commercial motor vehicle registered in this
16 state shall be equipped with commercial global positioning system (GPS)
17 technology within no later than one year of the date upon which the
18 national highway traffic safety administration promulgates final regu-
19 lations establishing standards for commercial GPS.

20 (b) It shall be unlawful to operate or cause to be operated a stretch
21 limousine or commercial motor vehicle registered in this state on any
22 public highway or private road open to public motor vehicle traffic
23 unless such stretch limousine or commercial motor vehicle is equipped
24 with commercial global positioning system (GPS) technology as required
25 by this subdivision and such commercial global positioning system (GPS)
26 technology is used. The presence in such stretch limousine or commercial
27 motor vehicle of commercial global positioning system (GPS) technology
28 connected to a power source and in an operable condition is presumptive

1 evidence of its use by any person operating such stretch limousine or
2 commercial motor vehicle. Such presumption may be rebutted by any credi-
3 ble and reliable evidence which tends to show that such commercial
4 global positioning system (GPS) technology was not in use.

5 (c) For the purposes of this subdivision:

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

10 (ii) "Commercial motor vehicle" shall mean a motor vehicle or combina-
11 tion of vehicles having a gross combination weight rating of more than
12 ten thousand pounds used in commerce to transport property or persons
13 and shall include a tow truck with a gross vehicle weight rating of at
14 least eighty-six hundred pounds; and

15 (iii) "Commercial global positioning system (GPS) technology" shall
16 mean global positioning system (GPS) technology which has been specif-
17 ically designed to assist in the navigation of commercial motor vehi-
18 cles.

19 § 4. The vehicle and traffic law is amended by adding a new section
20 509-vv to read as follows:

21 § 509-vv. The use of non-commercial global positioning systems. One
22 year following the date upon which the national highway traffic safety
23 administration promulgates final regulations establishing standards for
24 commercial global positioning systems (GPS), the use of non-commercial
25 global positioning systems (GPS) by any commercial driver or commercial
26 motor carrier, while engaged in the operation or directing the operation
27 of any commercial vehicle, is prohibited. For purposes of this section,
28 non-commercial global positioning system (GPS) shall mean any global

1 positioning technology which has not been specifically designed to
2 assist in the navigation of commercial vehicles.

3 § 5. The vehicle and traffic law is amended by adding a new section
4 509-vvv to read as follows:

5 § 509-vvv. Parkways notification. Commercial carriers must notify, in
6 writing, all commercial drivers in their employ of the prohibition
7 against operating commercial motor vehicles on parkways.

8 § 6. The vehicle and traffic law is amended by adding a new section
9 509-ii to read as follows:

10 § 509-ii. The use of non-commercial global positioning systems. One
11 year following the date upon which the national highway traffic safety
12 administration promulgates final regulations establishing standards for
13 commercial global positioning systems (GPS), the use of non-commercial
14 global positioning systems (GPS) by any bus driver or motor carrier,
15 while engaged in the operation or directing the operation of any bus, is
16 prohibited. For purposes of this section, non-commercial global posi-
17 tioning system (GPS) shall mean any global positioning technology which
18 has not been specifically designed to assist in the navigation of
19 commercial vehicles.

20 § 7. The vehicle and traffic law is amended by adding a new section
21 509-iii to read as follows:

22 § 509-iii. Parkways notification. Motor carriers must notify, in writ-
23 ing, all bus drivers in their employ of the prohibition against operat-
24 ing commercial motor vehicles on parkways.

25 § 8. The general business law is amended by adding a new section 396-
26 zz to read as follows:

27 § 396-zz. Commercial vehicle owner notifications of parkway prohibi-
28 tions. (a) All rental vehicle companies, as defined in section three

1 hundred ninety-six-z of this article, must notify in writing all author-
2 ized drivers or renters, as defined in section three hundred
3 ninety-six-z of this article, of the prohibition against commercial
4 motor vehicles operating on parkways for any rentals or leases of
5 commercial motor vehicles. For purposes of this section "commercial
6 motor vehicle" shall mean a motor vehicle or combination of vehicles
7 having a gross combination weight rating of more than ten thousand
8 pounds used to transport property or persons and shall include a tow
9 truck with a gross vehicle weight rating of at least eighty-six hundred
10 pounds.

11 (b) A conviction for a violation of this section shall be punishable
12 by a fine of not more than one thousand dollars.

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

22 § 10. This act shall take effect on the one hundred eightieth day
23 after it shall have become a law; provided, however, that this act shall
24 be deemed repealed if any federal agency determines in writing that this
25 act would render New York state ineligible for the receipt of federal
26 funds or any court of competent jurisdiction finally determines that
27 this act would render New York state out of compliance with federal law
28 or regulation; and provided further that for sections four and six of

1 this act, the commissioner of transportation shall notify the legisla-
2 tive bill drafting commission upon the occurrence of the provisions of
3 sections four and six of this act, in order that the commission may
4 maintain an accurate and timely effective data base of the official text
5 of the laws of the state of New York in furtherance of effectuating the
6 provisions of section 44 of the legislative law and section 70-b of the
7 public officers law. Effective immediately, the addition, amendment
8 and/or repeal of any rule or regulation necessary for the implementation
9 of sections four and six of this act on its effective date are author-
10 ized to be made and completed on or before such effective date.

11 PART B

12 Section 1. This act enacts into law components of legislation which
13 are necessary to implement legislation relating to the safety of trans-
14 portation workers, pedestrians, and the traveling public. Each component
15 is wholly contained within a Subpart identified as Subparts A through D.
16 The effective date for each particular provision contained within such
17 Subpart is set forth in the last section of such Subpart. Any provision
18 in any section contained within a Subpart, including the effective date
19 of the Subpart, which makes a reference to a section "of this act", when
20 used in connection with that particular component, shall be deemed to
21 mean and refer to the corresponding section of the Subpart in which it
22 is found. Section three of this act sets forth the general effective
23 date of this act.

24 SUBPART A

1 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,
2 subdivision 3 as amended by chapter 267 of the laws of 2016, and subdivi-
3 sion 11 as separately amended by chapters 268 and 281 of the laws of
4 2016, are amended to read as follows:

5 3. With intent to prevent a peace officer, a police officer, prosecu-
6 tor as defined in subdivision thirty-one of section 1.20 of the criminal
7 procedure law, registered nurse, licensed practical nurse, public health
8 sanitarian, New York city public health sanitarian, sanitation enforce-
9 ment agent, New York city sanitation worker, a firefighter, including a
10 firefighter acting as a paramedic or emergency medical technician admin-
11 istering first aid in the course of performance of duty as such fire-
12 fighter, an emergency medical service paramedic or emergency medical
13 service technician, or medical or related personnel in a hospital emer-
14 gency department, a city marshal, a school crossing guard appointed
15 pursuant to section two hundred eight-a of the general municipal law, a
16 traffic enforcement officer, traffic enforcement agent, a highway worker
17 as defined in section one hundred eighteen-a of the vehicle and traffic
18 law, a motor vehicle inspector and motor carrier investigator as defined
19 in section one hundred eighteen-b of the vehicle and traffic law,
20 employee of the New York state department of motor vehicles or a county
21 clerk performing motor vehicle transactions on behalf of such depart-
22 ment, or employee of any entity governed by the public service law in
23 the course of performing an essential service, from performing a lawful
24 duty, by means including releasing or failing to control an animal under
25 circumstances evincing the actor's intent that the animal obstruct the
26 lawful activity of such peace officer, police officer, prosecutor as
27 defined in subdivision thirty-one of section 1.20 of the criminal proce-
28 dure law, registered nurse, licensed practical nurse, public health

1 sanitarian, New York city public health sanitarian, sanitation enforce-
2 ment agent, New York city sanitation worker, firefighter, paramedic,
3 technician, city marshal, school crossing guard appointed pursuant to
4 section two hundred eight-a of the general municipal law, traffic
5 enforcement officer, traffic enforcement agent, highway worker as
6 defined by section one hundred eighteen-a of the vehicle and traffic
7 law, motor vehicle inspector and motor carrier investigator as defined
8 in section one hundred eighteen-b of the vehicle and traffic law,
9 employee of the New York state department of motor vehicles or a county
10 clerk performing motor vehicle transactions on behalf of such depart-
11 ment, or employee of an entity governed by the public service law, he or
12 she causes physical injury to such peace officer, police officer, prose-
13 cutor as defined in subdivision thirty-one of section 1.20 of the crimi-
14 nal procedure law, registered nurse, licensed practical nurse, public
15 health sanitarian, New York city public health sanitarian, sanitation
16 enforcement agent, New York city sanitation worker, firefighter,
17 paramedic, technician or medical or related personnel in a hospital
18 emergency department, city marshal, school crossing guard, traffic
19 enforcement officer, traffic enforcement agent, highway worker as
20 defined by section eighteen-a of the vehicle and traffic law, motor
21 vehicle inspector and motor carrier investigator as defined in section
22 one hundred eighteen-b of the vehicle and traffic law, employee of the
23 New York state department of motor vehicles or a county clerk performing
24 motor vehicle transactions on behalf of such department, or employee of
25 an entity governed by the public service law; or

26 11. With intent to cause physical injury to a train operator, ticket
27 inspector, conductor, signalperson, bus operator, station agent, station
28 cleaner or terminal cleaner employed by any transit agency, authority or

1 company, public or private, whose operation is authorized by New York
2 state or any of its political subdivisions, a city marshal, a school
3 crossing guard appointed pursuant to section two hundred eight-a of the
4 general municipal law, a traffic enforcement officer, traffic enforce-
5 ment agent, a highway worker as defined in section one hundred eigh-
6 teen-a of the vehicle and traffic law, a motor vehicle inspector and
7 motor carrier investigator as defined in section one hundred eighteen-b
8 of the vehicle and traffic law, employee of the New York state depart-
9 ment of motor vehicles or a county clerk performing motor vehicle trans-
10 actions on behalf of such department, prosecutor as defined in subdivi-
11 sion thirty-one of section 1.20 of the criminal procedure law,
12 sanitation enforcement agent, New York city sanitation worker, public
13 health sanitarian, New York city public health sanitarian, registered
14 nurse, licensed practical nurse, emergency medical service paramedic, or
15 emergency medical service technician, he or she causes physical injury
16 to such train operator, ticket inspector, conductor, signalperson, bus
17 operator, station agent, station cleaner or terminal cleaner, city
18 marshal, school crossing guard appointed pursuant to section two hundred
19 eight-a of the general municipal law, traffic enforcement officer, traf-
20 fic enforcement agent, highway worker as defined in section one hundred
21 eighteen-a of the vehicle and traffic law, motor vehicle inspector and
22 motor carrier investigator as defined in section one hundred eighteen-b
23 of the vehicle and traffic law, employee of the New York state depart-
24 ment of motor vehicles or a county clerk performing motor vehicle trans-
25 actions on behalf of such department, prosecutor as defined in subdivi-
26 sion thirty-one of section 1.20 of the criminal procedure law,
27 registered nurse, licensed practical nurse, public health sanitarian,
28 New York city public health sanitarian, sanitation enforcement agent,

1 New York city sanitation worker, emergency medical service paramedic, or
2 emergency medical service technician, while such employee is performing
3 an assigned duty on, or directly related to, the operation of a train or
4 bus, including the cleaning of a train or bus station or terminal, or
5 such city marshal, school crossing guard, traffic enforcement officer,
6 traffic enforcement agent, highway worker as defined by section one
7 hundred eighteen-a of the vehicle and traffic law, motor vehicle inspec-
8 tor and motor carrier investigator as defined in section one hundred
9 eighteen-b of the vehicle and traffic law, employee of the New York
10 state department of motor vehicles or a county clerk performing motor
11 vehicle transactions on behalf of such department, prosecutor as defined
12 in subdivision thirty-one of section 1.20 of the criminal procedure law,
13 registered nurse, licensed practical nurse, public health sanitarian,
14 New York city public health sanitarian, sanitation enforcement agent,
15 New York city sanitation worker, emergency medical service paramedic, or
16 emergency medical service technician is performing an assigned duty; or

17 § 2. The penal law is amended by adding a new section 120.19 to read
18 as follows:

19 § 120.19 Menacing a highway worker.

20 A person is guilty of menacing a highway worker when he or she inten-
21 tionally places or attempts to place a highway worker in reasonable fear
22 of death, imminent serious physical injury or physical injury. For
23 purposes of this section, a highway worker shall have the same meaning
24 as defined by section one hundred eighteen-a of the vehicle and traffic
25 law.

26 Menacing a highway worker is a class E felony.

27 § 3. The vehicle and traffic law is amended by adding two new sections
28 118-a and 118-b to read as follows:

1 § 118-a. Highway worker. Any person employed by or on behalf of the
2 state, a county, city, town or village, a public authority, a local
3 authority, or a public utility company, or the agent or contractor of
4 any such entity, who has been assigned to perform work on a highway,
5 including maintenance, repair, flagging, utility work, construction,
6 reconstruction or operation of equipment on public highway infrastruc-
7 ture and associated rights-of-way in highway work areas, and shall also
8 include any flagperson as defined in section one hundred fifteen-b of
9 this article.

10 § 118-b. Motor vehicle inspector and motor carrier investigator. Any
11 person employed by the New York state department of transportation who
12 has been assigned to perform inspections of any motor vehicles or inves-
13 tigation of any carriers regulated by the commissioner of the New York
14 state department of transportation.

15 § 4. Subparagraphs (xii) and (xiii) of paragraph a of subdivision 2 of
16 section 510 of the vehicle and traffic law, as added by section 1 of
17 part B of chapter 55 of the laws of 2014, are amended to read as
18 follows:

19 (xii) of a second or subsequent conviction of a violation of section
20 twelve hundred twenty-five-c or section twelve hundred twenty-five-d of
21 this chapter committed where such person is the holder of a probationary
22 license, as defined in subdivision four of section five hundred one of
23 this title, at the time of the commission of such violation and such
24 second or subsequent violation was committed within six months following
25 the restoration or issuance of such probationary license; [or]

26 (xiii) of a second or subsequent conviction of a violation of section
27 twelve hundred twenty-five-c or section twelve hundred twenty-five-d of
28 this chapter committed where such person is the holder of a class DJ or

1 MJ learner's permit or a class DJ or MJ license at the time of the
2 commission of such violation and such second or subsequent violation was
3 committed within six months following the restoration of such permit or
4 license; or

5 (xiv) of menacing a highway worker, or menacing in the first, second
6 or third degree, as defined in article one hundred twenty of the penal
7 law, where such offense was committed against a highway worker.

8 § 5. The vehicle and traffic law is amended by adding a new section
9 1221-a to read as follows:

10 § 1221-a. Intrusion into an active work zone. 1. No driver of a vehi-
11 cle shall enter or intrude into an active work zone except upon direc-
12 tion from a flagperson, police officer, or other visibly designated
13 person in charge of traffic control or upon direction from a traffic
14 control device regulating entry therein. For purposes of this section,
15 the term "active work zone" shall mean the physical area of a highway,
16 street, or private road on which construction, maintenance, or utility
17 work is being conducted, which area is marked by signs, channeling
18 devices, barriers, pavement markings, or work vehicles, and where work-
19 ers are physically present.

20 2. A violation of subdivision one of this section shall constitute a
21 class B misdemeanor punishable by a fine of not less than two hundred
22 fifty dollars, nor more than five hundred dollars or by a period of
23 imprisonment not to exceed three months, or by both such fine and impri-
24 sonment.

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

1 Section 1. Section 600 of the vehicle and traffic law is amended by
2 adding a new subdivision 4 to read as follows:

3 4. Any person operating a motor vehicle involved in an accident not
4 involving personal injury or death who moves such vehicle to a location
5 off the roadway but as near as possible to the place where the damage
6 occurred, so as not to obstruct the regular flow of traffic, shall not
7 be construed to be in violation of subdivision one of this section
8 because of such movement.

9 § 2. Subdivision 2 of section 15 of the highway law, as amended by
10 chapter 1110 of the laws of 1971, is amended to read as follows:

11 2. The commissioner [of transportation], a police officer, or any
12 person acting at the direction of the commissioner or a police officer
13 shall have the power to cause the immediate removal, from the right of
14 way of any state highway, of any vehicle, cargo, or debris which
15 obstructs or interferes with the use of such a highway for public trav-
16 el; or which obstructs or interferes with the construction, recon-
17 struction or maintenance of such a highway; or which obstructs or inter-
18 feres with the clearing or removal of snow or ice from such a highway;
19 or which obstructs or interferes with any operation of the department of
20 transportation during a public emergency. The commissioner, or a police
21 officer, or any person acting at the direction of the commissioner or a
22 police officer, shall not be liable for any damage to such vehicle,
23 cargo, or debris, unless such removal was carried out in a reckless or
24 grossly negligent manner.

25 § 3. This act shall take effect immediately.

1 Section 1. Paragraph 1 of subdivision (b) of section 1146 of the vehi-
2 cle and traffic law, as amended by chapter 333 of the laws of 2010, is
3 amended to read as follows:

4 1. A driver of a motor vehicle who causes physical injury as defined
5 in article ten of the penal law to a pedestrian or bicyclist while fail-
6 ing to exercise due care in violation of subdivision (a) of this
7 section, shall be guilty of a traffic infraction punishable by a fine of
8 not more than [five hundred] one thousand dollars or by imprisonment for
9 not more than fifteen days or by both such fine and imprisonment.

10 § 2. Paragraph 1 of subdivision (c) of section 1146 of the vehicle and
11 traffic law, as amended by chapter 333 of the laws of 2010, is amended
12 to read as follows:

13 1. A driver of a motor vehicle who causes serious physical injury as
14 defined in article ten of the penal law to a pedestrian or bicyclist
15 while failing to exercise due care in violation of subdivision (a) of
16 this section, shall be guilty of a traffic infraction punishable by a
17 fine of not more than [seven hundred fifty] one thousand five hundred
18 dollars or by imprisonment for not more than fifteen days or by required
19 participation in a motor vehicle accident prevention course pursuant to
20 paragraph (e-1) of subdivision two of section 65.10 of the penal law or
21 by any combination of such fine, imprisonment or course, and by suspen-
22 sion of a license or registration pursuant to subparagraph (xiv) or (xv)
23 of paragraph b of subdivision two of section five hundred ten of this
24 chapter.

25 § 3. Subdivision (d) of section 1146 of the vehicle and traffic law,
26 as amended by chapter 333 of the laws of 2010, is amended to read as
27 follows:

1 (d) A violation of subdivision (b) or (c) of this section committed by
2 a person who has previously been convicted of any violation of such
3 subdivisions within the preceding five years, shall constitute a class B
4 misdemeanor punishable by a fine of not more than [one] two thousand
5 dollars in addition to any other penalties provided by law.

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

8 SUBPART D

9 Section 1. The vehicle and traffic law is amended by adding a new
10 section 1221-a to read as follows:

11 § 1221-a. Work zone safety and outreach. The governor's traffic safety
12 committee, upon consultation with the commissioner of transportation,
13 the superintendent of state police, the commissioner of motor vehicles,
14 the chairman of the New York state thruway authority, local law enforce-
15 ment agencies, and representatives for contractors and laborers, shall
16 design and implement a public education and outreach program to increase
17 motorist awareness of the importance of highway work zone safety, to
18 reduce the number of work zone incidents, including speeding, unauthor-
19 ized intrusions into work zones, and any conduct resulting in threats or
20 injuries to highway workers, and to increase and promote work zone safe-
21 ty.

22 § 2. This act shall take effect immediately.

23 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
24 sion, section, subpart or part of this act shall be adjudged by a court
25 of competent jurisdiction to be invalid, such judgment shall not affect,
26 impair, or invalidate the remainder thereof, but shall be confined in

1 its operation to the clause, sentence, paragraph, subdivision, section,
2 subpart or part thereof directly involved in the controversy in which
3 such judgment shall have been rendered. It is hereby declared to be the
4 intent of the legislature that this act would have been enacted even if
5 such invalid provisions had not been included herein.

6 § 3. This act shall take effect immediately, provided, however, that
7 the applicable effective date of Subparts A through D of this act shall
8 be as specifically set forth in the last section of such Subparts.

9 PART C

10 Section 1. Subdivision 1 of section 359 of the public authorities law,
11 as amended by section 6 of part TT of chapter 54 of the laws of 2016, is
12 amended to read as follows:

13 1. On assuming jurisdiction of a thruway section or connection or any
14 part thereof, or of a highway connection, the authority shall proceed
15 with the construction, reconstruction or improvement thereof. All such
16 work shall be done pursuant to a contract or contracts which shall be
17 let to the lowest responsible bidder, by sealed proposals publicly
18 opened, or by electronically secure proposal submission as permitted by
19 the authority and electronically posted for public view, after public
20 advertisement and upon such terms and conditions as the authority shall
21 require; provided, however, that the authority may reject any and all
22 proposals and may advertise for new proposals, as herein provided, if in
23 its opinion, the best interests of the authority will thereby be
24 promoted; provided further, however, that at the request of the authori-
25 ty, all or any portion of such work, together with any engineering
26 required by the authority in connection therewith, shall be performed by

1 the commissioner and his subordinates in the department of transporta-
2 tion as agents for, and at the expense of, the authority.

3 § 2. This act shall take effect immediately.

4 PART D

5 Section 1. Section 359-a of the public authorities law, as amended by
6 section 7 of part TT of chapter 54 of the laws of 2016, is amended to
7 read as follows:

8 § 359-a. Procurement contracts. For the purposes of section twenty-
9 eight hundred seventy-nine of this chapter as applied to the authority,
10 the term "procurement contract" shall mean any written agreement for the
11 acquisition of goods or services of any kind by the authority in the
12 actual or estimated amount of [fifteen] fifty thousand dollars or more.

13 § 2. This act shall take effect immediately.

14 PART E

15 Section 1. Subdivision 3 of section 165.15 of the penal law is amended
16 to read as follows:

17 3. With intent to obtain railroad, subway, bus, air, taxi or any other
18 public transportation service or to use any toll highway, parkway, road,
19 bridge or tunnel or to enter or remain in the tolled central business
20 district described in section seventeen hundred four of the vehicle and
21 traffic law without payment of the lawful charge or toll therefor, or to
22 avoid payment of the lawful charge or toll for such transportation
23 service which has been rendered to him or her or for such use of any
24 toll highway, parkway, road, bridge or tunnel or for such entering or

1 remaining in such tolled central business district, he or she obtains or
2 attempts to obtain such service or to use any toll highway, parkway,
3 road, bridge or tunnel or to enter or remain in a tolled central busi-
4 ness district or avoids or attempts to avoid payment therefor by force,
5 intimidation, stealth, deception or mechanical tampering, or by unjusti-
6 fiable failure or refusal to pay; or

7 § 2. Paragraph (b) of subdivision 1 of section 402 of the vehicle and
8 traffic law, as amended by chapter 109 of the laws of 2005, is amended
9 and a new paragraph (c) is added to read as follows:

10 (b) Number plates shall be kept clean and in a condition so as to be
11 easily readable and shall not be covered by glass or any plastic materi-
12 al, and shall not be knowingly covered or coated with any artificial or
13 synthetic material or substance that conceals or obscures such number
14 plates or that distorts a recorded or photographic image of such number
15 plates, and the view of such number plates shall not be obstructed by
16 any part of the vehicle or by anything carried thereon[, except for a
17 receiver-transmitter issued by a publicly owned tolling facility in
18 connection with electronic toll collection when such receiver-transmit-
19 ter is affixed to the exterior of a vehicle in accordance with mounting
20 instructions provided by the tolling facility].

21 (c) It shall be unlawful for any person to operate, drive or park a
22 motor vehicle on a toll highway, bridge and/or tunnel facility or enter
23 or remain in the tolled central business district described in section
24 seventeen hundred four of this chapter, under the jurisdiction of the
25 tolling authority, if such number plate is not easily readable, nor
26 shall any number plate be covered by glass or any plastic material, and
27 shall not be knowingly covered or coated with any artificial or synthet-
28 ic material or substance that conceals or obscures such number plates,

1 or that distorts a recorded or photographic image of such number plates,
2 and the view of such number plates shall not be obstructed by any part
3 of the vehicle or by anything carried thereon, except for a receiver-
4 transmitter issued by a publicly owned tolling authority in connection
5 with electronic toll collection when such receiver-transmitter is
6 affixed to the exterior of a vehicle in accordance with mounting
7 instructions provided by the tolling authority. For purposes of this
8 paragraph, "tolling authority" shall mean every public authority which
9 operates a toll highway, bridge and/or tunnel or a central business
10 district tolling program as well as the Port Authority of New York and
11 New Jersey, a bi-state agency created by compact set forth in chapter
12 one hundred fifty-four of the laws of nineteen hundred twenty-one, as
13 amended.

14 § 3. Subdivision 8 of section 402 of the vehicle and traffic law, as
15 amended by chapter 61 of the laws of 1989 and as renumbered by chapter
16 648 of the laws of 2006, is amended to read as follows:

17 8. The violation of this section shall be punishable by a fine of not
18 less than twenty-five nor more than two hundred dollars except for
19 violations of paragraph (c) of subdivision one of this section which
20 shall be punishable by a fine of not less than one hundred nor more than
21 five hundred dollars.

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

24 PART F

25 Section 1. Subdivisions 1, 2, 3, 4, 5 and 6 of section 1209 of the
26 public authorities law are REPEALED.

1 § 2. Paragraphs (a) and (b) of subdivision 7 of section 1209 of the
2 public authorities law, as amended by section 3 of subpart C of part ZZZ
3 of chapter 59 of the laws of 2019, are amended to read as follows:

4 (a) Except as otherwise provided in this section, all purchase
5 contracts for supplies, materials or equipment involving an estimated
6 expenditure in excess of one million dollars and all contracts for
7 public work involving an estimated expenditure in excess of one million
8 dollars shall be awarded by the authority to the lowest responsible
9 bidder after obtaining [sealed] bids in the manner hereinafter set
10 forth. The aforesaid shall not apply to contracts for personal, archi-
11 tectural, engineering or other professional services. The authority may
12 reject all bids and obtain new bids in the manner provided by this
13 section when it is deemed in the public interest to do so or, in cases
14 where two or more responsible bidders submit identical bids which are
15 the lowest bids, award the contract to any of such bidders or obtain new
16 bids from such bidders. Nothing in this paragraph shall obligate the
17 authority to seek new bids after the rejection of bids or after cancel-
18 lation of an invitation to bid. Nothing in this section shall prohibit
19 the evaluation of bids on the basis of costs or savings including life
20 cycle costs of the item to be purchased, discounts, and inspection
21 services so long as the invitation to bid reasonably sets forth the
22 criteria to be used in evaluating such costs or savings. Life cycle
23 costs may include but shall not be limited to costs or savings associ-
24 ated with installation, energy use, maintenance, operation and salvage
25 or disposal.

26 (b) Section twenty-eight hundred seventy-nine of this chapter shall
27 apply to the authority's acquisition of goods or services of any kind,
28 in the actual or estimated amount of fifteen thousand dollars or more,

1 provided that (i) a contract for services in the actual or estimated
2 amount of one million dollars or less shall not require approval by the
3 board of the authority regardless of the length of the period over which
4 the services are rendered, and provided further that a contract for
5 services in the actual or estimated amount in excess of one million
6 dollars shall require approval by the board of the authority regardless
7 of the length of the period over which the services are rendered unless
8 such a contract is awarded to the lowest responsible bidder after
9 obtaining [sealed] bids and (ii) the board of the authority may by
10 resolution adopt guidelines that authorize the award of contracts to
11 small business concerns, to service disabled veteran owned businesses
12 certified pursuant to article seventeen-B of the executive law, or
13 minority or women-owned business enterprises certified pursuant to arti-
14 cle fifteen-A of the executive law, or purchases of goods or technology
15 that are recycled or remanufactured, in an amount not to exceed one
16 million dollars without a formal competitive process and without further
17 board approval. The board of the authority shall adopt guidelines which
18 shall be made publicly available for the awarding of such contract with-
19 out a formal competitive process.

20 § 3. Paragraphs (a) and (b) of subdivision 8 of section 1209 of the
21 public authorities law, paragraph (a) as amended by chapter 725 of the
22 laws of 1993 and paragraph (b) as added by chapter 929 of the laws of
23 1986, are amended to read as follows:

24 (a) Advertisement for bids, when required by this section, shall be
25 published at least once in [a newspaper of general circulation in the
26 area served by the authority and in] the procurement opportunities news-
27 letter published pursuant to article four-C of the economic development
28 law provided that, notwithstanding the provisions of article four-C of

1 the economic development law, an advertisement shall only be required
2 when required by this section. Publication in [a newspaper of general
3 circulation in the area served or in] the procurement opportunities
4 newsletter shall not be required if bids for contracts for supplies,
5 materials or equipment are of a type regularly purchased by the authori-
6 ty and are to be solicited from a list of potential suppliers, if such
7 list is or has been developed consistent with the provisions of subdivi-
8 sion eleven of this section. Any such advertisement shall contain a
9 statement of: (i) the time [and place where] by which bids received
10 pursuant to any notice requesting [sealed] bids [will be publicly opened
11 and read] shall be submitted; (ii) the name of the contracting agency;
12 (iii) the contract identification number; (iv) a brief description of
13 the public work, supplies, materials, or equipment sought, the location
14 where work is to be performed, goods are to be delivered or services
15 provided and the contract term; (v) the [address where] manner in which
16 bids or proposals are to be submitted; (vi) the date when bids or
17 proposals are due; (vii) a description of any eligibility or qualifica-
18 tion requirement or preference; (viii) a statement as to whether the
19 contract requirements may be fulfilled by a subcontracting, joint
20 venture, or co-production arrangement; (ix) any other information deemed
21 useful to potential contractors; and (x) the name, address, and tele-
22 phone number of the person to be contacted for additional information.
23 At least [fifteen] ten business days shall elapse between the first
24 publication of such advertisement or the solicitation of bids, as the
25 case may be, and the date of opening and reading of bids.

26 (b) The authority may designate any officer or employee to [open the
27 bids at the time and place bids are to be opened and may designate an
28 officer to] award the contract to the lowest responsible bidder. [Such

1 designee shall make a record of all bids in such form and detail as the
2 authority shall prescribe.] All bids [received] shall be received either
3 through an electronic bidding platform and electronically posted for
4 public view, or publicly opened and read, in either case at the time
5 [and], place and in the manner specified in the advertisement or speci-
6 fied at the time of solicitation, or to which the opening and reading or
7 posting have been adjourned by the authority. All bidders shall be noti-
8 fied of the time and place of any such adjournment. The authority's
9 designated officer or employee shall make a record of all bids in such
10 form and detail as the authority shall prescribe.

11 § 4. Paragraph (e) of subdivision 9 of section 1209 of the public
12 authorities law, as added by chapter 929 of the laws of 1986, is amended
13 to read as follows:

14 (e) the item is available through an existing contract between a
15 vendor and [(i) another public authority provided that such other
16 authority utilized a process of competitive bidding or a process of
17 competitive requests for proposals to award such contract or (ii) the
18 state of New York or the city of New York,] any department, agency or
19 instrumentality of the United States government and/or any department,
20 agency, office, political subdivision or instrumentality of any state or
21 states provided that in any case when the authority under this paragraph
22 determines that obtaining such item thereby would be in the public
23 interest and sets forth the reasons for such determination. The authori-
24 ty shall accept sole responsibility for any payment due the vendor as a
25 result of the authority's order; or

26 § 5. Paragraphs (f) and (g) of subdivision 9 of section 1209 of the
27 public authorities law are REPEALED.

1 § 6. Section 1209 of the public authorities law is amended by adding a
2 new subdivision 9-a to read as follows:

3 9-a. Subdivision seven of this section notwithstanding, the authority
4 may award design-build contracts or contracts for the purchase or reha-
5 bilitation of rapid transit cars or omnibuses pursuant to a process of
6 competitive request for proposals as hereinafter set forth.

7 (a) (i) For purposes of this section, a process for competitive
8 request for proposals shall mean a method of soliciting proposals and
9 awarding a contract on the basis of a formal evaluation of the charac-
10 teristics, such as quality, cost, delivery schedule and financing of
11 such proposals against stated selection criteria. Public notice of the
12 requests for proposals shall be given in the same manner as provided in
13 subdivision eight of this section and shall include the selection crite-
14 ria. In the event the authority makes a material change in the selection
15 criteria from those previously stated in the notice, it will inform all
16 proposers of such change and permit proposers to modify their proposals.

17 (ii) The authority may award a contract pursuant to this paragraph
18 only after a resolution approved by a two-thirds vote of its members
19 then in office at a public meeting of the authority with such resolution
20 (A) disclosing the other proposers and the substance of their proposals,
21 (B) summarizing the negotiation process including the opportunities, if
22 any, available to proposers to present and modify their proposals, and
23 (C) setting forth the criteria upon which the selection was made.

24 (iii) Nothing in this paragraph shall require or preclude (A) negoti-
25 ations with any proposers following the receipt of responses to the
26 request for proposals, or (B) the rejection of any or all proposals at
27 any time. Upon the rejection of all proposals, the authority may solicit
28 new proposals or bids in any manner prescribed in this section.

1 (b)(i) The authority may issue a competitive request for proposals
2 pursuant to the procedures of paragraph (a) of this subdivision for the
3 purchase or rehabilitation of rapid transit cars and omnibuses. Any such
4 request may include among the stated selection criteria the performance
5 of all or a portion of the contract at sites within the state of New
6 York or the use of goods produced or services provided within the state
7 of New York, provided however that in no event shall the authority award
8 a contract to a manufacturer whose final offer, as expressed in unit
9 cost is more than ten percent higher than the unit cost of any qualified
10 competing final offer, if the sole basis for such award is that the
11 higher priced offer includes more favorable provision for the perform-
12 ance of the contract within the state of New York or the use of goods
13 produced or services provided within the state of New York, and further
14 provided that the authority's discretion to award a contract to any
15 manufacturer shall not be so limited if a basis for such award, as
16 determined by the authority, is superior financing, delivery schedule,
17 life cycle, reliability, or any other factor the authority deems rele-
18 vant to its operations.

19 (ii) The authority may award a contract pursuant to this paragraph
20 only after a resolution approved by a vote of not less than two-thirds
21 of its members then in office at a public meeting of the authority with
22 such resolution (A) disclosing the other proposers and the substance of
23 their proposals, (B) summarizing the negotiation process including the
24 opportunities, if any, available to proposers to present and modify
25 their proposals, and (C) setting forth the criteria upon which the
26 selection was made.

27 (iii) Nothing in this paragraph shall require or preclude (A) negoti-
28 ations with any proposers following the receipt of responses to the

1 request for proposals, or (B) the rejection of any or all proposals at
2 any time. Upon the rejection of all proposals, the authority may solicit
3 new proposals or bids in any manner prescribed in this section.

4 § 7. Subdivision 10 of section 1209 of the public authorities law, as
5 added by chapter 929 of the laws of 1986, is amended to read as follows:

6 10. Upon the adoption of a resolution by the authority stating, for
7 reasons of efficiency, economy, compatibility or maintenance reliabil-
8 ity, that there is a need for standardization, the authority may estab-
9 lish procedures whereby particular supplies, materials or equipment are
10 identified on a qualified products list. Such procedures shall provide
11 for products or vendors to be added to or deleted from such list and
12 shall include provisions for public advertisement of the manner in which
13 such lists are compiled. The authority shall review such list no less
14 than [twice] once a year for the purpose of making modifications there-
15 to. Contracts for particular supplies, materials or equipment identi-
16 fied on a qualified products list may be awarded by the authority to the
17 lowest responsible bidder after obtaining [sealed] bids in accordance
18 with this section or without competitive [sealed] bids in instances when
19 the item is available from only a single source, except that the author-
20 ity may dispense with advertising provided that it mails copies of the
21 invitation to bid to all vendors of the particular item on the qualified
22 products list.

23 § 8. Subdivision 1 of section 1265-a of the public authorities law is
24 REPEALED.

25 § 9. Paragraphs (a) and (b) of subdivision 2 of section 1265-a of the
26 public authorities law, as amended by section 3-a of subpart C of part
27 ZZZ of chapter 59 of the laws of 2019, are amended to read as follows:

1 (a) Except as otherwise provided in this section, all purchase
2 contracts for supplies, materials or equipment involving an estimated
3 expenditure in excess of one million dollars and all contracts for
4 public work involving an estimated expenditure in excess of one million
5 dollars shall be awarded by the authority to the lowest responsible
6 bidder after obtaining [sealed] bids in the manner hereinafter set
7 forth. For purposes hereof, contracts for public work shall exclude
8 contracts for personal, engineering and architectural, or professional
9 services. The authority may reject all bids and obtain new bids in the
10 manner provided by this section when it is deemed in the public interest
11 to do so or, in cases where two or more responsible bidders submit iden-
12 tical bids which are the lowest bids, award the contract to any of such
13 bidders or obtain new bids from such bidders. Nothing in this paragraph
14 shall obligate the authority to seek new bids after the rejection of
15 bids or after cancellation of an invitation to bid. Nothing in this
16 section shall prohibit the evaluation of bids on the basis of costs or
17 savings including life cycle costs of the item to be purchased,
18 discounts, and inspection services so long as the invitation to bid
19 reasonably sets forth the criteria to be used in evaluating such costs
20 or savings. Life cycle costs may include but shall not be limited to
21 costs or savings associated with installation, energy use, maintenance,
22 operation and salvage or disposal.

23 (b) Section twenty-eight hundred seventy-nine of this chapter shall
24 apply to the authority's acquisition of goods or services of any kind,
25 in the actual or estimated amount of fifteen thousand dollars or more,
26 provided (i) that a contract for services in the actual or estimated
27 amount of one million dollars or less shall not require approval by the
28 board of the authority regardless of the length of the period over which

1 the services are rendered, and provided further that a contract for
2 services in the actual or estimated amount in excess of one million
3 dollars shall require approval by the board of the authority regardless
4 of the length of the period over which the services are rendered unless
5 such a contract is awarded to the lowest responsible bidder after
6 obtaining [sealed] bids, and (ii) the board of the authority may by
7 resolution adopt guidelines that authorize the award of contracts to
8 small business concerns, to service disabled veteran owned businesses
9 certified pursuant to article seventeen-B of the executive law, or
10 minority or women-owned business enterprises certified pursuant to arti-
11 cle fifteen-A of the executive law, or purchases of goods or technology
12 that are recycled or remanufactured, in an amount not to exceed one
13 million dollars without a formal competitive process and without further
14 board approval. The board of the authority shall adopt guidelines which
15 shall be made publicly available for the awarding of such contract with-
16 out a formal competitive process.

17 § 10. Paragraphs (a) and (b) of subdivision 3 of section 1265-a of the
18 public authorities law, paragraph (a) as amended by chapter 494 of the
19 laws of 1990 and paragraph (b) as added by chapter 929 of the laws of
20 1986, are amended to read as follows:

21 (a) Advertisement for bids, when required by this section, shall be
22 published at least once in [a newspaper of general circulation in the
23 area served by the authority and in] the procurement opportunities news-
24 letter published pursuant to article four-C of the economic development
25 law provided that, notwithstanding the provisions of article four-C of
26 the economic development law, an advertisement shall only be required
27 for a purchase contract for supplies, materials or equipment when
28 required by this section. Publication in [a newspaper of general circu-

1 lation in the area served or in] the procurement opportunities newslet-
2 ter shall not be required if bids for contracts for supplies, materials
3 or equipment are of a type regularly purchased by the authority and are
4 to be solicited from a list of potential suppliers, if such list is or
5 has been developed consistent with the provisions of subdivision six of
6 this section. Any such advertisement shall contain a statement of: (i)
7 the time [and place where] by which bids received pursuant to any notice
8 requesting [sealed] bids [will be publicly opened and read] shall be
9 submitted; (ii) the name of the contracting agency; (iii) the contract
10 identification number; (iv) a brief description of the public work,
11 supplies, materials, or equipment sought, the location where work is to
12 be performed, goods are to be delivered or services provided and the
13 contract term; (v) the [address where] manner in which bids or proposals
14 are to be submitted; (vi) the date when bids or proposals are due; (vii)
15 a description of any eligibility or qualification requirement or prefer-
16 ence; (viii) a statement as to whether the contract requirements may be
17 fulfilled by a subcontracting, joint venture, or co-production arrange-
18 ment; (ix) any other information deemed useful to potential contractors;
19 and (x) the name, address, and telephone number of the person to be
20 contacted for additional information. At least [fifteen] ten business
21 days shall elapse between the first publication of such advertisement or
22 the solicitation of bids, as the case may be, and the date of opening
23 and reading of bids.

24 (b) The authority may designate any officer or employee to [open the
25 bids at the time and place bids are to be opened and may designate an
26 officer to] award the contract to the lowest responsible bidder. [Such
27 designee shall make a record of all bids in such form and detail as the
28 authority shall prescribe.] All bids [received] shall be received either

1 through an electronic bidding platform and electronically posted for
2 public view, or publicly opened and read, in either case at the time,
3 [and] place and in the manner specified in the advertisement or at the
4 time of solicitation, or to which the opening and reading or posting
5 have been adjourned by the authority. All bidders shall be notified of
6 the time and place of any such adjournment. The authority's designated
7 officer or employee shall make a record of all bids in such form and
8 detail as the authority shall prescribe.

9 § 11. Paragraph (e) of subdivision 4 of section 1265-a of the public
10 authorities law, as added by chapter 929 of the laws of 1986, is amended
11 to read as follows:

12 (e) the item is available through an existing contract between a
13 vendor and [(i) another public authority provided that such other
14 authority utilized a process of competitive bidding or a process of
15 competitive requests for proposals to award such contracts or (ii)
16 Nassau county, or (iii) the state of New York or (iv) the city of New
17 York] any department, agency or instrumentality of the United States
18 government and/or any department, agency, office, political subdivision
19 or instrumentality of any state or states, provided that in any case
20 when under this paragraph the authority determines that obtaining such
21 item thereby would be in the public interest and sets forth the reasons
22 for such determination. The authority shall accept sole responsibility
23 for any payment due the vendor as a result of the authority's order; or

24 § 12. Paragraphs (f) and (g) of subdivision 4 of section 1265-a of the
25 public authorities law are REPEALED.

26 § 13. Section 1265-a of the public authorities law is amended by
27 adding a new subdivision 4-a to read as follows:

1 4-a. Subdivision two of this section notwithstanding, the authority
2 may award design-build contracts or contracts for the purchase or reha-
3 bilitation of rapid transit cars or omnibuses pursuant to a process of
4 competitive request for proposals as hereinafter set forth.

5 (a) (i) For purposes of this section, a process for competitive
6 requests for proposals shall mean a method of soliciting proposals and
7 awarding a contract on the basis of a formal evaluation of the charac-
8 teristics, such as quality, cost, delivery schedule and financing of
9 such proposals against stated selection criteria. Public notice of the
10 requests for proposals shall be given in the same manner as provided in
11 subdivision three of this section and shall include the selection crite-
12 ria. In the event the authority makes a material change in the selection
13 criteria from those previously stated in the notice, it will inform all
14 proposers of such change and permit proposers to modify their proposals.

15 (ii) The authority may award a contract pursuant to this paragraph
16 only after a resolution approved by a two-thirds vote of its members
17 then in office at a public meeting of the authority with such resolution
18 (A) disclosing the other proposers and the substance of their proposals,
19 (B) summarizing the negotiation process including the opportunities, if
20 any, available to proposers to present and modify their proposals, and
21 (C) setting forth the criteria upon which the selection was made.

22 (iii) Nothing in this paragraph shall require or preclude (A) negoti-
23 ations with any proposers following the receipt of responses to the
24 request for proposals, or (B) the rejection of any or all proposals at
25 any time. Upon the rejection of all proposals, the authority may solicit
26 new proposals or bids in any manner prescribed in this section.

27 (b)(i) The authority may issue a competitive request for proposals
28 pursuant to the procedures of paragraph (a) of this subdivision for the

1 purchase or rehabilitation of rail cars and omnibuses. Any such request
2 may include among the stated selection criteria the performance of all
3 or a portion of the contract at sites within the state of New York or
4 the use of goods produced or services provided within the state of New
5 York, provided however that in no event shall the authority award a
6 contract to a manufacturer whose final offer, as expressed in unit cost
7 is more than ten percent higher than the unit cost of any qualified
8 competing final offer, if the sole basis for such award is that the
9 higher priced offer includes more favorable provision for the perform-
10 ance of the contract within the state of New York or the use of goods
11 produced or services provided within the state of New York, and further
12 provided that the authority's discretion to award a contract to any
13 manufacturer shall not be so limited if a basis for such award, as
14 determined by the authority, is superior financing, delivery schedule,
15 life cycle, reliability, or any other factor the authority deems rele-
16 vant to its operations.

17 (ii) The authority may award a contract pursuant to this paragraph
18 only after a resolution approved by a vote of not less than a two-thirds
19 vote of its members then in office at a public meeting of the authority
20 with such resolution (A) disclosing the other proposers and the
21 substance of their proposals, (B) summarizing the negotiation process
22 including the opportunities, if any, available to proposers to present
23 and modify their proposals, and (C) setting forth the criteria upon
24 which the selection was made.

25 (iii) Nothing in this paragraph shall require or preclude (A) negoti-
26 ations with any proposers following the receipt of responses to the
27 request for proposals, or (B) the rejection of any or all proposals at

1 any time. Upon the rejection of all proposals, the authority may solicit
2 new proposals or bids in any manner prescribed in this section.

3 § 14. Subdivision 5 of section 1265-a of the public authorities law,
4 as added by chapter 929 of the laws of 1986, is amended to read as
5 follows:

6 5. Upon the adoption of a resolution by the authority stating, for
7 reasons of efficiency, economy, compatibility or maintenance reliabil-
8 ity, that there is a need for standardization, the authority may estab-
9 lish procedures whereby particular supplies, materials or equipment are
10 identified on a qualified products list. Such procedures shall provide
11 for products or vendors to be added to or deleted from such list and
12 shall include provisions for public advertisement of the manner in which
13 such lists are compiled. The authority shall review such list no less
14 than [twice] once a year for the purpose of making such modifications.
15 Contracts for particular supplies, materials or equipment identified on
16 a qualified products list may be awarded by the authority to the lowest
17 responsible bidder after obtaining [sealed] bids in accordance with this
18 section or without competitive [sealed] bids in instances when the item
19 is available from only a single source, except that the authority may
20 dispense with advertising provided that it mails copies of the invita-
21 tion to bid to all vendors of the particular item on the qualified
22 products list.

23 § 15. Section 15 of part 00 of chapter 54 of the laws of 2016, amend-
24 ing the public authorities law relating to procurements by the New York
25 City transit authority and the metropolitan transportation authority, is
26 amended to read as follows:

27 § 15. This act shall take effect immediately[, and shall expire and be
28 deemed repealed April 1, 2021].

1 § 16. This act shall take effect immediately.

2 PART G

3 Section 1. Section 1266 of the public authorities law is amended by
4 adding two new subdivisions 12-b and 12-c to read as follows:

5 12-b. Whenever in connection with the improvement, construction,
6 reconstruction or rehabilitation of a transportation facility or a tran-
7 sit facility the authority determines that the pipes, mains, conduits or
8 other infrastructure of any public service corporation and any fixtures
9 and appliances connected therewith or attached thereto shall be removed,
10 relocated or otherwise protected or replaced, either temporarily or
11 permanently, hereinafter referred to as "the required utility work", the
12 following provisions shall apply:

13 (a) Except as provided in paragraph (c) of this subdivision, the
14 public service corporation shall design and perform all of the required
15 utility work within a number of days after receipt of the authority's
16 construction plans, which number of days shall be determined by the
17 authority after consultation with the public service corporation. The
18 cost of such required utility work, including the design, shall be borne
19 solely by the public service corporation.

20 (b) In designing and performing the required utility work, a public
21 service corporation shall not create the need for another public service
22 corporation to remove or relocate its pipes, mains, conduits or other
23 infrastructure without the agreement of the authority.

24 (c) The authority may opt to perform some or all of the required util-
25 ity work on its own or by a contract or other arrangement. If the
26 authority opts to perform some or all of the required utility work, the
27 authority may also opt to provide the design for such work. If the

1 authority opts to perform some or all of the required utility work, the
2 public service corporation shall perform the portion of the utility work
3 not performed by the authority and shall reimburse the authority for the
4 authority's actual cost to perform the utility work, including the cost
5 of the design done by the authority. If the authority designs some or
6 all of the required utility work, such design shall be subject to the
7 review and approval of the public service corporation, which shall not
8 be unreasonably withheld. Such review and approval shall be completed
9 within twenty-one calendar days, or within such other period of time as
10 may be determined by the authority after consultation with the public
11 service corporation.

12 12-c. Whenever in connection with the improvement, construction,
13 reconstruction or rehabilitation of a transportation facility or transit
14 facility the authority determines that the water or sewer infrastruc-
15 ture, including pipes or mains, street lighting, traffic signal systems,
16 emergency call boxes and associated infrastructure of the city of New
17 York and any fixtures and appliances connected therewith or attached
18 thereto must be removed, relocated, or otherwise protected or replaced,
19 either temporarily or permanently, hereinafter referred to as "the
20 required city work", the following provisions shall apply:

21 (a) The city of New York shall provide any approvals or permits
22 required by the authority for the required city work within thirty
23 calendar days of submission by the authority of its construction plans
24 or within such other period of time as may be determined by the authori-
25 ty after consultation with the city of New York.

26 (b) The authority shall pay the cost of the required city work and the
27 cost of upgrading the water or sewer infrastructure to comply with the
28 current standards of the city of New York for materials and capacity as

1 determined by the current service being provided; provided, however,
2 that the city of New York shall not demand that the authority provide
3 for anticipated future service increases or any other betterments with-
4 out the authority's agreement.

5 (c) In reviewing the authority's design for the required city work, or
6 in providing any permits or approvals for the required city work, the
7 city of New York shall not create the need for a public service corpo-
8 ration to remove or relocate its pipes, mains, conduits or other infras-
9 tructure without the agreement of the authority.

10 (d) The city of New York shall cooperate with the authority and public
11 service corporations in planning and coordinating the relocation of its
12 own water and sewer infrastructure as well as the pipes, mains, conduits
13 or other infrastructure of any public service corporation. The city of
14 New York shall not require the removal or relocation of additional
15 public service corporation pipes, mains, conduits or other infrastruc-
16 ture beyond the minimum required to accommodate the required work.

17 § 2. This act shall take effect immediately.

18 PART H

19 Section 1. Subdivision 12 of section 1266 of the public authorities
20 law, as added by chapter 314 of the laws of 1981, is amended to read as
21 follows:

22 12. The authority may, for itself or upon request of the New York city
23 transit authority, upon suitable notice to and an offer to consult with
24 an officer designated by the city of New York, occupy the streets of the
25 city of New York for the purpose of doing, as a beneficial owner of such
26 project via contract, easement agreement or other such agreement, any

1 work over or under the same in connection with the improvement,
2 construction, reconstruction or rehabilitation of a transportation
3 facility without the consent of or payment to such city[.], notwith-
4 standing that the city has previously permitted any such portion of such
5 streets to be occupied by another. For the purposes of this subdivi-
6 sion, a "transportation facility" shall include a stairway entrance,
7 elevator, escalator or other vertical transportation connecting to a
8 subway station or any other transit improvement that is being renovated,
9 relocated or constructed under a contract, easement agreement or other
10 agreement with the authority or the New York city transit authority
11 pursuant to the zoning resolution of the city of New York.

12 § 2. This act shall take effect immediately.

13 PART I

14 Section 1. Subdivision 11 of section 120.05 of the penal law, as sepa-
15 rately amended by chapters 268 and 281 of the laws of 2016, is amended
16 to read as follows:

17 11. With intent to cause physical injury to a train operator, ticket
18 inspector, conductor, signalperson, bus operator, station agent, station
19 cleaner [or], terminal cleaner, station customer assistant; person whose
20 official duties include the sale or collection of tickets, passes,
21 vouchers, or other fare payment media for use on a train or bus; a
22 person whose official duties include the maintenance, repair,
23 inspection, troubleshooting, testing or cleaning of a transit signal
24 system, elevated or underground subway tracks, transit station struc-
25 ture, train yard, revenue train in passenger service, or a train or bus
26 station or terminal; or a supervisor of such personnel, employed by any

1 transit agency, authority or company, public or private, whose operation
2 is authorized by New York state or any of its political subdivisions, a
3 city marshal, a school crossing guard appointed pursuant to section two
4 hundred eight-a of the general municipal law, a traffic enforcement
5 officer, traffic enforcement agent, prosecutor as defined in subdivision
6 thirty-one of section 1.20 of the criminal procedure law, sanitation
7 enforcement agent, New York city sanitation worker, public health sani-
8 tarian, New York city public health sanitarian, registered nurse,
9 licensed practical nurse, emergency medical service paramedic, or emer-
10 gency medical service technician, he or she causes physical injury to
11 such train operator, ticket inspector, conductor, signalperson, bus
12 operator, station agent, station cleaner [or], terminal cleaner, station
13 customer assistant; person whose official duties include the sale or
14 collection of tickets, passes, vouchers or other fare payment media for
15 use on a train or bus; a person whose official duties include the main-
16 tenance, repair, inspection, troubleshooting, testing or cleaning of a
17 transit signal system, elevated or underground subway tracks, transit
18 station structure, train yard, revenue train in passenger service, or a
19 train or bus station or terminal; or a supervisor of such personnel,
20 city marshal, school crossing guard appointed pursuant to section two
21 hundred eight-a of the general municipal law, traffic enforcement offi-
22 cer, traffic enforcement agent, prosecutor as defined in subdivision
23 thirty-one of section 1.20 of the criminal procedure law, registered
24 nurse, licensed practical nurse, public health sanitarian, New York city
25 public health sanitarian, sanitation enforcement agent, New York city
26 sanitation worker, emergency medical service paramedic, or emergency
27 medical service technician, while such employee is performing an
28 assigned duty on, or directly related to, the operation of a train or

1 bus, [including the] cleaning of a train or bus station or terminal or
2 maintenance of a train or bus station or terminal, signal system,
3 elevated or underground subway tracks, transit station structure, train
4 yard or revenue train in passenger service, or such city marshal, school
5 crossing guard, traffic enforcement officer, traffic enforcement agent,
6 prosecutor as defined in subdivision thirty-one of section 1.20 of the
7 criminal procedure law, registered nurse, licensed practical nurse,
8 public health sanitarian, New York city public health sanitarian, sani-
9 tation enforcement agent, New York city sanitation worker, emergency
10 medical service paramedic, or emergency medical service technician is
11 performing an assigned duty; or

12 § 2. Section 240.30 of the penal law is amended by adding a new subdi-
13 vision 3-a to read as follows:

14 3-a. Strikes, shoves, kicks, or otherwise subjects another person to
15 physical contact, which includes spitting on such other person, and such
16 other person is an on-duty train operator; ticket inspector; conductor;
17 signalperson; bus operator; station agent; station cleaner; terminal
18 cleaner; station customer assistant; person whose official duties
19 include the sale or collection of tickets, passes, vouchers or other
20 fare payment media for use on a train or bus; person whose official
21 duties include the maintenance, repair, inspection, troubleshooting,
22 testing or cleaning of a transit signal system, elevated or underground
23 subway tracks, transit station structure, train yard, revenue train in
24 passenger service, or train or bus station or terminal, or a supervisor
25 of such personnel, employed by any transit agency, authority or company,
26 public or private, whose operation is authorized by New York state or
27 any of its political subdivisions; or

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

3 PART J

4 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
5 New York state urban development corporation act, relating to the powers
6 of the New York state urban development corporation to make loans, as
7 amended by section 1 of part FF of chapter 58 of the laws of 2020, is
8 amended to read as follows:

9 § 2. This act shall take effect immediately provided, however, that
10 section one of this act shall expire on July 1, [2021] 2024, at which
11 time the provisions of subdivision 26 of section 5 of the New York state
12 urban development corporation act shall be deemed repealed; provided,
13 however, that neither the expiration nor the repeal of such subdivision
14 as provided for herein shall be deemed to affect or impair in any manner
15 any loan made pursuant to the authority of such subdivision prior to
16 such expiration and repeal.

17 § 2. This act shall take effect immediately and shall be deemed to
18 have been in full force and effect on and after July 1, 2021.

19 PART K

20 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
21 of the laws of 1968 constituting the New York state urban development
22 corporation act, as amended by section 1 of part EE of chapter 58 of the
23 laws of 2020, is amended to read as follows:

1 3. The provisions of this section shall expire, notwithstanding any
2 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
3 the laws of 1996 or of any other law, on July 1, [2021] 2024.

4 § 2. This act shall take effect immediately and shall be deemed to
5 have been in full force and effect on and after July 1, 2021.

6 PART L

7 Section 1. The multiple dwelling law is amended by adding a new
8 section 277-a to read as follows:

9 § 277-a. Temporary rules upon legislative finding of special state
10 interest. 1. Application of rule. This section shall apply to building
11 permits lawfully issued, or for which a completed application has been
12 filed as defined by local law, on or before December thirty-first, two
13 thousand twenty-six.

14 2. Applicability. Notwithstanding any other provision of this chapter
15 or other state law to the contrary, no local zoning law ordinance,
16 resolution or regulation addressing the minimum light and air standards
17 for joint living-work quarters for artists or general residential
18 portions of lofts or manufacturing and commercial buildings altered to
19 residential use shall limit the applicability of this article to: (a)
20 buildings erected prior to January first, nineteen hundred seventy-sev-
21 en; or (b) specific locations or districts within the municipality, but
22 shall apply this article uniformly throughout. Notwithstanding any
23 state law, other local zoning law, ordinance, resolution, or regulation
24 to the contrary, the conversions described in subdivisions three and
25 four of this section are hereby authorized.

1 3. Class B multiple dwellings. The provisions of this section shall
2 apply to any conversion of or alteration or improvement to any class B
3 multiple dwelling operating as a hotel comprising fewer than one hundred
4 fifty rooms, that is converted to a property that is (a) part of a
5 state affordable housing plan or agreement with the department of homes
6 and community renewal to provide a minimum of twenty percent of such
7 housing units created as affordable housing, or (b) is to be operated as
8 a supportive housing facility that is under a contract with any state or
9 city agency to provide housing and supportive services for any popu-
10 lation, or (c) will instead provide an amount necessary to support the
11 creation or preservation of affordable housing or prevent homelessness
12 as determined by the commissioner of the department of homes and commu-
13 nity renewal and is located on tax lots in the city of New York already
14 existing or created upon the effective date of this section, in any
15 borough outside of Manhattan, or within the following area in the
16 borough of Manhattan, beginning at the intersection of the United States
17 pierhead line in the Hudson river and the center line of Chambers street
18 extended, thence easterly to the center line of Chambers street and
19 continuing along the center line of Chambers street to the center line
20 of Centre street, thence southerly along the center line of Centre
21 street to the center line of the Brooklyn Bridge to the intersection of
22 the Brooklyn Bridge and the United States pierhead line in the East
23 river, thence northerly along the United States pierhead line in the
24 East river to the intersection of the United States pierhead line in the
25 East river and the center line of One Hundred Tenth street extended,
26 thence westerly to the center line of One Hundred Tenth street and
27 continuing along the center line of One Hundred Tenth street to its
28 westerly terminus, thence westerly to the intersection of the center

1 line of One Hundred Tenth street extended and the United States pierhead
2 line in the Hudson river, thence southerly along the United States pier-
3 head line in the Hudson river to the point of beginning.

4 4. Commercial office buildings. The provisions of this section shall
5 apply to any conversion of or alteration or improvement to any commer-
6 cial office building which is graded based upon its market rate price as
7 "class B or class C" properties within the area between 9th avenue on
8 the westerly side, and Park avenue on the easterly side, utilizing 60th
9 street as a northerly border and 14th street to the south, together
10 encompassing a central business district provided that upon conversion
11 or alteration or improvement such new use is either: (a) part of a state
12 affordable housing plan or agreement with the department of homes and
13 community renewal to provide a minimum of twenty percent of such housing
14 units created as affordable housing, or (b) to operate as a supportive
15 housing facility that is under a contract with any state or city agency
16 to provide housing and supportive services for any population, or (c) to
17 provide an amount necessary to support the creation or preservation of
18 affordable housing or prevent homelessness as determined by the commis-
19 sioner of the department of homes and community renewal.

20 § 2. This act shall take effect immediately and shall expire December
21 31, 2026 when upon such date the provisions of this act shall be deemed
22 repealed, provided however, that no variance shall be required to obtain
23 a certificate of occupancy if such building satisfied the provisions of
24 this act upon commencement, nor shall any other administrative action be
25 required upon completion should this provision have otherwise expired.

1 Section 1. Section 3 of part S of chapter 58 of the laws of 2016,
2 relating to transferring the statutory authority for the promulgation of
3 marketing orders from the department of agriculture and markets to the
4 New York state urban development corporation, as amended by section 1 of
5 part Y of chapter 58 of the laws of 2018, is amended to read as follows:

6 § 3. This act shall take effect on the ninetieth day after it shall
7 have become a law [and shall expire and be deemed repealed July 31,
8 2021]; provided, however, that any assessment due and payable under such
9 marketing orders shall be remitted to the urban development corporation
10 starting 30 days after such effective date.

11 § 2. This act shall take effect immediately.

12 PART N

13 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the
14 executive law relating to permitting the secretary of state to provide
15 special handling for all documents filed or issued by the division of
16 corporations and to permit additional levels of such expedited service,
17 as amended by section 1 of part R of chapter 58 of the laws of 2020, is
18 amended to read as follows:

19 § 2. This act shall take effect immediately, provided however, that
20 section one of this act shall be deemed to have been in full force and
21 effect on and after April 1, 2003 [and shall expire March 31, 2021].

22 § 2. This act shall take effect immediately and shall be deemed to
23 have been in full force and effect on and after March 31, 2021.

24 PART O

1 Section 1. Paragraph (d) of section 304 of the business corporation
2 law is amended to read as follows:

3 (d) Any designated [post-office] post office address to which the
4 secretary of state shall mail a copy of process served upon him or her
5 as agent of a domestic corporation or a foreign corporation, shall
6 continue until the filing of a certificate or other instrument under
7 this chapter directing the mailing to a different [post-office] post
8 office address and any designated email address to which the secretary
9 of state shall email notice of the fact that process has been electron-
10 ically served upon him or her as agent of a domestic corporation or
11 foreign corporation shall continue until the filing of a certificate or
12 other instrument under this chapter changing or deleting the email
13 address.

14 § 2. Subparagraph 1 of paragraph (b) of section 306 of the business
15 corporation law, as amended by chapter 419 of the laws of 1990, is
16 amended to read as follows:

17 (1) Service of process on the secretary of state as agent of a domes-
18 tic or authorized foreign corporation shall be made [by personally] in
19 the manner provided by clause (i) or (ii) of this subparagraph. (i)
20 Personally delivering to and leaving with the secretary of state or a
21 deputy, or with any person authorized by the secretary of state to
22 receive such service, at the office of the department of state in the
23 city of Albany, duplicate copies of such process together with the stat-
24 utory fee, which fee shall be a taxable disbursement. Service of process
25 on such corporation shall be complete when the secretary of state is so
26 served. The secretary of state shall promptly send one of such copies by
27 certified mail, return receipt requested, to such corporation, at the
28 post office address, on file in the department of state, specified for

1 the purpose. If a domestic or authorized foreign corporation has no such
2 address on file in the department of state, the secretary of state shall
3 so mail such copy, in the case of a domestic corporation, in care of any
4 director named in its certificate of incorporation at the director's
5 address stated therein or, in the case of an authorized foreign corpo-
6 ration, to such corporation at the address of its office within this
7 state on file in the department. (ii) Electronically submitting a copy
8 of the process to the department of state together with the statutory
9 fee, which fee shall be a taxable disbursement, through an electronic
10 system operated by the department of state, provided the domestic or
11 authorized foreign corporation has an email address on file in the
12 department of state to which the secretary of state shall email a notice
13 of the fact that process has been served electronically on the secretary
14 of state. Service of process on such corporation shall be complete when
15 the secretary of state has reviewed and accepted service of such proc-
16 ess. The secretary of state shall promptly send a notice of the fact
17 that process has been served to such corporation at the email address on
18 file in the department of state, specified for the purpose and shall
19 make a copy of the process available to such corporation.

20 § 3. The opening paragraph of paragraph (b) of section 307 of the
21 business corporation law is amended to read as follows:

22 Service of such process upon the secretary of state shall be made [by
23 personally] in the manner provided by subparagraph one or two of this
24 paragraph. (1) Personally delivering to and leaving with him or his
25 deputy, or with any person authorized by the secretary of state to
26 receive such service, at the office of the department of state in the
27 city of Albany, a copy of such process together with the statutory fee,
28 which fee shall be a taxable disbursement. (2) Electronically submitting

1 a copy of the process to the department of state together with the stat-
2 utory fee, which fee shall be a taxable disbursement, through an elec-
3 tronic system operated by the department of state. Such service shall be
4 sufficient if notice thereof and a copy of the process are:

5 § 4. Subparagraph 7 of paragraph (a) of section 402 of the business
6 corporation law is amended to read as follows:

7 (7) A designation of the secretary of state as agent of the corpo-
8 ration upon whom process against it may be served and the post office
9 address within or without this state to which the secretary of state
10 shall mail a copy of any process against it served upon him or her. The
11 corporation may include an email address to which the secretary of state
12 shall email a notice of the fact that process against it has been elec-
13 tronically served upon him or her.

14 § 5. Paragraph (b) of section 801 of the business corporation law is
15 amended by adding a new subparagraph 15 to read as follows:

16 (15) To specify, change or delete the email address to which the
17 secretary of state shall email a notice of the fact that process against
18 the corporation has been electronically served upon him or her.

19 § 6. Paragraph (b) of section 803 of the business corporation law is
20 amended by adding a new subparagraph 4 to read as follows:

21 (4) To specify, change or delete the email address to which the secre-
22 tary of state shall email a notice of the fact that process against the
23 corporation has been electronically served upon him or her.

24 § 7. Paragraph (b) of section 805-A of the business corporation law,
25 as added by chapter 725 of the laws of 1964, is amended to read as
26 follows:

27 (b) A certificate of change which changes only the post office address
28 to which the secretary of state shall mail a copy of any process against

1 a corporation served upon him or her, and/or the email address to which
2 the secretary of state shall email a notice of the fact that process
3 against it has been electronically served upon the secretary of state
4 and/or the address of the registered agent, provided such address being
5 changed is the address of a person, partnership or other corporation
6 whose address, as agent, is the address to be changed, and/or the email
7 address being changed is the email address of a person, partnership or
8 corporation whose email address, as agent, is the email address to be
9 changed, or who has been designated as registered agent for such corpo-
10 ration, may be signed[, verified] and delivered to the department of
11 state by such agent. The certificate of change shall set forth the
12 statements required under subparagraphs (a) (1), (2) and (3) of this
13 section; that a notice of the proposed change was mailed to the corpo-
14 ration by the party signing the certificate not less than thirty days
15 prior to the date of delivery to the department and that such corpo-
16 ration has not objected thereto; and that the party signing the certif-
17 icate is the agent of such corporation to whose address the secretary of
18 state is required to mail copies of process [or], and/or the agent of
19 the corporation to whose email address the secretary of state is
20 required to mail a notice of the fact that process against it has been
21 electronically served upon the secretary of state, and/or the registered
22 agent, if such be the case. A certificate signed[, verified] and deliv-
23 ered under this paragraph shall not be deemed to effect a change of
24 location of the office of the corporation in whose behalf such certif-
25 icate is filed.

26 § 8. Subparagraph 8 of paragraph (a) of section 904-a of the business
27 corporation law, as amended by chapter 177 of the laws of 2008, is
28 amended to read as follows:

1 (8) If the surviving or resulting entity is a foreign corporation or
2 other business entity, a designation of the secretary of state as its
3 agent upon whom process against it may be served in the manner set forth
4 in paragraph (b) of section three hundred six of this chapter, in any
5 action or special proceeding, and a post office address, within or with-
6 out this state, to which the secretary of state shall mail a copy of any
7 process against it served upon him or her. The corporation may include
8 an email address to which the secretary of state shall email a notice of
9 the fact that process against it has been electronically served upon him
10 or her. Such post office address shall supersede any prior address
11 designated as the address to which process shall be mailed and such
12 email address shall supersede any prior email address designated as the
13 email address to which a notice shall be sent;

14 § 9. Clause (G) of subparagraph 2 of paragraph (e) of section 907 of
15 the business corporation law, as amended by chapter 494 of the laws of
16 1997, is amended to read as follows:

17 (G) A designation of the secretary of state as its agent upon whom
18 process against it may be served in the manner set forth in paragraph
19 (b) of section 306 (Service of process), in any action or special
20 proceeding, and a post office address, within or without this state, to
21 which the secretary of state shall mail a copy of any process against it
22 served upon him or her. The corporation may include an email address to
23 which the secretary of state shall email a notice of the fact that proc-
24 ess against it has been electronically served upon him or her. Such
25 post office address shall supersede any prior address designated as the
26 address to which process shall be mailed and such email address shall
27 supersede any prior email address designated as the email address to
28 which a notice shall be sent.

1 § 10. Subparagraph 6 of paragraph (a) of section 1304 of the business
2 corporation law, as amended by chapter 684 of the laws of 1963 and as
3 renumbered by chapter 590 of the laws of 1982, is amended to read as
4 follows:

5 (6) A designation of the secretary of state as its agent upon whom
6 process against it may be served and the post office address within or
7 without this state to which the secretary of state shall mail a copy of
8 any process against it served upon him or her. The corporation may
9 include an email address to which the secretary of state shall email a
10 notice of the fact that process against it has been electronically
11 served upon him or her.

12 § 11. Paragraph (a) of section 1308 of the business corporation law is
13 amended by adding a new subparagraph 10 to read as follows:

14 (10) To specify, change or delete the email address to which the
15 secretary of state shall email a notice of the fact that process against
16 the corporation has been electronically served upon him or her.

17 § 12. Paragraph (c) of section 1309-A of the business corporation law,
18 as amended by chapter 172 of the laws of 1999, is amended and a new
19 subparagraph 4 is added to paragraph (a) to read as follows:

20 (4) To specify, change or delete the email address to which the secre-
21 tary of state shall email a notice of the fact that process against the
22 corporation has been electronically served upon him or her.

23 (c) A certificate of change of application for authority which changes
24 only the post office address to which the secretary of state shall mail
25 a copy of any process against an authorized foreign corporation served
26 upon him or her, and/or the email address to which the secretary of
27 state shall email a notice of the fact that process against it has been
28 electronically served upon the secretary of state and/or which changes

1 the address of its registered agent, provided such address is the
2 address of a person, partnership or other corporation whose address, as
3 agent, is the address to be changed [or], and/or the email address being
4 changed is the email address of a person, partnership or corporation
5 whose email address, as agent, is the email address to be changed,
6 and/or who has been designated as registered agent for such authorized
7 foreign corporation, may be signed and delivered to the department of
8 state by such agent. The certificate of change of application for
9 authority shall set forth the statements required under subparagraphs
10 (1), (2), (3) and (4) of paragraph (b) of this section; that a notice of
11 the proposed change was mailed by the party signing the certificate to
12 the authorized foreign corporation not less than thirty days prior to
13 the date of delivery to the department and that such corporation has not
14 objected thereto; and that the party signing the certificate is the
15 agent of such foreign corporation to whose address the secretary of
16 state is required to mail copies of process [or], and/or the agent of
17 such foreign corporation to whose email address the secretary of state
18 is required to mail a notice of the fact that process against it has
19 been electronically served on the secretary of state and/or the regis-
20 tered agent, if such be the case. A certificate signed and delivered
21 under this paragraph shall not be deemed to effect a change of location
22 of the office of the corporation in whose behalf such certificate is
23 filed.

24 § 13. Subparagraph 6 of paragraph (a) and paragraph (d) of section
25 1310 of the business corporation law, the opening paragraph of paragraph
26 (d) as amended by chapter 172 of the laws of 1999, are amended to read
27 as follows:

1 (6) A post office address within or without this state to which the
2 secretary of state shall mail a copy of any process against it served
3 upon him or her. The corporation may include an email address to which
4 the secretary of state shall email a notice of the fact that process
5 against it has been electronically served upon him or her.

6 (d) The post office address and/or the email address specified under
7 subparagraph (6) of paragraph (a) of this section may be changed. A
8 certificate, entitled "Certificate of amendment of certificate of
9 surrender of authority of (name of corporation) under section
10 1310 of the Business Corporation Law", shall be signed as provided in
11 paragraph (a) of this section and delivered to the department of state.
12 It shall set forth:

13 (1) The name of the foreign corporation.

14 (2) The jurisdiction of its incorporation.

15 (3) The date its certificate of surrender of authority was filed by
16 the department of state.

17 (4) The changed post office address, within or without this state, to
18 which the secretary of state shall mail a copy of any process against it
19 served upon him or her and/or the changed email address to which the
20 secretary of state shall email a notice of the fact that process against
21 it has been electronically served upon him or her.

22 § 14. Section 1311 of the business corporation law, as amended by
23 chapter 375 of the laws of 1998, is amended to read as follows:

24 § 1311. Termination of existence.

25 When an authorized foreign corporation is dissolved or its authority
26 or existence is otherwise terminated or cancelled in the jurisdiction of
27 its incorporation or when such foreign corporation is merged into or
28 consolidated with another foreign corporation, a certificate of the

1 secretary of state, or official performing the equivalent function as to
2 corporate records, of the jurisdiction of incorporation of such foreign
3 corporation attesting to the occurrence of any such event or a certified
4 copy of an order or decree of a court of such jurisdiction directing the
5 dissolution of such foreign corporation, the termination of its exist-
6 ence or the cancellation of its authority shall be delivered to the
7 department of state. The filing of the certificate, order or decree
8 shall have the same effect as the filing of a certificate of surrender
9 of authority under section 1310 (Surrender of authority). The secretary
10 of state shall continue as agent of the foreign corporation upon whom
11 process against it may be served in the manner set forth in paragraph
12 (b) of section 306 (Service of process), in any action or special
13 proceeding based upon any liability or obligation incurred by the
14 foreign corporation within this state prior to the filing of such
15 certificate, order or decree and he or she shall promptly cause a copy
16 of any such process to be mailed by [registered] certified mail, return
17 receipt requested, to such foreign corporation at the post office
18 address on file in his or her office specified for such purpose or a
19 notice of the fact that process against such foreign corporation has
20 been served on him or her to be emailed to the foreign corporation at
21 the email address on file in his or her office specified for such
22 purpose. The post office address and/or email address may be changed by
23 signing and delivering to the department of state a certificate of
24 change setting forth the statements required under section 1309-A
25 (Certificate of change; contents) to effect a change in the post office
26 address and/or email address under subparagraph (a) [(4)] (7) or (10) of
27 section 1308 (Amendments or changes).

1 § 15. Subdivisions 2 and 3 of section 18 of the general associations
2 law, as amended by chapter 13 of the laws of 1938, are amended to read
3 as follows:

4 2. Every association doing business within this state shall file in
5 the department of state a certificate in its associate name, signed and
6 acknowledged by its president, or a vice-president, or secretary, or
7 treasurer, or managing director, or trustee, designating the secretary
8 of state as an agent upon whom process in any action or proceeding
9 against the association may be served within this state, and setting
10 forth an address to which the secretary of state shall mail a copy of
11 any process against the association which may be served upon him or her
12 pursuant to law. The association may include an email address to which
13 the secretary of state shall email a notice of the fact that process
14 against it has been electronically served upon him or her. Annexed to
15 the certificate of designation shall be a statement, executed in the
16 same manner as the certificate is required to be executed under this
17 section, which shall set forth:

- 18 (a) the names and places of residence of its officers and trustees
19 (b) its principal place of business
20 (c) the place where its office within this state is located and if
21 such place be in a city, the location thereof by street and number or
22 other particular description.

23 3. Any association, from time to time, may change the address to which
24 the secretary of state is directed to mail copies of process or specify,
25 change or delete the email address to which the secretary of state shall
26 email a notice of the fact that process against the association has been
27 electronically served upon him or her, by filing a statement to that

1 effect, executed, signed and acknowledged in like manner as a certif-
2 icate of designation as herein provided.

3 § 16. Section 19 of the general associations law, as amended by chap-
4 ter 166 of the laws of 1991, is amended to read as follows:

5 § 19. Service of process. Service of process against an association
6 upon the secretary of state shall be made [by personally] in the manner
7 provided by subdivision one or two of this section. (1) Personally
8 delivering to and leaving with him [or a deputy secretary of state or an
9 associate attorney, senior attorney or attorney in the corporation divi-
10 sion of the department of state] or her or with a person authorized by
11 the secretary of state to receive such service, duplicate copies of such
12 process at the office of the department of state in the city of Albany.
13 At the time of such service the plaintiff shall pay a fee of forty
14 dollars to the secretary of state which shall be a taxable disbursement.
15 [If the cost of registered mail for transmitting a copy of the process
16 shall exceed two dollars, an additional fee equal to such excess shall
17 be paid at the time of the service of such process.] The secretary of
18 state shall [forthwith] promptly send by [registered] certified mail one
19 of such copies to the association at the address fixed for that purpose,
20 as herein provided. (2) Electronically submitting a copy of the process
21 to the department of state together with the statutory fee, which fee
22 shall be a taxable disbursement, through an electronic system operated
23 by the department of state, provided the association has an email
24 address on file in the department of state to which the secretary of
25 state shall email a notice of the fact that process has been served
26 electronically on the secretary of state. Service of process on such
27 association shall be complete when the secretary of state has reviewed
28 and accepted service of such process. The secretary of state shall

1 promptly send a notice of the fact that process against such association
2 has been served electronically upon him or her, to such association at
3 the email address on file in the department of state, specified for the
4 purpose and shall make a copy of the process available to such associ-
5 ation. If the action or proceeding is instituted in a court of limited
6 jurisdiction, service of process may be made in the manner provided in
7 this section if the cause of action arose within the territorial juris-
8 diction of the court and the office of the defendant, as set forth in
9 its statement filed pursuant to section eighteen of this chapter, is
10 within such territorial jurisdiction.

11 § 17. Paragraph 4 of subdivision (e) of section 203 of the limited
12 liability company law, as added by chapter 470 of the laws of 1997, is
13 amended to read as follows:

14 (4) a designation of the secretary of state as agent of the limited
15 liability company upon whom process against it may be served and the
16 post office address within or without this state to which the secretary
17 of state shall mail a copy of any process against the limited liability
18 company served upon him or her. The limited liability company may
19 include an email address to which the secretary of state shall email a
20 notice of the fact that process against it has been electronically
21 served upon him or her;

22 § 18. Subdivision (d) of section 211 of the limited liability company
23 law is amended by adding a new paragraph 10 to read as follows:

24 (10) to specify, change or delete the email address to which the
25 secretary of state shall email a notice of the fact that process against
26 the limited liability company has been electronically served upon him or
27 her.

1 § 19. Section 211-A of the limited liability company law, as added by
2 chapter 448 of the laws of 1998, is amended to read as follows:

3 § 211-A. Certificate of change. (a) A limited liability company may
4 amend its articles of organization from time to time to (i) specify or
5 change the location of the limited liability company's office; (ii)
6 specify or change the post office address to which the secretary of
7 state shall mail a copy of any process against the limited liability
8 company served upon him or her; [and] (iii) specify, change or delete
9 the email address to which the secretary of state shall email a notice
10 of the fact that process against the limited liability company has been
11 electronically served upon him or her; and (iv) make, revoke or change
12 the designation of a registered agent, or specify or change the address
13 of the registered agent. Any one or more such changes may be accom-
14 plished by filing a certificate of change which shall be entitled
15 "Certificate of Change of (name of limited liability company)
16 under section 211-A of the Limited Liability Company Law" and shall be
17 signed and delivered to the department of state. It shall set forth:

18 (1) the name of the limited liability company, and if it has been
19 changed, the name under which it was formed;

20 (2) the date the articles of organization were filed by the department
21 of state; and

22 (3) each change effected thereby.

23 (b) A certificate of change which changes only the post office address
24 to which the secretary of state shall mail a copy of any process against
25 a limited liability company served upon him or her, and/or the email
26 address to which the secretary of state shall email a notice of the fact
27 that process against it has been electronically served upon the secre-
28 tary of state and/or the address of the registered agent, provided such

1 address being changed, and/or the email address being changed is the
2 email address of a person, partnership or other corporation whose email
3 address, as agent, is the email address to be changed, is the address of
4 a person, partnership or corporation whose address, as agent, is the
5 address to be changed or who has been designated as registered agent for
6 such limited liability company may be signed and delivered to the
7 department of state by such agent. The certificate of change shall set
8 forth the statements required under subdivision (a) of this section;
9 that a notice of the proposed change was mailed to the domestic limited
10 liability company by the party signing the certificate not less than
11 thirty days prior to the date of delivery to the department of state and
12 that such domestic limited liability company has not objected thereto;
13 and that the party signing the certificate is the agent of such limited
14 liability company to whose address the secretary of state is required to
15 mail copies of process, and/or the agent of the limited liability compa-
16 ny to whose email address of the secretary of state is required to
17 email a notice of the fact that process against it has been electron-
18 ically served upon the secretary of state, or the registered agent, if
19 such be the case. A certificate signed and delivered under this subdivi-
20 sion shall not be deemed to effect a change of location of the office of
21 the limited liability company in whose behalf such certificate is filed.

22 § 20. Subdivision (c) of section 301 of the limited liability company
23 law is amended to read as follows:

24 (c) Any designated post office address to which the secretary of state
25 shall mail a copy of process served upon him or her as agent of a domes-
26 tic limited liability company or a foreign limited liability company
27 shall continue until the filing of a certificate or other instrument
28 under this chapter directing the mailing to a different post office

1 address and any designated email address to which the secretary of state
2 shall email a notice of the fact that process has been electronically
3 served upon him or her as agent of a domestic limited liability company
4 or foreign limited liability company, shall continue until the filing of
5 a certificate or other instrument under this chapter changing or delet-
6 ing such email address.

7 § 21. Subdivision (a) of section 303 of the limited liability company
8 law, as relettered by chapter 341 of the laws of 1999, is amended to
9 read as follows:

10 (a) Service of process on the secretary of state as agent of a domes-
11 tic limited liability company or authorized foreign limited liability
12 company shall be made [by personally] in the manner provided by para-
13 graph one or two of this subdivision. (1) Personally delivering to and
14 leaving with the secretary of state or his or her deputy, or with any
15 person authorized by the secretary of state to receive such service, at
16 the office of the department of state in the city of Albany, duplicate
17 copies of such process together with the statutory fee, which fee shall
18 be a taxable disbursement. Service of process on such limited liability
19 company shall be complete when the secretary of state is so served. The
20 secretary of state shall promptly send one of such copies by certified
21 mail, return receipt requested, to such limited liability company at the
22 post office address on file in the department of state specified for
23 that purpose. (2) Electronically submitting a copy of the process to the
24 department of state together with the statutory fee, which fee shall be
25 a taxable disbursement, through an electronic system operated by the
26 department of state, provided the domestic or authorized foreign limited
27 liability company has an email address on file in the department of
28 state to which the secretary of state shall email a notice of the fact

1 that process has been served electronically on the secretary of state.
2 Service of process on such limited liability company shall be complete
3 when the secretary of state has reviewed and accepted service of such
4 process. The secretary of state shall promptly send a notice of the fact
5 that process against such limited liability company has been served
6 electronically on him or her to such limited liability company at the
7 email address on file in the department of state, specified for the
8 purpose and shall make a copy of the process available to such limited
9 liability company.

10 § 22. Subdivision (b) of section 304 of the limited liability company
11 law is amended to read as follows:

12 (b) Service of such process upon the secretary of state shall be made
13 [by personally] in the manner provided by paragraph one or two of this
14 subdivision.

15 (1) Personally delivering to and leaving with the secretary of state
16 or his or her deputy, or with any person authorized by the secretary of
17 state to receive such service, at the office of the department of state
18 in the city of Albany, a copy of such process together with the statuto-
19 ry fee, which fee shall be a taxable disbursement.

20 (2) Electronically submitting a copy of the process to the department
21 of state together with the statutory fee, which fee shall be a taxable
22 disbursement, through an electronic system operated by the department of
23 state.

24 § 23. Paragraph 4 of subdivision (a) of section 802 of the limited
25 liability company law, as amended by chapter 470 of the laws of 1997, is
26 amended to read as follows:

27 (4) a designation of the secretary of state as its agent upon whom
28 process against it may be served and the post office address within or

1 without this state to which the secretary of state shall mail a copy of
2 any process against it served upon him or her. The limited liability
3 company may include an email address to which the secretary of state
4 shall email a notice of the fact that process against it has been elec-
5 tronically served upon him or her;

6 § 24. Section 804-A of the limited liability company law, as added by
7 chapter 448 of the laws of 1998, is amended to read as follows:

8 § 804-A. Certificate of change. (a) A foreign limited liability compa-
9 ny may amend its application for authority from time to time to (i)
10 specify or change the location of the limited liability company's
11 office; (ii) specify or change the post office address to which the
12 secretary of state shall mail a copy of any process against the limited
13 liability company served upon him or her; [and] (iii) specify, change or
14 delete the email address to which the secretary of state shall email a
15 notice of the fact that process against the limited liability company
16 has been electronically served upon him or her; and (iv) to make, revoke
17 or change the designation of a registered agent, or to specify or change
18 the address of a registered agent. Any one or more such changes may be
19 accomplished by filing a certificate of change which shall be entitled
20 "Certificate of Change of (name of limited liability company)
21 under section 804-A of the Limited Liability Company Law" and shall be
22 signed and delivered to the department of state. It shall set forth:

23 (1) the name of the foreign limited liability company and, if applica-
24 ble, the fictitious name the limited liability company has agreed to use
25 in this state pursuant to section eight hundred two of this article;

26 (2) the date its application for authority was filed by the department
27 of state; and

28 (3) each change effected thereby,

1 (b) A certificate of change which changes only the post office address
2 to which the secretary of state shall mail a copy of any process against
3 a foreign limited liability company served upon him or her, and/or the
4 email address to which the secretary of state shall email a notice of
5 the fact that process against it has been electronically served upon the
6 secretary of state, and/or the address of the registered agent, provided
7 such address being changed is the address of a person, partnership or
8 corporation whose address, as agent, is the address to be changed,
9 and/or the email address being changed is the email address of a person,
10 partnership or other corporation whose email address, as agent, is the
11 email address to be changed, or who has been designated as registered
12 agent for such limited liability company may be signed and delivered to
13 the department of state by such agent. The certificate of change shall
14 set forth the statements required under subdivision (a) of this section;
15 that a notice of the proposed change was mailed to the foreign limited
16 liability company by the party signing the certificate not less than
17 thirty days prior to the date of delivery to the department of state and
18 that such foreign limited liability company has not objected thereto;
19 and that the party signing the certificate is the agent of such foreign
20 limited liability company to whose address the secretary of state is
21 required to mail copies of process, and/or the agent of such foreign
22 limited liability company to whose email address the secretary of state
23 is required to email a notice of the fact that process against it has
24 been electronically served upon the secretary of state, or the regis-
25 tered agent, if such be the case. A certificate signed and delivered
26 under this subdivision shall not be deemed to effect a change of
27 location of the office of the foreign limited liability company in whose
28 behalf such certificate is filed.

1 § 25. Paragraph 6 of subdivision (b) of section 806 of the limited
2 liability company law is amended to read as follows:

3 (6) a post office address within or without this state to which the
4 secretary of state shall mail a copy of any process against it served
5 upon him or her. The limited liability company may include an email
6 address to which the secretary of state shall email a notice of the fact
7 that process against it has been electronically served upon him or her.

8 § 26. Section 807 of the limited liability company law is amended to
9 read as follows:

10 § 807. Termination of existence. When a foreign limited liability
11 company that has received a certificate of authority is dissolved or its
12 authority to conduct its business or existence is otherwise terminated
13 or canceled in the jurisdiction of its formation or when such foreign
14 limited liability company is merged into or consolidated with another
15 foreign limited liability company, (a) a certificate of the secretary of
16 state or official performing the equivalent function as to limited
17 liability company records in the jurisdiction of organization of such
18 limited liability company attesting to the occurrence of any such event
19 or (b) a certified copy of an order or decree of a court of such juris-
20 diction directing the dissolution of such foreign limited liability
21 company, the termination of its existence or the surrender of its
22 authority shall be delivered to the department of state. The filing of
23 the certificate, order or decree shall have the same effect as the
24 filing of a certificate of surrender of authority under section eight
25 hundred six of this article. The secretary of state shall continue as
26 agent of the foreign limited liability company upon whom process against
27 it may be served in the manner set forth in article three of this chap-
28 ter, in any action or proceeding based upon any liability or obligation

1 incurred by the foreign limited liability company within this state
2 prior to the filing of such certificate, order or decree. The post
3 office address and/or email address may be changed by filing with the
4 department of state a certificate of amendment under section eight
5 hundred four of this article.

6 § 27. Paragraph 11 of subdivision (a) of section 1003 of the limited
7 liability company law, as amended by chapter 374 of the laws of 1998, is
8 amended to read as follows:

9 (11) a designation of the secretary of state as its agent upon whom
10 process against it may be served in the manner set forth in article
11 three of this chapter in any action or special proceeding, and a post
12 office address, within or without this state, to which the secretary of
13 state shall mail a copy of any process served upon him or her. The
14 limited liability company may include an email address to which the
15 secretary of state shall email a notice of the fact that process against
16 it has been electronically served upon him or her. Such post office
17 address or email address shall supersede any prior address designated as
18 the address to which process shall be mailed or a notice emailed;

19 § 28. Paragraph 6 of subdivision (a) of section 1306 of the limited
20 liability company law is amended to read as follows:

21 (6) a designation of the secretary of state as its agent upon whom
22 process against it may be served and the post office address within or
23 without this state to which the secretary of state shall mail a copy of
24 any process against it served upon him or her. The limited liability
25 company may include an email address to which the secretary of state
26 shall email a notice of the fact that process against it has been elec-
27 tronically served upon him or her; and

1 § 29. Paragraph (d) of section 304 of the not-for-profit corporation
2 law, as amended by chapter 358 of the laws of 2015, is amended to read
3 as follows:

4 (d) Any designated post-office address to which the secretary of state
5 shall mail a copy of process served upon him or her as agent of a domes-
6 tic corporation formed under article four of this chapter or foreign
7 corporation, shall continue until the filing of a certificate or other
8 instrument under this chapter directing the mailing to a different post-
9 office address and any designated email address to which the secretary
10 of state shall email a notice of the fact that process has been elec-
11 tronically served upon him or her as agent of a domestic corporation or
12 foreign corporation, shall continue until the filing of a certificate or
13 other instrument under this chapter changing or deleting the email
14 address.

15 § 30. Paragraph (b) of section 306 of the not-for-profit corporation
16 law, as amended by chapter 23 of the laws of 2014, is amended to read as
17 follows:

18 (b) Service of process on the secretary of state as agent of a domes-
19 tic corporation formed under article four of this chapter or an author-
20 ized foreign corporation shall be made [by personally] in the manner
21 provided by subparagraph one or two of this paragraph. (1) Personally
22 delivering to and leaving with the secretary of state or his or her
23 deputy, or with any person authorized by the secretary of state to
24 receive such service, at the office of the department of state in the
25 city of Albany, duplicate copies of such process together with the stat-
26 utory fee, which fee shall be a taxable disbursement. Service of process
27 on such corporation shall be complete when the secretary of state is so
28 served. The secretary of state shall promptly send one of such copies

1 by certified mail, return receipt requested, to such corporation, at the
2 post office address, on file in the department of state, specified for
3 the purpose. If a domestic corporation formed under article four of this
4 chapter or an authorized foreign corporation has no such address on file
5 in the department of state, the secretary of state shall so mail such
6 copy to such corporation at the address of its office within this state
7 on file in the department. (2) Electronically submitting a copy of the
8 process to the department of state together with the statutory fee,
9 which fee shall be a taxable disbursement, through an electronic system
10 operated by the department of state, provided the domestic or authorized
11 foreign corporation has an email address on file in the department of
12 state to which the secretary of state shall email a notice of the fact
13 that process has been served electronically on the secretary of state.
14 Service of process on such corporation shall be complete when the secre-
15 tary of state has reviewed and accepted service of such process. The
16 secretary of state shall promptly send a notice of the fact that process
17 against such corporation has been served electronically on him or her to
18 such corporation at the email address on file in the department of
19 state, specified for the purpose and shall make a copy of the process
20 available to such corporation.

21 § 31. Paragraph (b) of section 307 of the not-for-profit corporation
22 law is amended to read as follows:

23 (b) (1) Service of such process upon the secretary of state shall be
24 made [by personally] in the manner provided by items (i) or (ii) of this
25 subparagraph. (i) Personally delivering to and leaving with him or his
26 deputy, or with any person authorized by the secretary of state to
27 receive such service, at the office of the department of state in the
28 city of Albany, a copy of such process together with the statutory fee,

1 which fee shall be a taxable disbursement. [Such service] (ii) Electron-
2 ically submitting a copy of the process to the department of state
3 together with the statutory fee, which fee shall be a taxable disburse-
4 ment, through an electronic system operated by the department of state.

5 (2) Service under this paragraph shall be sufficient if notice thereof
6 and a copy of the process are:

7 [(1)] (i) Delivered personally without this state to such foreign
8 corporation by a person and in the manner authorized to serve process by
9 law of the jurisdiction in which service is made, or

10 [(2)] (ii) Sent by or on behalf of the plaintiff to such foreign
11 corporation by registered mail with return receipt requested, at the
12 post office address specified for the purpose of mailing process, on
13 file in the department of state, or with any official or body performing
14 the equivalent function, in the jurisdiction of its incorporation, or if
15 no such address is there specified, to its registered or other office
16 there specified, or if no such office is there specified, to the last
17 address of such foreign corporation known to the plaintiff.

18 § 32. Subparagraph 6 of paragraph (a) of section 402 of the not-for-
19 profit corporation law, as added by chapter 564 of the laws of 1981 and
20 as renumbered by chapter 132 of the laws of 1985, is amended to read as
21 follows:

22 (6) A designation of the secretary of state as agent of the corpo-
23 ration upon whom process against it may be served and the post office
24 address within or without this state to which the secretary of state
25 shall mail a copy of any process against it served upon him or her. The
26 corporation may include an email address to which the secretary of state
27 shall email a notice of the fact that process against it has been elec-
28 tronically served upon him or her.

1 § 33. Paragraph (b) of section 801 of the not-for-profit corporation
2 law is amended by adding a new paragraph 10 to read as follows:

3 (10) To specify, change or delete the email address to which the
4 secretary of state shall email a notice that process against the corpo-
5 ration has been electronically served upon him or her.

6 § 34. Paragraph (c) of section 802 of the not-for-profit corporation
7 law is amended by adding a new paragraph 4 to read as follows:

8 (4) To specify, change or delete the email address to which the secre-
9 tary of state shall email a notice of the fact that process against the
10 corporation has been electronically served upon him or her.

11 § 35. Subparagraph 6 of paragraph (a) of section 803 of the not-for-
12 profit corporation law, as amended by chapter 23 of the laws of 2014, is
13 amended to read as follows:

14 (6) A designation of the secretary of state as agent of the corpo-
15 ration upon whom process against it may be served and the post office
16 address within or without this state to which the secretary of state
17 shall mail a copy of any process against it served upon the secretary.
18 The corporation may include an email address to which the secretary of
19 state shall email a notice of the fact that process against it has been
20 electronically served upon him or her.

21 § 36. Paragraph (b) of section 803-A of the not-for-profit corporation
22 law, as amended by chapter 172 of the laws of 1999, is amended to read
23 as follows:

24 (b) A certificate of change which changes only the post office address
25 to which the secretary of state shall mail a copy of any process against
26 the corporation served upon him or her, and/or the email address to
27 which the secretary of state shall email a notice of the fact that proc-
28 ess against it has been electronically served upon the secretary of

1 state, and/or the address of the registered agent, provided such address
2 being changed is the address of a person, partnership or other corpo-
3 ration whose address, as agent, is the address to be changed [or],
4 and/or the email address being changed is the email address of a person,
5 partnership or other corporation, whose email address, as agent, is the
6 email address to be changed, and/or who has been designated as regis-
7 tered agent for such corporation, may be signed and delivered to the
8 department of state by such agent. The certificate of change shall set
9 forth the statements required under subparagraphs (1), (2) and (3) of
10 paragraph (a) of this section; that a notice of the proposed change was
11 mailed to the corporation by the party signing the certificate not less
12 than thirty days prior to the date of delivery to the department and
13 that such corporation has not objected thereto; and that the party sign-
14 ing the certificate is the agent of such corporation to whose address
15 the secretary of state is required to mail copies of any process against
16 the corporation served upon him or her, and/or the agent of the corpo-
17 ration to whose the email address the secretary of state is required to
18 email a notice of the fact that process against the corporation has been
19 electronically served upon him or her, and/or the registered agent, if
20 such be the case. A certificate signed and delivered under this para-
21 graph shall not be deemed to effect a change of location of the office
22 of the corporation in whose behalf such certificate is filed.

23 § 37. Paragraph (c) of section 1310 of the not-for-profit corporation
24 law, as amended by chapter 172 of the laws of 1999, is amended and a new
25 subparagraph 4 is added to paragraph (a) to read as follows:

26 (4) To specify, change or delete the email address to which the secre-
27 tary of state shall email a notice of the fact that process against the
28 corporation has been electronically served upon him or her.

1 (c) A certificate of change of application for authority which changes
2 only the post office address to which the secretary of state shall mail
3 a copy of any process against an authorized foreign corporation served
4 upon him or her, the email address to which the secretary of state shall
5 email a notice of the fact that process against it has been electron-
6 ically served upon the secretary of state and/or which changes the
7 address of its registered agent, provided such address is the address of
8 a person, partnership or other corporation whose address, as agent, is
9 the address to be changed, and/or the email address being changed is the
10 email address of a person, partnership or other corporation whose email
11 address, as agent, is the email address to be changed, or who has been
12 designated as registered agent for such authorized foreign corporation,
13 may be signed and delivered to the department of state by such agent.
14 The certificate of change of application for authority shall set forth
15 the statements required under subparagraphs (1), (2), (3) and (4) of
16 paragraph (b) of this section; that a notice of the proposed change was
17 mailed by the party signing the certificate to the authorized foreign
18 corporation not less than thirty days prior to the date of delivery to
19 the department and that such corporation has not objected thereto; and
20 that the party signing the certificate is the agent of such foreign
21 corporation to whose address the secretary of state is required to mail
22 copies of process [or], and/or the agent of such foreign corporation to
23 whose email address the secretary of state is required to email a notice
24 of the fact that process against it has been electronically served upon
25 the secretary of state, and/or the registered agent, if such be the
26 case. A certificate signed and delivered under this paragraph shall not
27 be deemed to effect a change of location of the office of the corpo-
28 ration in whose behalf such certificate is filed.

1 § 38. Subparagraph 6 of paragraph (a) of section 1311 of the not-for-
2 profit corporation law is amended to read as follows:

3 (6) A post office address within or without this state to which the
4 secretary of state shall mail a copy of any process against it served
5 upon him or her. The corporation may include an email address to which
6 the secretary of state shall email a notice of the fact that process
7 against it has been electronically served upon him or her.

8 § 39. Section 1312 of the not-for-profit corporation law, as amended
9 by chapter 375 of the laws of 1998, is amended to read as follows:

10 § 1312. Termination of existence.

11 When an authorized foreign corporation is dissolved or its authority
12 or existence is otherwise terminated or cancelled in the jurisdiction of
13 its incorporation or when such foreign corporation is merged into or
14 consolidated with another foreign corporation, a certificate of the
15 secretary of state, or official performing the equivalent function as to
16 corporate records, of the jurisdiction of incorporation of such foreign
17 corporation attesting to the occurrence of any such event or a certified
18 copy of an order or decree of a court of such jurisdiction directing the
19 dissolution of such foreign corporation, the termination of its exist-
20 ence or the cancellation of its authority shall be delivered to the
21 department of state. The filing of the certificate, order or decree
22 shall have the same effect as the filing of a certificate of surrender
23 of authority under section 1311 (Surrender of authority). The secretary
24 of state shall continue as agent of the foreign corporation upon whom
25 process against it may be served in the manner set forth in paragraph
26 (b) of section 306 (Service of process), in any action or special
27 proceeding based upon any liability or obligation incurred by the
28 foreign corporation within this state prior to the filing of such

1 certificate, order or decree and he shall promptly cause a copy of any
2 such process to be mailed by [registered] certified mail, return receipt
3 requested, to such foreign corporation at the post office address on
4 file in his or her office specified for such purpose or a notice of the
5 fact that process against the corporation has been served on him or her
6 to be emailed to the foreign corporation at the email address on file in
7 his or her office specified for such purpose. The post office address
8 and/or email address may be changed by signing and delivering to the
9 department of state a certificate of change setting forth the statements
10 required under section 1310 (Certificate of change[,]; contents) to
11 effect a change in the post office address and/or email address under
12 subparagraph (a) [(4)] (7) of section 1308 (Amendments or changes).

13 § 40. Subdivision (c) of section 121-104 of the partnership law, as
14 added by chapter 950 of the laws of 1990, is amended to read as follows:

15 (c) Any designated post office address to which the secretary of state
16 shall mail a copy of process served upon him as agent of a domestic
17 limited partnership or foreign limited partnership shall continue until
18 the filing of a certificate or other instrument under this article
19 directing the mailing to a different post office address and any desig-
20 nated email address to which the secretary of state shall email a notice
21 of the fact that process against such domestic limited partnership or
22 foreign limited partnership has been electronically served upon him or
23 her as agent of a domestic limited partnership or foreign limited part-
24 nership, shall continue until the filing of a certificate or other
25 instrument under this chapter changing or deleting the email address.

26 § 41. Subdivision (a) and the opening paragraph of subdivision (b) of
27 section 121-109 of the partnership law, as added by chapter 950 of the

1 laws of 1990 and as relettered by chapter 341 of the laws of 1999, are
2 amended to read as follows:

3 (a) Service of process on the secretary of state as agent of a domes-
4 tic or authorized foreign limited partnership shall be made [as follows]
5 in the manner provided by paragraph one or two of this subdivision:

6 (1) By personally delivering to and leaving with him or her or his or
7 her deputy, or with any person authorized by the secretary of state to
8 receive such service, at the office of the department of state in the
9 city of Albany, duplicate copies of such process together with the stat-
10 utory fee, which fee shall be a taxable disbursement.

11 [(2)] The service on the limited partnership is complete when the
12 secretary of state is so served.

13 [(3)] The secretary of state shall promptly send one of such copies by
14 certified mail, return receipt requested, addressed to the limited part-
15 nership at the post office address, on file in the department of state,
16 specified for that purpose.

17 (2) Electronically submitting a copy of the process to the department
18 of state together with the statutory fee, which fee shall be a taxable
19 disbursement, through an electronic system operated by the department of
20 state, provided the domestic or authorized foreign limited partnership
21 has an email address on file in the department of state to which the
22 secretary of state shall email a notice of the fact that process has
23 been served electronically on the secretary of state as agent of such
24 domestic or authorized foreign limited partnership. Service of process
25 on such limited partnership or authorized foreign limited partnership
26 shall be complete when the secretary of state has reviewed and accepted
27 service of such process. The secretary of state shall promptly send a
28 notice of the fact that process has been served to such limited partner-

1 ship at the email address on file in the department of state, specified
2 for the purpose and shall make a copy of the process available to such
3 limited partnership or authorized foreign limited partnership.

4 In any case in which a non-domiciliary would be subject to the
5 personal or other jurisdiction of the courts of this state under article
6 three of the civil practice law and rules, a foreign limited partnership
7 not authorized to do business in this state is subject to a like juris-
8 diction. In any such case, process against such foreign limited partner-
9 ship may be served upon the secretary of state as its agent. Such proc-
10 ess may issue in any court in this state having jurisdiction of the
11 subject matter. Service of process upon the secretary of state shall be
12 made [by personally] in the manner provided by paragraph one or two of
13 this subdivision. (1) Personally delivering to and leaving with him or
14 his deputy, or with any person authorized by the secretary of state to
15 receive such service, at the office of the department of state in the
16 city of Albany, a copy of such process together with the statutory fee,
17 which fee shall be a taxable disbursement. (2) Electronically submit-
18 ting a copy of the process to the department of state together with the
19 statutory fee, which fee shall be a taxable disbursement, through an
20 electronic system operated by the department of state. Such service
21 shall be sufficient if notice thereof and a copy of the process are:

22 § 42. Paragraph 3 of subdivision (a) of section 121-201 of the part-
23 nership law, as amended by chapter 264 of the laws of 1991, is amended
24 to read as follows:

25 (3) a designation of the secretary of state as agent of the limited
26 partnership upon whom process against it may be served and the post
27 office address within or without this state to which the secretary of
28 state shall mail a copy of any process against it served upon him or

1 her. The limited partnership may include an email address to which the
2 secretary of state shall email a notice of the fact that process against
3 it has been electronically served upon him or her;

4 § 43. Paragraph 4 of subdivision (b) of section 121-202 of the part-
5 nership law, as amended by chapter 576 of the laws of 1994, is amended
6 to read as follows:

7 (4) a change in the name of the limited partnership, or a change in
8 the post office address to which the secretary of state shall mail a
9 copy of any process against the limited partnership served on him or
10 her, a change in the email address to which the secretary of state shall
11 email a notice of the fact that process against the limited partnership
12 has been electronically served upon him or her, or a change in the name
13 or address of the registered agent, if such change is made other than
14 pursuant to section 121-104 or 121-105 of this article.

15 § 44. The opening paragraph of subdivision (a) and subdivision (b) of
16 section 121-202-A of the partnership law, as added by chapter 448 of the
17 laws of 1998, are amended to read as follows:

18 A certificate of limited partnership may be changed by filing with the
19 department of state a certificate of change entitled "Certificate of
20 Change of (name of limited partnership) under Section 121-202-A of
21 the Revised Limited Partnership Act" and shall be signed and delivered
22 to the department of state. A certificate of change may (i) specify or
23 change the location of the limited partnership's office; (ii) specify or
24 change the post office address to which the secretary of state shall
25 mail a copy of process against the limited partnership served upon him;
26 [and] (iii) specify, change or delete the email address to which the
27 secretary of state shall email a notice of the fact that process against
28 the limited partnership has been electronically served upon him or her;

1 and (iv) make, revoke or change the designation of a registered agent,
2 or to specify or change the address of its registered agent. It shall
3 set forth:

4 (b) A certificate of change which changes only the post office address
5 to which the secretary of state shall mail a copy of any process against
6 a limited partnership served upon him or her, the email address to
7 which the secretary of state shall email a notice of the fact that proc-
8 ess against it has been electronically served upon the secretary of
9 state, and/or the address of the registered agent, provided such address
10 being changed is the address of a person, partnership or corporation
11 whose address, as agent, is the address to be changed, and/or the email
12 address being changed is the email address of a person, partnership or
13 other corporation whose email address, as agent, is the email address to
14 be changed, or who has been designated as registered agent for such
15 limited partnership shall be signed and delivered to the department of
16 state by such agent. The certificate of change shall set forth the
17 statements required under subdivision (a) of this section; that a notice
18 of the proposed change was mailed to the domestic limited partnership by
19 the party signing the certificate not less than thirty days prior to the
20 date of delivery to the department of state and that such domestic
21 limited partnership has not objected thereto; and that the party signing
22 the certificate is the agent of such limited partnership to whose
23 address the secretary of state is required to mail copies of process
24 [or], and/or the agent to whose email address the secretary of state is
25 required to email a notice of the fact that process against it has been
26 electronically served upon the secretary of state, and/or the registered
27 agent, if such be the case. A certificate signed and delivered under
28 this subdivision shall not be deemed to effect a change of location of

1 the office of the limited partnership in whose behalf such certificate
2 is filed.

3 § 45. Paragraph 4 of subdivision (a) of section 121-902 of the part-
4 nership law, as amended by chapter 172 of the laws of 1999, is amended
5 to read as follows:

6 (4) a designation of the secretary of state as its agent upon whom
7 process against it may be served and the post office address within or
8 without this state to which the secretary of state shall mail a copy of
9 any process against it served upon him or her. The limited partnership
10 may include an email address to which the secretary of state shall email
11 a notice of the fact that process against it has been electronically
12 served upon him or her;

13 § 46. The opening paragraph of subdivision (a) and subdivision (b) of
14 section 121-903-A of the partnership law, as added by chapter 448 of the
15 laws of 1998, are amended to read as follows:

16 A foreign limited partnership may change its application for authority
17 by filing with the department of state a certificate of change entitled
18 "Certificate of Change of (name of limited partnership) under
19 Section 121-903-A of the Revised Limited Partnership Act" and shall be
20 signed and delivered to the department of state. A certificate of change
21 may (i) change the location of the limited partnership's office; (ii)
22 change the post office address to which the secretary of state shall
23 mail a copy of process against the limited partnership served upon him;
24 [and] (iii) specify, change or delete the email address to which the
25 secretary of state shall email a notice of the fact that process against
26 the limited partnership has been electronically served upon him or her;
27 and (iv) make, revoke or change the designation of a registered agent,

1 or to specify or change the address of its registered agent. It shall
2 set forth:

3 (b) A certificate of change which changes only the post office address
4 to which the secretary of state shall mail a copy of any process against
5 a foreign limited partnership served upon him or her, and/or the email
6 address to which the secretary of state shall email a notice of the fact
7 that process against it has been electronically served upon the secre-
8 tary of state, and/or the address of the registered agent, provided such
9 address being changed is the address of a person, partnership or corpo-
10 ration whose address, as agent, is the address to be changed, and/or the
11 email address being changed is the email address of a person, partner-
12 ship or other corporation whose email address, as agent, is the email
13 address to be changed, or who has been designated as registered agent
14 for such foreign limited partnership shall be signed and delivered to
15 the department of state by such agent. The certificate of change shall
16 set forth the statements required under subdivision (a) of this section;
17 that a notice of the proposed change was mailed to the foreign limited
18 partnership by the party signing the certificate not less than thirty
19 days prior to the date of delivery to the department of state and that
20 such foreign limited partnership has not objected thereto; and that the
21 party signing the certificate is the agent of such foreign limited part-
22 nership to whose address the secretary of state is required to mail
23 copies of process [or], the email address of the party to whose email
24 address the secretary of state is required to mail a notice of the fact
25 that process against it has been electronically served upon the secre-
26 tary of state and/or the registered agent, if such be the case. A
27 certificate signed and delivered under this subdivision shall not be

1 deemed to effect a change of location of the office of the limited part-
2 nership in whose behalf such certificate is filed.

3 § 47. Paragraph 6 of subdivision (b) of section 121-905 of the part-
4 nership law, as added by chapter 950 of the laws of 1990, is amended to
5 read as follows:

6 (6) a post office address within or without this state to which the
7 secretary of state shall mail a copy of any process against it served
8 upon him or her. The limited partnership may include an email address to
9 which the secretary of state shall email a notice of the fact that proc-
10 ess against it has been electronically served upon him or her.

11 § 48. Section 121-906 of the partnership law, as amended by chapter
12 172 of the laws of 1999, is amended to read as follows:

13 § 121-906. Termination of existence. When a foreign limited partner-
14 ship which has received a certificate of authority is dissolved or its
15 authority to conduct its business or existence is otherwise terminated
16 or cancelled in the jurisdiction of its organization or when such
17 foreign limited partnership is merged into or consolidated with another
18 foreign limited partnership, (i) a certificate of the secretary of
19 state, or official performing the equivalent function as to limited
20 partnership records, in the jurisdiction of organization of such limited
21 partnership attesting to the occurrence of any such event, or (ii) a
22 certified copy of an order or decree of a court of such jurisdiction
23 directing the dissolution of such foreign limited partnership, the
24 termination of its existence or the surrender of its authority, shall be
25 delivered to the department of state. The filing of the certificate,
26 order or decree shall have the same effect as the filing of a certif-
27 icate of surrender of authority under section 121-905 of this article.
28 The secretary of state shall continue as agent of the foreign limited

1 partnership upon whom process against it may be served in the manner set
2 forth in section 121-109 of this article, in any action or proceeding
3 based upon any liability or obligation incurred by the foreign limited
4 partnership within this state prior to the filing of such certificate,
5 order or decree. The post office address and/or email address may be
6 changed by filing with the department of state a certificate of amend-
7 ment under section 121-903 or a certificate of change under section
8 121-903-A of this article.

9 § 49. Paragraph 7 of subdivision (a) of section 121-1103 of the part-
10 nership law, as added by chapter 950 of the laws of 1990, is amended to
11 read as follows:

12 (7) A designation of the secretary of state as its agent upon whom
13 process against it may be served in the manner set forth in section
14 121-109 of this article in any action or special proceeding, and a post
15 office address, within or without this state, to which the secretary of
16 state shall mail a copy of any process served upon him or her. The
17 limited partnership may include an email address to which the secretary
18 of state shall email a notice of the fact that process against it has
19 been electronically served upon him or her. Such post office address or
20 email address shall supersede any prior address designated as the
21 address to which process shall be mailed or a notice emailed.

22 § 50. Subparagraph 4 of paragraph (I) of subdivision (a) and subdivi-
23 sion (j-1) of section 121-1500 of the partnership law, paragraph (I) of
24 subdivision (a) as amended by chapter 643 of the laws of 1995 and as
25 redesignated by chapter 767 of the laws of 2005 and subdivision (j-1) as
26 added by chapter 448 of the laws of 1998, are amended to read as
27 follows:

1 (4) a designation of the secretary of state as agent of the partner-
2 ship without limited partners upon whom process against it may be served
3 and the post office address within or without this state to which the
4 secretary of state shall mail a copy of any process against it or served
5 upon it. The partnership without limited partners may include an email
6 address to which the secretary of state shall email a notice of the fact
7 that process against it has been electronically served upon him or her;

8 (j-1) A certificate of change which changes only the post office
9 address to which the secretary of state shall mail a copy of any process
10 against a registered limited liability partnership served upon him or
11 her, and/or the email address to which the secretary of state shall
12 email a notice of the fact that process against it has been electron-
13 ically served upon the secretary of state, and/or the address of the
14 registered agent, provided such address being changed is the address of
15 a person, partnership or corporation whose address, as agent, is the
16 address to be changed [or], and/or the email address being changed is
17 the email address of a person, partnership or other corporation whose
18 email address, as agent, is the email address to be changed, and/or who
19 has been designated as registered agent for such registered limited
20 liability partnership shall be signed and delivered to the department of
21 state by such agent. The certificate of change shall set forth: (i) the
22 name of the registered limited liability partnership and, if it has been
23 changed, the name under which it was originally filed with the depart-
24 ment of state; (ii) the date of filing of its initial registration or
25 notice statement; (iii) each change effected thereby; (iv) that a notice
26 of the proposed change was mailed to the limited liability partnership
27 by the party signing the certificate not less than thirty days prior to
28 the date of delivery to the department of state and that such limited

1 liability partnership has not objected thereto; and (v) that the party
2 signing the certificate is the agent of such limited liability partner-
3 ship to whose address the secretary of state is required to mail copies
4 of process [or], and/or to whose email address the secretary of state is
5 required to mail a notice of the fact that process against it has been
6 electronically served upon the secretary of state, and/or the registered
7 agent, if such be the case. A certificate signed and delivered under
8 this subdivision shall not be deemed to effect a change of location of
9 the office of the limited liability partnership in whose behalf such
10 certificate is filed. The certificate of change shall be accompanied by
11 a fee of five dollars.

12 § 51. Paragraph (v) of subdivision (a) and subdivision (i-1) of
13 section 121-1502 of the partnership law, paragraph (v) of subdivision
14 (a) as amended by chapter 470 of the laws of 1997 and subdivision (i-1)
15 as added by chapter 448 of the laws of 1998, are amended to read as
16 follows:

17 (v) a designation of the secretary of state as agent of the foreign
18 limited liability partnership upon whom process against it may be served
19 and the post office address within or without this state to which the
20 secretary of state shall mail a copy of any process against it or served
21 upon it. The foreign limited liability partnership may include an email
22 address to which the secretary of state shall email a notice of the fact
23 that process against it has been electronically served upon him or her;

24 (i-1) A certificate of change which changes only the post office
25 address to which the secretary of state shall mail a copy of any process
26 against a New York registered foreign limited liability partnership
27 served upon him or her, and/or the email address to which the secretary
28 of state shall email a notice of the fact that process against it has

1 been electronically served upon the secretary of state, and/or the
2 address of the registered agent, provided such address being changed is
3 the address of a person, partnership or corporation whose address, as
4 agent, is the address to be changed [or], and/or the email address being
5 changed is the email address of a person, partnership or other corpo-
6 ration whose email address, as agent, is the email address to be
7 changed, and/or who has been designated as registered agent of such
8 registered foreign limited liability partnership shall be signed and
9 delivered to the department of state by such agent. The certificate of
10 change shall set forth: (i) the name of the New York registered foreign
11 limited liability partnership; (ii) the date of filing of its initial
12 registration or notice statement; (iii) each change effected thereby;
13 (iv) that a notice of the proposed change was mailed to the limited
14 liability partnership by the party signing the certificate not less than
15 thirty days prior to the date of delivery to the department of state and
16 that such limited liability partnership has not objected thereto; and
17 (v) that the party signing the certificate is the agent of such limited
18 liability partnership to whose address the secretary of state is
19 required to mail copies of process [or], and/or to whose email address
20 the secretary of state is required to mail a notice of the fact that
21 process against it has been electronically served upon the secretary of
22 state, and/or the registered agent, if such be the case. A certificate
23 signed and delivered under this subdivision shall not be deemed to
24 effect a change of location of the office of the limited liability part-
25 nership in whose behalf such certificate is filed. The certificate of
26 change shall be accompanied by a fee of five dollars.

27 § 52. Subdivision (a) of section 121-1505 of the partnership law, as
28 added by chapter 470 of the laws of 1997, is amended to read as follows:

1 (a) Service of process on the secretary of state as agent of a regis-
2 tered limited liability partnership or New York registered foreign
3 limited liability partnership under this article shall be made [by
4 personally] in the manner provided by paragraph one or two of this
5 subdivision. (1) Personally delivering to and leaving with the secretary
6 of state or a deputy, or with any person authorized by the secretary of
7 state to receive such service, at the office of the department of state
8 in the city of Albany, duplicate copies of such process together with
9 the statutory fee, which fee shall be a taxable disbursement. Service of
10 process on such registered limited liability partnership shall be
11 complete when the secretary of state is so served. The secretary of
12 state shall promptly send one of such copies by certified mail, return
13 receipt requested, to such registered limited liability partnership, at
14 the post office address on file in the department of state specified for
15 such purpose. (2) Electronically submitting a copy of the process to the
16 department of state together with the statutory fee, which fee shall be
17 a taxable disbursement, through an electronic system operated by the
18 department of state, provided the registered limited liability partner-
19 ship or New York registered foreign limited liability partnership has an
20 email address on file in the department of state to which the secretary
21 of state shall email a notice of the fact that process against such
22 registered limited liability partnership or New York registered foreign
23 limited liability partnership served has been electronically served on
24 the secretary of state. Service of process on such registered limited
25 liability partnership or New York registered foreign limited liability
26 partnership shall be complete when the secretary of state has reviewed
27 and accepted service of such process. The secretary of state shall
28 promptly send a notice of the fact that process against such registered

1 limited liability partnership or New York registered foreign limited
2 liability partnership has been served electronically upon him or her, to
3 such registered limited liability partnership or New York registered
4 foreign limited liability partnership at the email address on file in
5 the department of state, specified for the purpose and shall make a copy
6 of the process available to such registered limited liability partner-
7 ship or New York registered foreign limited liability partnership.

8 § 53. Subdivision 7 of section 339-n of the real property law, as
9 amended by chapter 346 of the laws of 1997, is amended to read as
10 follows:

11 7. A designation of the secretary of state as agent of the corporation
12 or board of managers upon whom process against it may be served and the
13 post office address within or without this state to which the secretary
14 of state shall mail a copy of any process against it served upon him or
15 her. The designation may include an email address to which the secretary
16 of state shall email a notice of the fact that process against it has
17 been electronically served upon him or her. Service of process on the
18 secretary of state as agent of such corporation or board of managers
19 shall be made [personally] in the manner provided by paragraph (a) or
20 (b) of this subdivision. (a) Personally delivering to and leaving with
21 him or her or his or her deputy, or with any person authorized by the
22 secretary of state to receive such service, at the office of the depart-
23 ment of state in the city of Albany, duplicate copies of such process
24 together with the statutory fee, which shall be a taxable disbursement.
25 Service of process on such corporation or board of managers shall be
26 complete when the secretary of state is so served. The secretary of
27 state shall promptly send one of such copies by certified mail, return
28 receipt requested, to such corporation or board of managers, at the post

1 office address, on file in the department of state, specified for such
2 purpose. (b) Electronically submitting a copy of the process to the
3 department of state together with the statutory fee, which fee shall be
4 a taxable disbursement, through an electronic system operated by the
5 department of state, provided the corporation or board of managers has
6 an email address on file in the department of state to which the secre-
7 tary of state shall email a notice of the fact that process against the
8 corporation or board of managers has been served electronically on the
9 secretary of state. Service of process on such corporation or board of
10 managers shall be complete when the secretary of state has reviewed and
11 accepted service of such process. The secretary of state shall promptly
12 send notice of the fact that process has been served electronically on
13 the secretary of state to such corporation or board of managers at the
14 email address on file in the department of state, specified for the
15 purpose and shall make a copy of the process available to such corpo-
16 ration or board of managers. Nothing in this subdivision shall affect
17 the right to serve process in any other manner permitted by law. The
18 corporation or board of managers shall also file with the secretary of
19 state the name and post office address within or without this state to
20 which the secretary of state shall mail a copy of any process against it
21 served upon the secretary of state and shall update the filing as neces-
22 sary.

23 § 54. This act shall take effect January 1, 2023.

24 PART P

25 Section 1. The executive law is amended by adding a new section 142-b
26 to read as follows:

1 § 142-b. Remote notarization. 1. Definitions. As used in this section,
2 the following terms have the following meanings:

3 (a) "Audio-video communication" means being able to see, hear, and
4 communicate with another individual in real time using electronic means.

5 (b) "Credential" means a government-issued identification document
6 that includes the principal's photograph, signature, and multiple
7 credential security features such as: a holographic image, raised or
8 textured print, microprinting, laser engraving, optical variable ink,
9 long life multi-layer PET (polyethylene terephthalate)/PVC (polyvinyl
10 chloride) credential body construction, the issuing agency's seal, or
11 the credential holder's physical characteristics (such as height, eye
12 color, hair color).

13 (c) "Credential analysis" means a process or service which authenti-
14 cates a credential through review of public and proprietary data sourc-
15 es, and complies with the following criteria:

16 (i) uses automated software processes to aid the notary public in
17 verifying the identity of a remotely located individual;

18 (ii) ensures that the credential passes an authenticity test, consist-
19 ent with sound commercial practices that:

20 (1) uses appropriate technologies to confirm the integrity of visual,
21 physical, or cryptographic security features;

22 (2) uses appropriate technologies to confirm that the identification
23 credential is not fraudulent or inappropriately modified;

24 (3) uses information held or published by the issuing source or an
25 authoritative source, as available, to confirm the validity of personal
26 details and identification credential details; and

27 (iii) provides output of the credential analysis to the notary public;
28 and

1 (iv) enables the notary public to visually compare the credential and
2 the remotely located individual as viewed by the notary public in real
3 time through audio-video communication.

4 (d) "Electronic" shall have the same meaning as set forth in section
5 three hundred two of the state technology law.

6 (e) "Electronic record" means information evidencing any act, trans-
7 action, occurrence, event or other activity, produced or stored by elec-
8 tronic means and capable of being accurately reproduced in forms percep-
9 tible by human sensory capabilities.

10 (f) "Electronic signature" means an electronic sound, symbol, or proc-
11 ess, attached to or logically associated with an electronic record and
12 executed or adopted by a person with the intent to sign the record.

13 (g) "Identity proofing" means a knowledge-based authentication process
14 through which a third party confirms the identity of a principal through
15 review of personal information from public and proprietary data sources
16 as may be further defined by regulation.

17 (h) "Notarial act" means the performance of an act authorized by
18 section one hundred thirty-five of this chapter.

19 (i) "Principal" means an individual:

20 (i) whose signature is reflected on a document that is notarized;

21 (ii) who has taken an oath or affirmation administered by a notary
22 public; or

23 (iii) whose signature is reflected on a document that is notarized
24 after the individual has taken an oath or affirmation administered by a
25 notary public.

26 (j) "Record" means information that is inscribed on a tangible medium
27 or that is stored in an electronic or other medium and is retrievable in
28 perceivable form.

1 (k) "Remote notarization" means the act of performing any notarial act
2 that is authorized under section one hundred thirty-five of this chapter
3 where a principal who is not in the physical presence of the notary
4 public obtains a notarial act under subdivision two of this section.

5 (l) "Remote presentation" means display of a credential to the notary
6 public through audio-video communication in a manner that allows the
7 notary public to compare the principal to the credential facial image
8 and to examine the front and back of any credential.

9 (m) "Wet signature" means a signature affixed in ink or pencil or
10 other material to a paper document.

11 2. Any notary public qualified under this article is hereby authorized
12 to perform a remote notarization by utilizing audio-video technology
13 that allows the notary public to interact with a principal, provided
14 that all conditions of this subdivision are met.

15 (a) The notary public must verify the identity of the principal in a
16 manner consistent with the requirements of subdivision three of this
17 section. A notary public may require an individual to provide additional
18 information or identification credentials necessary to assure the notary
19 public of the identity of the principal.

20 (b) The audio-video conference must allow for real-time, direct inter-
21 action between the principal and the notary public.

22 (c) The communication technology must provide reasonable security
23 measures to prevent unauthorized access to the audio-video communication
24 and to the methods used to verify the identity of the principal.

25 (d) A recording, containing both audio and video, of the remote notar-
26 ization must be retained by the notary public for at least ten years.

27 (e) The notary public must take reasonable steps to ensure that a
28 backup of the recording of the remote notarization exists and is secured

1 from unauthorized use. A notary public may authorize a third party to
2 retain such recordings on behalf of the notary, provided that all
3 recordings retained by a third party be made available to the secretary
4 upon request.

5 (f) If a notarial act is performed under this section, the certif-
6 icates of an acknowledgment must conform substantially with the language
7 in this paragraph that corresponds to the type of transaction at issue,
8 the blanks being properly filled.

9 (1) For a remote notarization when the principal is located outside
10 the State of New York:

11 State of New York }ss.:

12 County of}

13 On the day of in the year before me, the
14 undersigned, appeared through use of audio and video communi-
15 cation....., personally known to me or proved to me on the basis of
16 satisfactory evidence to be the individual(s) whose name(s) is (are)
17 subscribed to the within instrument, acknowledged to me that he/she/they
18 executed the same in his/her/their capacity(ies), and that by
19 his/her/their signature(s) on the instrument, the individual(s), or the
20 person upon behalf of which the individual(s) acted, executed the
21 instrument, and who declared that (pronoun) (is) (are) located in ...
22 (jurisdiction and location name) and that this record is to be filed
23 with or relates to a matter before a court, governmental entity, public
24 official, or other entity located in the territorial jurisdiction of the
25 United States, or involves property located in the territorial jurisdic-
26 tion of, or a transaction substantially connected with, the United
27 States. (Signature and office of individual taking acknowledgement.)

1 (2) For a remote notarization when the principal is located within the
2 State of New York:

3 State of New York }ss.:

4 County of}

5 On the day of in the year before me, the
6 undersigned, appeared through use of audio and video communi-
7 cation....., personally known to me or proved to me on the basis of
8 satisfactory evidence to be the individual(s) whose name(s) is (are)
9 subscribed to the within instrument and acknowledged to me that
10 he/she/they executed the same in his/her/their capacity(ies), and that
11 by his/her/their signature(s) on the instrument, the individual(s), or
12 the person upon behalf of which the individual(s) acted, executed the
13 instrument. (Signature and office of individual taking acknowledgement.)

14 (g) For receipt and certification of instruments, the principal must
15 transmit by fax or electronic means a legible copy of the signed signa-
16 ture page directly to the notary public on the same date it was signed
17 before the notary public affixes their wet signature.

18 (h) The notary public must be physically situated in New York state at
19 the time of the remote notarization.

20 (i) The notary public must maintain a journal of each remote notariza-
21 tion performed pursuant to this section, which upon demand, shall be
22 subject to inspection by the secretary of state. The journal required by
23 this subdivision shall be maintained by each notary public for as long
24 as such notary public remains in office and then for an additional five
25 years thereafter. Each journal entry shall:

26 (1) Be made contemporaneously with the performance of the notarial
27 act;

28 (2) Indicate the date and approximate time of the notarial act;

1 (3) Indicate the name of the principal;

2 (4) Indicate the technology used to perform the remote presentation;

3 (5) Indicate the number and type of notarial services provided; and

4 (6) Indicate the type of credential used to identify the principal.

5 3. The notary public must be able to verify the identity of the prin-
6 cipal at the time the notarial act is provided by one of the following
7 methods:

8 (a) The notary public's personal knowledge of the principal; or

9 (b) Identification of the principal who appears remotely before the
10 notary by means of audio-video communication by each of the following:

11 (i) Remote presentation by the principal of a credential;

12 (ii) Credential analysis; and

13 (iii) Identity proofing of the principal; or

14 (c) Oath or affirmation of a credible witness who personally knows the
15 principal and who is either personally known to the notary public or who
16 is identified by the notary public under paragraph (b) of this subdivi-
17 sion.

18 4. The notary public may notarize the electronically transmitted copy
19 of the document and transmit the document back to the principal by mail,
20 or by fax or secure electronic means. If the notarized document is tran-
21 smitted to the principal by fax or secure electronic means, the notary
22 public shall promptly destroy the original after receiving confirmation
23 of the transmission. An electronically transmitted document notarized
24 pursuant to this section shall be considered an original document. The
25 notary public may repeat the notarization of the original signed docu-
26 ment as of the date of execution provided the notary public receives
27 such original signed document together with the electronically notarized
28 copy within thirty days after the date of execution.

1 5. Notwithstanding article 9 of the real property law or any other law
2 or regulation to the contrary, any act performed in conformity with this
3 section shall be a permissive alternative to a personal appearance,
4 unless a law expressly excludes the authorization provided for in this
5 section.

6 6. Any person who suffers actual damages as a result of a principal
7 who violates any of the provisions of this section, shall have a civil
8 cause of action against any such principal in a court of competent
9 jurisdiction.

10 7. The secretary of state may promulgate regulations establishing
11 minimum standards that relate to reasonable security measures to prevent
12 unauthorized access to audio-video communication and to the methods used
13 to verify the identity of the principal, and any other matters necessary
14 to administer the provisions of this section.

15 8. Pursuant to section one hundred thirty of this article, the secre-
16 tary of state may suspend or remove from office any notary public that
17 violates this section.

18 9. Notarial signature.

19 (a) Nothing in this section shall be construed as permitting a notary
20 public to use an electronic signature to perform a remote notarization.
21 Each remote notarization shall be completed by wet signature.

22 (b) A county clerk may certify pursuant to section one hundred thir-
23 ty-three of this article the autograph signature of a notary public on
24 any document that has been remotely notarized in compliance with this
25 section.

26 10. Fees. Notwithstanding section one hundred thirty-six of this arti-
27 cle, a notary public that performs a remote notarization pursuant to
28 this section shall be entitled to the following fees:

1 (a) For administering an oath or affirmation, and certifying the same
 2 when required, except where another fee is specifically prescribed by
 3 statute, five dollars.

4 (b) For taking and certifying the acknowledgment or proof of execution
 5 of a written instrument, by one person, five dollars, and by each addi-
 6 tional person, five dollars, for swearing each witness thereto, five
 7 dollars.

8 11. Nothing in this section shall be construed as requiring any notary
 9 public to perform a remote notarization. A notary public may refuse to
 10 perform a notarial act if the notary public is not satisfied that (i)
 11 the principal is competent or has the capacity to execute a record, or
 12 (ii) the principal's signature is knowingly and voluntarily made.

13 § 2. Subdivision 1 of section 309-a of the real property law, as sepa-
 14 rately amended by chapter 179 of the laws of 1997 and chapter 596 of the
 15 laws of 1998, is amended to read as follows:

16 1. The certificate of an acknowledgment, within this state, of a
 17 conveyance or other instrument in respect to real property situate in
 18 this state, by a person, must conform substantially with the following
 19 form, the blanks being properly filled:

20 State of New York }ss.:

21 County of}

22 On the day of in the year before me, the
 23 undersigned, either (i) personally appeared or (ii) appeared remotely by
 24 audio and video technology, personally known to me or proved to
 25 me on the basis of satisfactory evidence to be the individual(s) whose
 26 name(s) is (are) subscribed to the within instrument and acknowledged to
 27 me that he/she/they executed the same in his/her/their capacity(ies),
 28 and that by his/her/their signature(s) on the instrument, the

1 individual(s), or the person upon behalf of which the individual(s)
2 acted, executed the instrument.

3 (Signature and office of individual taking acknowledgement.)

4 § 3. Subdivision 1 of section 309-b of the real property law, as
5 amended by chapter 609 of the laws of 2002, is amended to read as
6 follows:

7 1. The certificate of an acknowledgement, without this state, of a
8 conveyance or other instrument with respect to real property situate in
9 this state, by a person, may conform substantially with the following
10 form, the blanks being properly filled:

11 State, District of Columbia, Territory, Possession, or Foreign Country
12) ss.:

13 On the _____ day of _____ in the year _____ before me, the
14 undersigned, either (i) personally appeared or (ii) appeared remotely by
15 audio and video technology _____, personally known to me or
16 proved to me on the basis of satisfactory evidence to be the
17 individual(s) whose name(s) is (are) subscribed to the within instrument
18 and acknowledged to me that he/she/they executed the same in
19 his/her/their capacity(ies), and that by his/her/their signature(s) on
20 the instrument, the individual(s), or the person upon behalf of which
21 the individual(s) acted, executed the instrument.

22 (Signature and office of individual taking acknowledgement.)

23 § 4. This act shall take effect immediately.

1 Section 1. Paragraph (b) of subdivision 5 of section 8-0111 of the
2 environmental conservation law, as amended by chapter 388 of the laws of
3 2011, 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, ten and the
6 former article eight of the public service law or requiring a siting
7 permit under section ninety-four-c of the executive law; or

8 § 2. Paragraph (i) of subdivision 3 and paragraph (d) of subdivision 7
9 of section 94-c of the executive law, as added by section 4 of part JJJ
10 of chapter 58 of the laws of 2020, is amended to read as follows:

11 (i) Notwithstanding any other provision of law, rule, or regulation to
12 the contrary and consistent with appropriations therefor, employees of
13 any state agency who are necessary to the functions of the office and
14 who may be substantially engaged in the performance of its functions
15 shall be transferred to the office in accordance with the provisions of
16 section [seventy-eight] seventy of the civil service law. Employees
17 transferred pursuant to this section shall be transferred without
18 further examination or qualification and shall retain their respective
19 civil service classifications. Nothing set forth in this subdivision
20 shall be construed to impede, infringe, or diminish the rights and bene-
21 fits that accrue to employees through collective bargaining agreements,
22 impact or change an employee's membership in a bargaining unit, or
23 otherwise diminish the integrity of the collective bargaining relation-
24 ship.

25 (d) In addition to the fees established pursuant to paragraph (a) of
26 this subdivision, the office, pursuant to regulations adopted pursuant
27 to this section, may assess a fee for the purpose of recovering [the]

1 costs the office incurs [related to reviewing and processing an applica-
2 tion submitted under this section].

3 § 3. Subdivision 2-b of section 2 of the public service law, as
4 amended by chapter 6 of the laws of 2011, is amended to read as follows:

5 2-b. The term "alternate energy production facility," when used in
6 this chapter, includes any solar, wind turbine, fuel cell, tidal, wave
7 energy, waste management resource recovery, refuse-derived fuel, wood
8 burning facility, or energy storage device utilizing batteries, flow
9 batteries, flywheels or compressed air, together with any related facil-
10 ities located at the same project site, with an electric generating
11 capacity of [up to eighty] less than twenty-five megawatts, which
12 produces electricity, gas or useful thermal energy.

13 § 4. This act shall take effect immediately and shall be deemed to
14 have been in full force and effect on and after April 3, 2020; provided,
15 however, that section three of this act shall not apply to any major
16 electric generating facility issued a certificate under article 10 of
17 the public service law prior to such date; and provided further, that
18 the amendments to section 94-c of the executive law, made by section two
19 of this act, shall not affect the repeal of such section and shall be
20 deemed repealed therewith.

21

PART R

22 Section 1. Notwithstanding any provision of law to the contrary,
23 general, special or local, (1) a building owner is authorized pursuant
24 to sections 28-320-3.6 and 28-320-3.6.1 of the administrative code of
25 the city of New York to deduct from the reported annual building emis-
26 sions the number of renewable energy credits purchased by or on behalf

1 of such owner associated with energy produced by a renewable energy
2 resource that is eligible under tier 2 of the renewable energy standard
3 (RES) adopted by the public service commission, or qualifying renewable
4 energy credits made available through contracts with the New York state
5 energy research and development authority and associated with energy
6 produced by offshore wind energy resources delivering into the zone J
7 load zone or energy resources subject to tier 4 of the RES; provided,
8 however, that such building owner may only use tier 2 renewable energy
9 credits for the purposes of this subdivision in the absence of the
10 availability of such offshore wind or tier 4 renewable energy credits;
11 and (2) renewable energy credits associated with energy produced by such
12 offshore wind, tier 2 and tier 4 energy resources shall be treated the
13 same with respect to the conversion of such credits into emissions that
14 may be deducted by such building owner.

15 § 2. This act shall take effect immediately and shall expire and be
16 deemed repealed December 31, 2034.

17 PART S

18 Section 1. The public authorities law is amended by adding a new
19 section 2564-a to read as follows:

20 § 2564-a. Additional powers of the corporation. 1. For the purposes of
21 this section, the following terms shall have the following meanings:

22 (a) "premises" means all buildings and structures now or hereafter
23 constituting all or any part of the Jacob K. Javits Convention Center at
24 and in the general vicinity of 655 West 34th Street and 650 West 39th
25 Street, New York, New York, together with the lands on which such build-
26 ings and structures are or will be located.

1 (b) "New York city codes" means the New York city construction codes
2 of two thousand fourteen, including but not limited to the building,
3 mechanical, plumbing, fuel gas, and energy conservation codes; the New
4 York city construction and maintenance code of nineteen hundred sixty-
5 eight; the New York city fire code of two thousand fourteen; the New
6 York city electrical code; the New York city energy code; title one of
7 the rules of the city of New York, department of buildings; title two of
8 the rules of the city of New York board of standards and appeals; and
9 title three of the rules of the city of New York fire department.

10 (c) "The uniform code" means the New York state uniform fire
11 prevention and building code.

12 (d) "The NYS energy code" means the New York state energy conservation
13 construction code.

14 (e) "Part twelve hundred four" means part twelve hundred four of title
15 nineteen of the codes, rules and regulations of New York state, as
16 amended.

17 2. In connection with the operations and ongoing events and other
18 activities at any building or structure constituting all or any part of
19 a premises, the corporation may, for purposes of such premises, act as
20 the construction-permitting agency pursuant to article eighteen of the
21 executive law and the regulations promulgated thereunder, as amended.
22 Notwithstanding any other provision of any other state or local law,
23 rule or regulation to the contrary:

24 (a) when the corporation acts as the construction-permitting agency
25 for the premises or any portion thereof, the corporation may elect, if
26 deemed feasible and appropriate, to subject all or any part of such
27 premises and all buildings and structures constituting all or any part
28 of the premises to the requirements of the New York city codes, as

1 amended, instead of the requirements of the uniform code and the NYS
2 energy code, as amended, for such premises; and

3 (b) Notwithstanding the fact that such premises and all buildings and
4 structures constituting all or any part of such premises shall be
5 subject to the requirements of the New York city codes instead of the
6 requirements of the uniform code and NYS energy code:

7 (i) the corporation shall be authorized to:

8 (A) render such services for all or any portion of any such premises
9 without approval of any other state department, agency, officer or
10 office but only as directly related to the authority granted by this
11 section; and

12 (B) take all reasonably required actions to execute its duties as the
13 construction-permitting agency, including without limitation, those
14 required to review, permit and inspect the premises and enforce the New
15 York city codes; and

16 (C) issue temporary place of assembly permits, temporary structure
17 permits, construction permits and all other permits available under the
18 New York city codes after determining any request or application for
19 such permits complies with the requirements of the New York city codes;
20 and

21 (D) issue a code compliance certificate, certificate of occupancy, or
22 a temporary approval for occupancy allowing use and occupancy of the
23 premises or parts thereof after determining such premises or parts ther-
24 eof complies with the requirements of the New York city codes; and

25 (E) employ such experts and consultants as shall reasonably be
26 required to fulfill its responsibilities as the construction-permitting
27 agency; and

1 (ii) the corporation shall continue to act as the construction-permit-
2 ting agency for such premises and for all buildings and structures
3 constituting all or any part of such premises, and shall determine that
4 the design of any such building and structure, or, if applicable, the
5 design of any phase or portion of any such building or structure,
6 complies with the requirements of the New York city codes before issuing
7 a construction permit for such building or structure, or phase or
8 portion thereof, and shall determine that such building or structure,
9 or, if applicable, any phase or portion thereof, complies with the
10 requirements of the New York city codes before issuing a code compliance
11 certificate or temporary approval for occupancy for such building or
12 structure, or phase or portion thereof; and

13 (iii) upon written request of the corporation or any other interested
14 party for a variance or modification of any provision or requirement of
15 any one or more of the New York city codes, the department of state
16 shall be authorized to consider the evidence offered and such other
17 reports, studies and other information the department of state may deem
18 appropriate, arrange for the review of the request by other state agen-
19 cies or internal or external experts and consultants, make findings of
20 fact and conclusions of law, and render a decision in writing on such
21 request, granting or denying, in whole or in part, the requested vari-
22 ance or modification, provided, however, that:

23 (A) no such variance or modification shall be granted unless the
24 applicant establishes to the satisfaction of the department of state
25 that granting such variance or modification shall not materially affect
26 adversely provisions for health, safety and security; and

1 (B) any decision to grant a variance or modification, in whole or in
2 part, shall also be noted on the applicable plans and specifications
3 signed and sealed by a professional engineer or architect; and

4 (iv) such premises and all buildings and structures constituting all
5 or any part of such premises shall continue to be subject to the
6 provisions of part twelve hundred four; provided, however, that for the
7 purposes of applying part twelve hundred four, all references in part
8 twelve hundred four to the uniform code shall be deemed to be references
9 to the New York city codes; and

10 (v) no municipal corporation or subdivision thereof shall have the
11 power to modify or change the plans or specifications for such premises,
12 or the construction, plumbing, heating, lighting or other mechanical
13 branch work necessary to complete the work in question, nor to require
14 that any person, firm or corporation employed on any such work shall
15 perform any such work in any other different manner than that required
16 by such plans and specifications, nor to conduct construction-related
17 inspections, including but not limited to fire safety inspections or
18 other inspections of such premises or of any building or structure
19 constituting all or any part of such premises, nor to issue notices of
20 violation, orders to remedy, summonses, or other enforcement-related
21 instruments of any kind relating to any alleged violation of the New
22 York city codes by such premises or any building or structure constitut-
23 ing all or any part of such premises, and no condition or requirement
24 whatever may be imposed by any such municipal corporation or subdivision
25 thereof in relation to work being done on such premises, as such work
26 shall be under the sole control of the corporation in accordance with
27 the plans, specification and contracts in relation thereto, provided

1 that emergency personnel shall have access to the premises site for
2 purposes of emergency operations, coordination, and preparedness; and

3 (c) the corporation shall be responsible for reimbursement to the
4 department of state for costs incurred in considering a request for a
5 variance or modification as contemplated by subparagraph (iii) of para-
6 graph (b) of this subdivision.

7 3. Nothing in this section shall prohibit the corporation from negoti-
8 ating an agreement with the applicable municipal corporation to assume
9 administration and enforcement of any applicable codes with respect to
10 the premises or any individual project on the premises.

11 4. Nothing in this section shall prohibit the corporation from utiliz-
12 ing the uniform code and the NYS energy code, as amended for any addi-
13 tional work that requires a construction permit.

14 § 2. This act shall take effect immediately.

15 PART T

16 Section 1. Legislative Findings. The legislature hereby finds and
17 determines that the establishment of the utility debt securitization
18 authority under part B of chapter 173 of the laws of 2013, as amended,
19 permitted the issuance of securitized restructuring bonds on favorable
20 terms which resulted in lower aggregate distribution, transmission and
21 transition charges to Long Island ratepayers, compared to other avail-
22 able alternatives, and the purposes of such act will be further advanced
23 by amending such act to permit the issuance of additional such bonds
24 subject to a limit on the outstanding principal amount thereof and to
25 allow such bonds to be issued to refund bonds of the utility debt secu-
26 ritization authority. The legislature hereby further finds and deter-

1 mines that improvements to the transmission and distribution system of
2 the Long Island Power Authority to increase resiliency and better with-
3 stand the effects of climate change are necessary, and that issuance of
4 securitized restructuring bonds by the Utility Debt Securitization
5 Authority may allow the funding of such improvements on more favorable
6 terms than if such bonds were issued by the Long Island Power Authority.

7 § 2. Subdivision 2 of section 2 of part B of chapter 173 of the laws
8 of 2013 relating to the issuance of securitized restructuring bonds to
9 refinance the outstanding debt of the Long Island power authority, is
10 amended to read as follows:

11 2. "Approved restructuring costs" means, to the extent approved as
12 such under a restructuring cost financing order, (a) costs of purchas-
13 ing, redeeming or defeasing a portion of outstanding debt of the author-
14 ity or the restructuring bond issuer, including bonds and notes issued
15 by the authority or the restructuring bond issuer, debt issued by the
16 New York state energy research and development authority for the benefit
17 of the LILCO; (b) costs of terminating interest rate swap contracts and
18 other financial contracts entered into by or for the benefit of the
19 authority and related to debt obligations of the authority; (c) rebate,
20 yield reduction payments and any other amounts payable to the United
21 States Treasury or to the Internal Revenue Service to preserve or
22 protect the federal tax-exempt status of outstanding debt obligations of
23 the authority; [and] (d) upfront financing costs associated with
24 restructuring bonds; and (e) system resiliency costs.

25 § 3. Subdivision 11 of section 2 of part B of chapter 173 of the laws
26 of 2013 relating to the issuance of securitized restructuring bonds to
27 refinance the outstanding debt of the Long Island power authority, as

1 amended by section 2-a of part W of chapter 58 of the laws of 2015, is
2 amended to read as follows:

3 11. "Restructuring bonds" means bonds or other evidences of indebt-
4 edness that are issued pursuant to an indenture or other agreement of
5 the restructuring bond issuer under a restructuring cost financing order
6 (a) the proceeds of which are used, directly or indirectly, to recover,
7 finance, or refinance approved restructuring costs, (b) that are direct-
8 ly or indirectly secured by, or payable from, restructuring property,
9 and (c) that have a term no longer than thirty years [and (d) that have
10 a final scheduled maturity date no later than the final scheduled matu-
11 rity date of the authority bonds purchased, redeemed or defeased with
12 the proceeds of such restructuring bonds].

13 § 4. Section 2 of part B of chapter 173 of the laws of 2013 relating
14 to the issuance of securitized restructuring bonds to refinance the
15 outstanding debt of the Long Island power authority, is amended by
16 adding a new subdivision 17-a to read as follows:

17 17-a. "System resiliency costs" means, to the extent approved as such
18 under a restructuring cost financing order, costs of rebuilding, improv-
19 ing or constructing transmission and distribution system assets to
20 increase resiliency of such assets, better withstand changes in climate,
21 absorb impacts from outage-inducing events, and recover quickly from
22 outages including but not limited to, improvements to and replacement of
23 poles and wires, moving power lines underground, raising substations,
24 constructing flood barriers, and system automation and costs of purchas-
25 ing, redeeming or defeasing debt of the authority incurred to finance
26 such costs or reimbursing the authority for amounts already spent on
27 such costs.

1 § 5. Subdivision 1 of section 3 of part B of chapter 173 of the laws
2 of 2013 relating to the issuance of securitized restructuring bonds to
3 refinance the outstanding debt of the Long Island power authority, is
4 amended to read as follows:

5 1. Standard. The authority may prepare a restructuring cost financing
6 order (a) for the purpose of issuing restructuring bonds to refinance
7 outstanding debt of the authority or the restructuring bond issuer based
8 on a finding that such bond issuance is expected to result in savings to
9 consumers of electric transmission and distribution services in the
10 service area on a net present value basis; or (b) for the purpose of
11 issuing restructuring bonds to finance system resiliency costs based on
12 a finding that funding of such system resiliency costs by the issuer
13 would result in lower costs to consumers of electric transmission and
14 distribution services in the service area on a net present value basis
15 than funding of such costs by the authority.

16 § 6. Paragraph (a) of subdivision 1 of section 4 of part B of chapter
17 173 of the laws of 2013 relating to the issuance of securitized restruc-
18 turing bonds to refinance the outstanding debt of the Long Island power
19 authority, as amended by section 3 of part W of chapter 58 of the laws
20 of 2015, is amended to read as follows:

21 (a) For the purpose of effectuating the purposes declared in section
22 one of this act, there is hereby created a special purpose corporate
23 municipal instrumentality of the state to be known as "utility debt
24 securitization authority", which shall be a body corporate and politic,
25 a political subdivision of the state, and a public benefit corporation,
26 exercising essential governmental and public powers for the good of the
27 public. Such restructuring bond issuer shall not be created or organ-
28 ized, and its operations shall not be conducted, for the purpose of

1 making a profit. No part of the revenues or assets of such restructuring
2 bond issuer shall inure to the benefit of or be distributable to its
3 trustees or officers or any other private persons, except as herein
4 provided for actual services rendered. [The aggregate principal amount
5 of restructuring bonds authorized to be issued by restructuring bond
6 issuers created pursuant to this act shall not exceed] No more than four
7 billion five hundred million dollars aggregate principal amount of
8 restructuring bonds issued by restructuring bond issuers created pursu-
9 ant to this act shall be outstanding at any time. For the purposes of
10 this section, restructuring bonds shall not be deemed to be outstanding
11 if they have matured or if they have been paid or redeemed or provision
12 for payment or redemption of such bonds shall have been made.

13 § 7. Subparagraphs (i) and (iv) of paragraph (a) of subdivision 2 of
14 section 4 of part B of chapter 173 of the laws of 2013 relating to the
15 issuance of securitized restructuring bonds to refinance the
16 outstanding debt of the Long Island power authority, subparagraph (i) as
17 amended and subparagraph (iv) as added by section 4 of part W of chapter
18 58 of the laws of 2015, are amended to read as follows:

19 (i) issue the restructuring bonds contemplated by a restructuring cost
20 financing order, and use the proceeds thereof to purchase or acquire,
21 and to own, hold and use restructuring property or to pay or fund
22 upfront financing costs [provided, however, that the restructuring bond
23 issuer shall not issue restructuring bonds for the purpose of refunding
24 other restructuring bond];

25 (iv) [only] issue restructuring bonds of which the final scheduled
26 maturity date of any series of restructuring bonds shall be no later
27 than [the final scheduled maturity date of the authority bonds to be
28 purchased, redeemed or defeased with the proceeds of such restructuring

1 bonds] thirty years from the date of issuance of such restructuring
2 bonds.

3 § 8. This act shall take effect immediately.

4 PART U

5 Section 1. Paragraph 4 of subdivision (c) of section 188-a of the
6 economic development law, as added by section 2 of part CC of chapter 60
7 of the laws of 2011, is amended to read as follows:

8 (4) The board may base its recommendation on which eligible applicants
9 it determines best meet the applicable criteria; provided, however, that
10 the board shall dedicate recharge New York power as follows: (i) at
11 least three hundred fifty megawatts for use at facilities located within
12 the service territories of the utility corporations that, prior to the
13 effective date of this section, purchased Niagara and Saint Lawrence
14 hydroelectric power for the benefit of their domestic and rural consum-
15 ers; (ii) at least two hundred megawatts for the purposes of attracting
16 new business to the state, creating new business within the state, or
17 encouraging the expansion of existing businesses within the state, that
18 create new jobs or leverage new capital investment; and (iii) an amount
19 not to exceed one hundred fifty megawatts for eligible small businesses
20 and eligible not-for-profit corporations.

21 § 2. This act shall take effect immediately.

22 PART V

1 Section 1. Subsections (e) and (g) of section 7002 of the insurance
2 law, as amended by chapter 188 of the laws of 2003, are amended to read
3 as follows:

4 (e) "Industrial insured" means an insured:

5 (1) whose net worth exceeds one hundred million dollars;

6 (2) who is a member of a holding company system whose net worth
7 exceeds one hundred million dollars;

8 (3) who is the metropolitan transportation authority and its statutory
9 subsidiaries. When filing an application to form a pure captive insur-
10 ance company the metropolitan transportation authority shall submit
11 written notice of such filing to the governor, the temporary president
12 of the senate and the speaker of the assembly; [or]

13 (4) who is the power authority of the state of New York and any statu-
14 tory subsidiary or affiliate thereof. When filing an application to form
15 a pure captive insurance company the power authority shall submit writ-
16 ten notice of such filing to the governor, the temporary president of
17 the senate and the speaker of the assembly; or

18 (5) who is a city with a population of one million or more. When
19 filing an application to form a pure captive insurance company, a city
20 with a population of one million or more shall submit written notice of
21 such filing to the governor, the temporary president of the senate and
22 the speaker of the assembly.

23 (g) "Industrial insured group" means any group of unaffiliated indus-
24 trial insureds that are engaged in similar or related businesses or
25 activities, however, the metropolitan transportation authority, the
26 power authority of the state of New York and any statutory subsidiary or
27 affiliate thereof and cities with a population of one million or more

1 shall not be a member of an industrial insured group, and that collec-
2 tively:

3 (1) own, control or hold with power to vote all of the outstanding
4 voting shares of stock of a group captive insurance company incorporated
5 as a stock insurer; or

6 (2) represent one hundred percent of the voting members of a group
7 captive insurance company organized as a mutual insurer.

8 § 2. Section 1005 of the public authorities law is amended by adding a
9 new subdivision 28 to read as follows:

10 28. The authority may establish a subsidiary corporation for the
11 purpose of forming a pure captive insurance company as provided in
12 section seven thousand two of the insurance law. The members of such
13 subsidiary corporation of the authority shall be the same persons hold-
14 ing the offices of members of the authority. Such subsidiary corporation
15 shall have all of the privileges, immunities, tax exemptions and other
16 exemptions of the authority and of the authority's property, functions
17 and activities. The subsidiary corporation of the authority shall be
18 subject to suit in accordance with section one thousand seventeen of
19 this title. The employees of any such subsidiary corporation, except
20 those who are also employees of the authority, shall not be deemed
21 employees of the authority.

22 § 3. Subdivision (a) of section 1500 of the tax law, as amended by
23 section 21 of part A of chapter 59 of the laws of 2014, is amended to
24 read as follows:

25 (a) The term "insurance corporation" includes a corporation, associ-
26 ation, joint stock company or association, person, society, aggregation
27 or partnership, by whatever name known, doing an insurance business,
28 and, notwithstanding the provisions of section fifteen hundred twelve of

1 this article, shall include (1) a risk retention group as defined in
2 subsection (n) of section five thousand nine hundred two of the insur-
3 ance law, (2) the state insurance fund and (3) a corporation, associ-
4 ation, joint stock company or association, person, society, aggregation
5 or partnership doing an insurance business as a member of the New York
6 insurance exchange described in section six thousand two hundred one of
7 the insurance law. The definition of the "state insurance fund"
8 contained in this subdivision shall be limited in its effect to the
9 provisions of this article and the related provisions of this chapter
10 and shall have no force and effect other than with respect to such
11 provisions. The term "insurance corporation" shall also include a
12 captive insurance company doing a captive insurance business, as defined
13 in subsections (c) and (b), respectively, of section seven thousand two
14 of the insurance law; provided, however, "insurance corporation" shall
15 not include the metropolitan transportation authority, the power author-
16 ity of New York or any statutory subsidiary or affiliate thereof, or a
17 public benefit corporation or not-for-profit corporation formed by a
18 city with a population of one million or more pursuant to subsection (a)
19 of section seven thousand five of the insurance law, each of which is
20 expressly exempt from the payment of fees, taxes or assessments, whether
21 state or local; and provided further "insurance corporation" does not
22 include any combinable captive insurance company. The term "insurance
23 corporation" shall also include an unauthorized insurer operating from
24 an office within the state, pursuant to paragraph five of subsection (b)
25 of section one thousand one hundred one and subsection (i) of section
26 two thousand one hundred seventeen of the insurance law. The term
27 "insurance corporation" also includes a health maintenance organization

1 required to obtain a certificate of authority under article forty-four
2 of the public health law.

3 § 4. Subdivision (a) of section 1502-b of the tax law, as amended by
4 section 22 of part A of chapter 59 of the laws of 2014, is amended to
5 read as follows:

6 (a) In lieu of the taxes and tax surcharge imposed by sections fifteen
7 hundred one, fifteen hundred two-a, fifteen hundred five-a, and fifteen
8 hundred ten of this article, every captive insurance company licensed by
9 the superintendent of financial services pursuant to the provisions of
10 article seventy of the insurance law, other than the metropolitan trans-
11 portation authority, the power authority of New York or any statutory
12 subsidiary or affiliate thereof, and a public benefit corporation or
13 not-for-profit corporation formed by a city with a population of one
14 million or more pursuant to subsection (a) of section seven thousand
15 five of the insurance law, each of which is expressly exempt from the
16 payment of fees, taxes or assessments whether state or local, and other
17 than combinable captive insurance company, shall, for the privilege of
18 exercising its corporate franchise, pay a tax on (1) all gross direct
19 premiums, less return premiums thereon, written on risks located or
20 resident in this state and (2) all assumed reinsurance premiums, less
21 return premiums thereon, written on risks located or resident in this
22 state. The rate of the tax imposed on gross direct premiums shall be
23 four-tenths of one percent on all or any part of the first twenty
24 million dollars of premiums, three-tenths of one percent on all or any
25 part of the second twenty million dollars of premiums, two-tenths of one
26 percent on all or any part of the third twenty million dollars of premi-
27 ums, and seventy-five thousandths of one percent on each dollar of
28 premiums thereafter. The rate of the tax on assumed reinsurance premiums

1 shall be two hundred twenty-five thousandths of one percent on all or
2 any part of the first twenty million dollars of premiums, one hundred
3 and fifty thousandths of one percent on all or any part of the second
4 twenty million dollars of premiums, fifty thousandths of one percent on
5 all or any part of the third twenty million dollars of premiums and
6 twenty-five thousandths of one percent on each dollar of premiums there-
7 after. The tax imposed by this section shall be equal to the greater of
8 (i) the sum of the tax imposed on gross direct premiums and the tax
9 imposed on assumed reinsurance premiums or (ii) five thousand dollars.
10 § 5. This act shall take effect immediately.

11 PART W

12 Section 1. Expenditures of moneys by the New York state energy
13 research and development authority for services and expenses of the
14 energy research, development and demonstration program, including
15 grants, the energy policy and planning program, the zero emissions vehi-
16 cle and electric vehicle rebate program, and the Fuel NY program shall
17 be subject to the provisions of this section. Notwithstanding the
18 provisions of subdivision 4-a of section 18-a of the public service law,
19 all moneys committed or expended in an amount not to exceed \$22,700,000
20 shall be reimbursed by assessment against gas corporations, as defined
21 in subdivision 11 of section 2 of the public service law and electric
22 corporations as defined in subdivision 13 of section 2 of the public
23 service law, where such gas corporations and electric corporations have
24 gross revenues from intrastate utility operations in excess of \$500,000
25 in the preceding calendar year, and the total amount assessed shall be
26 allocated to each electric corporation and gas corporation in proportion

1 to its intrastate electricity and gas revenues in the calendar year
2 2019. Such amounts shall be excluded from the general assessment
3 provisions of subdivision 2 of section 18-a of the public service law.
4 The chair of the public service commission shall bill such gas and/or
5 electric corporations for such amounts on or before August 10, 2021 and
6 such amounts shall be paid to the New York state energy research and
7 development authority on or before September 10, 2021. Upon receipt, the
8 New York state energy research and development authority shall deposit
9 such funds in the energy research and development operating fund estab-
10 lished pursuant to section 1859 of the public authorities law. The New
11 York state energy research and development authority is authorized and
12 directed to: (1) transfer up to \$4 million to the state general fund for
13 climate change related services and expenses of the department of envi-
14 ronmental conservation, \$150,000 to the state general fund for services
15 and expenses of the department of agriculture and markets, and \$825,000
16 to the University of Rochester laboratory for laser energetics from the
17 funds received; and (2) commencing in 2016, provide to the chair of the
18 public service commission and the director of the budget and the chairs
19 and secretaries of the legislative fiscal committees, on or before
20 August first of each year, an itemized record, certified by the presi-
21 dent and chief executive officer of the authority, or his or her desig-
22 nee, detailing any and all expenditures and commitments ascribable to
23 moneys received as a result of this assessment by the chair of the
24 department of public service pursuant to section 18-a of the public
25 service law. This itemized record shall include an itemized breakdown
26 of the programs being funded by this section and the amount committed to
27 each program. The authority shall not commit for any expenditure, any
28 moneys derived from the assessment provided for in this section, until

1 the chair of such authority shall have submitted, and the director of
2 the budget shall have approved, a comprehensive financial plan encom-
3 passing all moneys available to and all anticipated commitments and
4 expenditures by such authority from any source for the operations of
5 such authority. Copies of the approved comprehensive financial plan
6 shall be immediately submitted by the chair to the chairs and secre-
7 taries of the legislative fiscal committees. Any such amount not commit-
8 ted by such authority to contracts or contracts to be awarded or other-
9 wise expended by the authority during the fiscal year shall be refunded
10 by such authority on a pro-rata basis to such gas and/or electric corpo-
11 rations, in a manner to be determined by the department of public
12 service, and any refund amounts must be explicitly lined out in the
13 itemized record described above.

14 § 2. This act shall take effect immediately and shall be deemed to
15 have been in full force and effect on and after April 1, 2021.

16 PART X

17 Section 1. Section 11-0701 of the environmental conservation law, as
18 amended by section 1-a of part R of chapter 58 of the laws of 2013,
19 paragraph a of subdivision 1 as amended by section 21 and subdivision 9
20 as amended by section 17 of part EE of chapter 55 of the laws of 2014,
21 is amended to read as follows:

22 § 11-0701. Definitions of licenses and privileges of licensees.

23 1. A hunting license[:

24 a.] entitles a holder who is twelve [or], thirteen, fourteen or
25 fifteen years of age to hunt wildlife[, except big game,] as provided in
26 title 9 of this article subject, specifically, to the provisions of

1 section 11-0929 of this article. It entitles such holder to possess
2 firearms as provided in section 265.05 of the penal law. [A holder who
3 is twelve or thirteen years of age shall not hunt with a crossbow.

4 b. entitles a holder who is fourteen or fifteen years of age to hunt
5 wildlife, including wild deer and bear, as provided in title 9 of this
6 article, subject, specifically, to the provisions of section 11-0929 of
7 this article. It entitles such holder to possess firearms as provided in
8 section 265.05 of the penal law.]

9 2. a. A hunting license entitles the holder to hunt wildlife subject
10 to the following:

11 (1) a holder who is eighteen years of age or older may hunt wildlife
12 as provided in title 9 of this article,

13 (2) a holder who is sixteen years of age or older may hunt wildlife,
14 except big game, as provided in title 9 of this article, [and]

15 (3) a holder who is between the ages of sixteen and eighteen may hunt
16 big game pursuant to the provisions of title 9 of this article while the
17 holder is accompanied by a parent, guardian or person over the age of
18 eighteen as required by section 11-0929 of this article[.

19 A] , and

20 (4) a holder may take fish with a longbow as provided in titles 9 and
21 13 this article.

22 b. A special antlerless deer license is applicable to the hunting of
23 wild antlerless deer in a special open season fixed pursuant to subdivi-
24 sion 6 of section 11-0903 of this article in a tract within a Wilderness
25 Hunting Area and entitles the holder of a hunting license to hunt
26 antlerless deer in such special open season, as provided in title 9 of
27 this article if he or she has on his or her person while so hunting both

1 his or her hunting license and his or her special antlerless deer
2 license.

3 3. A bowhunting privilege when included on a hunting license entitles
4 a holder:

5 (1) who is between the ages of twelve and sixteen years to hunt wild
6 deer and bear with a longbow or crossbow during the special archery
7 season and during the regular season, as provided in title 9 of this
8 article, subject to the provisions of section 11-0929 and subdivision 3
9 of section 11-0713 of this article;

10 (2) who is eighteen years of age or older to hunt wild deer and bear
11 with a longbow, as provided in title 9 of this article, in a special
12 longbow season; and

13 (3) who is sixteen or seventeen years of age to exercise the same
14 privileges subject to the provisions of section 11-0929 and subdivision
15 3 of section 11-0713 of this article.

16 4. A fishing license entitles the holder to take fish by angling,
17 spearing, hooking, longbow and tipups, to take frogs by spearing, catch-
18 ing with the hands or by use of a club or hook, and to take bait fish
19 for personal use, as provided in titles 9 and 13 of this article, except
20 that such license shall not entitle the holder to take migratory fish of
21 the sea or to take fish from the waters of the marine district.

22 5. A non-resident bear tag entitles a person who has not been a resi-
23 dent of the state for more than thirty days who also possesses a hunting
24 license to hunt bear during the regular open season therefor or in an
25 open season fixed by regulation pursuant to subdivision eight of section
26 11-0903 of this article. It entitles a non-resident holder who also
27 possesses a hunting license with bowhunting privilege to hunt bear with
28 a longbow or crossbow during the open bear season. It entitles a non-re-

1 sident holder who also possesses a hunting license with muzzle-loading
2 privilege to hunt bear with a muzzleloader during the open bear season.

3 6. A seven-day fishing license entitles the holder to exercise the
4 privileges of a fishing license for the seven consecutive days specified
5 in the license.

6 7. A one-day fishing license entitles the holder to exercise the priv-
7 ileges of a fishing license on the day specified on the license.

8 8. A trapping license entitles the holder to trap beaver, otter, fish-
9 er, mink, muskrat, skunk, raccoon, bobcat, coyote, fox, opossum, weasel,
10 pine marten and unprotected wildlife except birds, as provided in title
11 11, subject to the provisions of section 11-0713 of this article.

12 9. A muzzle-loading privilege when included on a hunting license enti-
13 tles a holder who is [fourteen] twelve years of age or older to hunt
14 wild deer and bear with a muzzle-loading firearm or crossbow, as
15 provided in title 9 of this article, in a special muzzle-loading firearm
16 season.

17 § 2. Paragraph b of subdivision 6 of section 11-0703 of the environ-
18 mental conservation law, as amended by section 2 of part R of chapter 58
19 of the laws of 2013, is amended to read as follows:

20 b. Except as provided in section 11-0707 and section 11-0709 of this
21 title, no person shall (1) hunt wild deer or bear unless such person
22 holds and is entitled to exercise the privileges of a hunting license,
23 and meets the requirements of this article; (2) hunt wild deer or bear
24 with a longbow or crossbow in a special [longbow] archery season unless
25 such person holds and is entitled to exercise the privileges of a hunt-
26 ing license with a bowhunting privilege and meets the requirements of
27 this article; or (3) hunt wild deer or bear with a muzzle-loading
28 firearm in a special muzzle-loading firearm season unless such person is

1 at least [fourteen] twelve years old and holds a hunting license with a
2 muzzle-loading privilege and meets the requirements of this article.

3 § 3. Subdivision 6 of section 11-0713 of the environmental conserva-
4 tion law is REPEALED.

5 § 4. Paragraph c of subdivision 3 of section 11-0901 of the environ-
6 mental conservation law, as amended by section 19 of part EE of chapter
7 55 of the laws of 2014, is amended to read as follows:

8 c. Wild small game and wild upland game birds shall be taken only by
9 longbow, crossbow or gun, or by the use of raptors as provided in title
10 10 of this article, except that:

11 (1) skunk, raccoon, bobcat, coyote, fox, mink and muskrat may be taken
12 in any manner not prohibited in this section or in title 11 of the Fish
13 and Wildlife Law; and

14 (2) frogs may also be taken by spearing, catching with the hands, or
15 by the use of a club or hook[; and

16 (3) crossbows may be used but only by licensees who are fourteen years
17 of age or older].

18 § 5. Subparagraph 9 of paragraph b of subdivision 4 of section 11-0901
19 of the environmental conservation law, as added by section 6 of part EE
20 of chapter 55 of the laws of 2014, is amended to read as follows:

21 (9) with a crossbow unless such crossbow shall consist of a bow and
22 string, either compound or recurve, that launches a minimum fourteen
23 inch [bolt] arrow, not including point, mounted upon a stock with a
24 trigger that holds the string and limbs under tension until released.
25 The trigger unit of such crossbow must have a working safety. [The mini-
26 mum limb width of such crossbow shall be seventeen inches,] The crossbow
27 shall have a minimum peak draw weight of one hundred pounds [and a maxi-
28 mum peak draw weight of two hundred pounds. The] and the minimum overall

1 length of such crossbow from buttstock to front of limbs shall be twen-
2 ty-four inches.

3 § 6. Subparagraph 9 of paragraph c of subdivision 4 of section 11-0901
4 of the environmental conservation law, as added by section 7 of part EE
5 of chapter 55 of the laws of 2014, is amended to read as follows:

6 (9) with a crossbow unless such crossbow shall consist of a bow and
7 string, either compound or recurve, that launches a minimum fourteen
8 inch [bolt] arrow, not including point, mounted upon a stock with a
9 trigger that holds the string and limbs under tension until released.
10 The trigger unit of such crossbow must have a working safety. [The mini-
11 mum limb width of such crossbow shall be seventeen inches,] The crossbow
12 shall have a minimum peak draw weight of one hundred pounds [and a maxi-
13 mum peak draw weight of two hundred pounds. The] and the minimum overall
14 length of such crossbow from buttstock to front of limbs shall be twen-
15 ty-four inches.

16 § 7. Subdivision 13 of section 11-0901 of the environmental conserva-
17 tion law, as amended by section 23 of part R of chapter 58 of the laws
18 of 2013, is amended to read as follows:

19 13. Persons engaged in hunting deer and/or bear with a longbow or
20 crossbow must possess a current bowhunting privilege or a valid certif-
21 icate of qualification in responsible bowhunting practices issued or
22 honored by the department.

23 § 8. Section 11-0903 of the environmental conservation law is amended
24 by adding a new subdivision 12 to read as follows:

25 12. Notwithstanding any inconsistent provision of this article, the
26 department is authorized to adopt regulations which authorize the taking
27 of wildlife by the use of crossbow. A summary of regulations adopted

1 pursuant to this subdivision shall be published each year in the hunting
2 syllabus issued pursuant to section 11-0323 of this article.

3 § 9. Subdivision 10 of section 11-0907 of the environmental conserva-
4 tion law, as added by section 14 of part EE of chapter 55 of the laws of
5 2014, is amended to read as follows:

6 10. Notwithstanding any provision of this chapter, or any prior
7 notwithstanding language in this article, the department may, by regu-
8 lation, authorize the taking of big game by the use of a crossbow by any
9 licensed person in any big game season [in any area designated in items
10 (a), (b), (c), (d), (e), (f), (i), (k) and (l) of paragraph a of subdi-
11 vision two of this section in which a shotgun or muzzle loader is
12 permitted provided however, that any crossbow use during an archery-only
13 season shall only take place during the last fourteen consecutive days
14 of such archery-only season in the southern zone provided that such
15 archery-only season shall consist of not less than forty-five days and
16 only during the last ten consecutive days of any archery-only season in
17 the northern zone provided that such archery-only season shall consist
18 of no less than twenty-three days. Any muzzle loading season which
19 occurs at the same time as a special archery season may only occur
20 during times when crossbows are authorized to be used].

21 § 10. Subdivision 1 of section 11-0929 of the environmental conserva-
22 tion law, as amended by section 20 of part EE of chapter 55 of the laws
23 of 2014, is amended to read as follows:

24 1. A licensee who is twelve or thirteen years of age shall not hunt
25 wildlife with a gun, or a crossbow or a longbow unless he or she is
26 accompanied by his or her parent or legal guardian, or by a person twen-
27 ty-one years of age or older designated in writing by his or her parent
28 or legal guardian on a form prescribed by the department, who holds a

1 hunting license. [A licensee who is twelve or thirteen years of age
2 shall not hunt with a crossbow.]

3 § 11. Subparagraph 5 of paragraph b of subdivision 2 of section
4 11-0929 of the environmental conservation law is REPEALED and subpara-
5 graph 6 of paragraph b of subdivision 2 is renumbered subparagraph 5.

6 § 12. Section 11-0933 of the environmental conservation law, as added
7 by section 22 of part EE of chapter 55 of the laws of 2014, is amended
8 to read as follows:

9 § 11-0933. Taking small game by crossbow.

10 Notwithstanding any provision of this chapter, or any prior notwith-
11 standing language in this article, the department may, by regulation,
12 authorize the taking of small game and wild upland game birds by the use
13 of a crossbow by any licensed person [fourteen years of age or older],
14 in any small game season[, in any area designated in items (a), (b),
15 (c), (d), (e), (f), (i), (k), and (l) of paragraph a of subdivision two
16 of section 11-0907 of this title in which a shotgun or muzzle loader is
17 permitted].

18 § 13. Subparagraph (i) of paragraph 4 of subdivision (a) of section 83
19 of the state finance law, as amended by section 1 of part AA of chapter
20 58 of the laws of 2015, is amended to read as follows:

21 (i) There is hereby created a special account within the conservation
22 fund to be known as the state fish and game trust account to consist of
23 all moneys received by the state from the sale of lifetime hunting,
24 fishing, and trapping licenses, and lifetime archery and muzzle-loading
25 privileges pursuant to section 11-0702 of the environmental conservation
26 law except those moneys deposited in the habitat conservation and access
27 account pursuant to section eighty-three-a of this chapter. The state
28 comptroller shall invest the moneys in such account in securities as

1 defined by section ninety-eight-a of this article or, within the
2 discretion of the comptroller to maximize income for the account, in
3 investments authorized by section one hundred seventy-seven of the
4 retirement and social security law or consistent with the provisions of
5 subdivision b of section thirteen of the retirement and social security
6 law. Any income earned by the investment of such moneys, except income
7 transferred to the conservation fund pursuant to subparagraph (iii) of
8 this paragraph, shall be added to and become a part of, and shall be
9 used for the purposes of such account.

10 § 14. This act shall take effect immediately.

11 PART Y

12 Section 1. Section 27-2701 of the environmental conservation law, as
13 added by chapter 641 of the laws of 2008, subdivision 2 as amended and
14 subdivision 7 as added by chapter 481 of the laws of 2014, is amended to
15 read as follows:

16 § 27-2701. Definitions.

17 As used in this title:

18 1. "Compostable plastic bag" means a plastic bag that at a minimum
19 meets the American Society for Testing and Materials standard D6400 for
20 compostable plastic, as amended.

21 2. "Manufacturer" means the producer of a plastic carryout bag or
22 other film plastic sold to a store or the manufacturer's agent or broker
23 who sold the plastic carryout bag or other film plastic to the store.

24 3. "Operator" means a person in control of, or having daily responsi-
25 bility for, the daily operation of a store, which may include, but is
26 not limited to, the owner of the store.

1 4. "Plastic carryout bag" means a [plastic] carryout bag made of film
2 plastic provided by a store to a customer at the point of sale that is
3 not a reusable bag.

4 5. "Reusable bag" means a bag designed and manufactured for multiple
5 reuse that:

6 (a) [a bag] is either made of [cloth] (i) hand washable or [other]
7 machine washable cloth or fabric [that has handles], including woven or
8 nonwoven polypropylene (PP), polyethylene-terephthalate (PET), polyes-
9 ter, or nylon fabric, as well as fabric blends that include any such
10 materials; or

11 [(b) a durable plastic bag with handles that is specifically designed
12 and manufactured for multiple reuse] (ii) other non-film plastic wash-
13 able material; and

14 (b) has at least one strap or handle that does not stretch and allows
15 the bag to meet the strength and durability standards provided in para-
16 graphs (c) and (d) of this subdivision;

17 (c) has a minimum lifespan of one hundred twenty-five uses, with a use
18 equal to the ability to carry a minimum of twenty-two pounds over a
19 distance of at least one hundred seventy-five feet; and

20 (d) has a minimum fabric weight of eighty grams per square meter
21 ("GSM") or equivalent for bags made of any non-film plastic of natural,
22 synthetic, petroleum-based, or non-petroleum-based origin, including
23 woven or nonwoven polypropylene (PP), polyethylene-terephthalate (PET),
24 cotton, jute, or canvas.

25 6. "Store" means a retail establishment that [provides] provided plas-
26 tic carryout bags to its customers as a result of the sale of a product
27 any time prior to March first, two thousand twenty and (a) has over ten
28 thousand square feet of retail space, or (b) such retail establishment

1 is part of a chain engaged in the same general field of business which
2 operates five or more units of over five thousand square feet of retail
3 space in this state under common ownership and management.

4 7. "Film plastic" means [uncontaminated non-rigid film plastic packag-
5 ing products composed of plastic resins, which include,] a flexible
6 sheet or sheets of petroleum or non-petroleum-based plastic resin or
7 other material commonly used in and as packaging products, which
8 include, but are not limited to, newspaper bags, [dry cleaning bags and]
9 garment bags, shrink-wrap, bags used to carryout and deliver prepared
10 food and other plastic overwrap.

11 8. "Film plastic bag" means a bag that is made of film plastic.

12 § 2. Section 27-2703 of the environmental conservation law, as added
13 by chapter 641 of the laws of 2008 and subdivision 1 as amended by chap-
14 ter 481 of the laws of 2014, is amended to read as follows:

15 § 27-2703. Store operator responsibilities.

16 1. The operator of a store shall establish an at-store recycling
17 program pursuant to the provisions of this title that provides an oppor-
18 tunity for a customer of the store to return to the store clean plastic
19 carryout bags and other film plastic.

20 2. A retail establishment that does not meet the definition of a store
21 [and that provides plastic carryout bags to customers at the point of
22 sale] may also adopt an at-store recycling program.

23 § 3. Section 27-2705 of the environmental conservation law, as added
24 by chapter 641 of the laws of 2008 and subdivisions 2, 3 and 4 as
25 amended by chapter 481 of the laws of 2014, is amended to read as
26 follows:

27 § 27-2705. Recycling program requirements.

1 An at-store recycling program provided by the operator of a store
2 shall require:

3 1. [a plastic carryout bag provided by the store to have printed or
4 displayed on the bag, in a manner visible to a consumer, the words
5 "PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING". Provided, howev-
6 er, such store shall be allowed for one year from the effective date of
7 this subdivision to use its existing stock of plastic carryout bags. A
8 store may also apply to the commissioner for approval of an alternative
9 plastic bag recycling message. The commissioner shall approve or reject
10 the proposed message within forty-five days;

11 2.] a collection bin that is visible, easily accessible to the consum-
12 er, and clearly marked that the collection bin is available for the
13 purpose of collecting and recycling plastic carryout bags and other film
14 plastic. This subdivision shall apply to stores not within an enclosed
15 shopping mall and stores of at least fifty thousand square feet within
16 an enclosed shopping mall. In the case of an enclosed shopping mall, the
17 owner of the enclosed mall shall place bins at reasonable intervals
18 throughout the enclosed mall area;

19 [3.] 2. all plastic carryout bags and other film plastic collected by
20 the store to be collected, transported and recycled along with any other
21 in-store plastic recycling, except for film plastic bags that are not
22 sufficiently free of foreign material to enter the recycling stream.
23 Plastic carryout bags and other film plastic collected by the store or
24 the manufacturer, which are free of foreign material, shall not be
25 disposed of in any solid waste disposal facility permitted or authorized
26 pursuant to title seven of this article;

27 [4.] 3. the store or its agent to maintain, for a minimum of three
28 years, records describing the collection, transport and recycling of

1 plastic carryout bags and other film plastic collected by weight,
2 provided however that stores or its agents may weigh such plastic bags,
3 film plastic and any other in-store plastic recycling at a regional
4 collection center. Such records shall be made available to the depart-
5 ment upon request, to demonstrate compliance with this title; and

6 [5.] 4. the operator of the store to (a) make reusable bags available
7 to customers within the store for purchase, and (b) permit a [reuseable]
8 reusable bag to be used in lieu of a [plastic carryout bag or] paper
9 carryout bag.

10 § 4. Section 27-2707 of the environmental conservation law, as added
11 by chapter 641 of the laws of 2008 and subdivision 1 as amended by chap-
12 ter 481 of the laws of 2014, is amended to read as follows:

13 § 27-2707. Manufacturer responsibilities.

14 1. When the manufacturer accepts plastic carryout bags and other film
15 plastic for return, it or its agent shall maintain, for a minimum of
16 three years, records describing the collection, transport and recycling
17 of plastic carryout bags and other film plastic collected by weight,
18 provided that the manufacturer or its agents may weigh such bags, film
19 plastic and any other plastic resins at a regional collection center.
20 Such records shall be made available to the department upon request, to
21 demonstrate compliance with this title.

22 2. Manufacturers of compostable plastic bags sold to stores in the
23 state that are subject to the provisions of this title shall have print-
24 ed on the bag, in a manner visible to the consumer, the words "COMPOSTA-
25 BLE BAG -- DO NOT PLACE IN RECYCLING BIN". [Provided however, such bags
26 may be sold or distributed for one year from the effective date of this
27 section to use the store's existing stock of compostable bags.]

1 § 5. Section 27-2709 of the environmental conservation law, as amended
2 by chapter 481 of the laws of 2014, is amended to read as follows:

3 § 27-2709. Department responsibility.

4 1. The department shall develop educational materials to encourage the
5 reduction, reuse and recycling of plastic carryout bags and other film
6 plastic and shall make those materials available to stores required to
7 comply with this article.

8 2. The department shall provide information regarding the availability
9 of recycling facilities and companies that recycle film plastic bags and
10 other film plastic, including the addresses and phone numbers of such
11 facilities and companies to stores required to comply with this article.

12 § 6. Section 27-2713 of the environmental conservation law, as amended
13 by chapter 481 of the laws of 2014, is amended to read as follows:

14 § 27-2713. Preemption.

15 Jurisdiction in all matters pertaining to plastic carryout bag and
16 other film plastic recycling is by this article vested exclusively in
17 the state. Any provision of any local law or ordinance, or any rule or
18 regulation promulgated thereto, governing the recycling of plastic
19 carryout bags and other film plastic shall, upon the effective date of
20 this title, be preempted. Provided however, nothing in this section
21 shall preclude a person from coordinating for recycling or reuse the
22 collection of plastic carryout bags or other film plastic.

23 § 7. Section 27-2801 of the environmental conservation law, as added
24 by section 2 of part H of chapter 58 of the laws of 2019, is amended to
25 read as follows:

26 § 27-2801. Definitions.

27 As used in this title:

1 1. "Exempt bag" means a bag that is: (a) used solely to contain or
2 wrap uncooked meat, fish, or poultry; (b) [bags] used by a customer
3 solely to package bulk items such as fruits, vegetables, grains, or
4 candy; (c) [bags] used solely to contain food sliced or prepared to
5 order; (d) [bags] used solely to contain a newspaper for delivery to a
6 subscriber; (e) [bags sold] prepackaged by the manufacturer or distribu-
7 tor in bulk quantities and sold to a consumer [at the point of sale];
8 (f) sold as a trash [bags] or yard waste bag; (g) sold as a food storage
9 [bags] bag; (h) used as a garment [bags] bag; (i) [bags] prepackaged,
10 prelabeled, or tagged as merchandise for sale to a customer; (j) a plas-
11 tic carryout [bags] bag provided by a restaurant, tavern or similar food
12 service establishment, as defined in the state sanitary code, to carry-
13 out or deliver prepared food; [or] (k) [bags] provided by a pharmacy to
14 carry prescription drugs; or (l) a reusable bag.

15 2. "Plastic carryout bag" means any film plastic bag, other than an
16 exempt bag, that is provided to a customer by a person required to
17 collect tax to be used by the customer to [carry] transport tangible
18 personal property, regardless of whether such person required to collect
19 tax sells any tangible personal property or service to the customer, and
20 regardless of whether any tangible personal property or service sold is
21 exempt from tax under article twenty-eight of the tax law. A bag that
22 meets the requirements of a reusable bag, as defined in subdivision four
23 of this section, is not a plastic carryout bag.

24 3. "Paper carryout bag" means a paper bag, other than an exempt bag,
25 that is provided to a customer by a person required to collect tax to be
26 used by the customer to carry tangible personal property, regardless of
27 whether such person required to collect tax sells any tangible personal
28 property or service to the customer, and regardless of whether any

1 tangible personal property or service sold is exempt from tax under
2 article twenty-eight of the tax law.

3 4. "Reusable bag" means a bag designed and manufactured for multiple
4 reuse that: (a) is either made of [cloth] (i) hand washable or [other]
5 machine washable cloth or fabric [that has handles]; or [(b) a durable
6 bag with handles that is specifically designed and manufactured for
7 multiple reuse.] (ii) other non-film plastic washable material; and
8 (b) has at least one strap or handle that does not stretch and allows
9 the bag to meet the strength and durability standards in paragraphs (c)
10 and (d) of this subdivision;

11 (c) has a minimum lifespan of one hundred twenty-five uses, with a use
12 equal to the ability to carry a minimum of twenty-two pounds over a
13 distance of at least one hundred seventy-five feet; and

14 (d) has a minimum fabric weight of eighty grams per square meter
15 ("GSM") or equivalent for bags made of any non-film plastic of natural,
16 synthetic, petroleum based, or non-petroleum-based origin, including
17 woven or nonwoven polypropylene (PP), polyethylene-terephthalate (PET),
18 cotton, jute, or canvas.

19 5. "Film plastic" means a flexible sheet or sheets of petroleum or
20 non-petroleum based plastic resin or other material (not including a
21 paper carryout bag) commonly used in and as packaging products, which
22 include, but are not limited to, newspaper bags, garment bags, shrink-
23 wrap, bags used to carryout and deliver prepared food, and other plastic
24 overwrap.

25 [5.] 6. "Person required to collect tax" means any vendor of tangible
26 personal property subject to the tax imposed by subdivision (a) of
27 section eleven hundred five of the tax law.

1 § 8. Section 27-2803 of the environmental conservation law, as added
2 by section 2 of part H of chapter 58 of the laws of 2019, is amended to
3 read as follows:

4 § 27-2803. Plastic carryout bag ban.

5 1. No person required to collect tax shall distribute, for free or for
6 sale, any plastic carryout bags to its customers unless such bags are
7 exempt bags as defined in subdivision one of section 27-2801 of this
8 title.

9 2. No person required to collect tax shall prevent a person from using
10 a bag of any kind that they have brought for purposes of carrying goods.

11 3. [Nothing in this section shall be deemed to exempt the provisions
12 set forth in title 27 of this article relating to at store recycling]
13 Any person who was required to comply with the collection and recycling
14 requirements in title 27 of this article prior to March first, two thou-
15 sand twenty, including the requirement to maintain a collection bin for
16 collection and recycling plastic carryout bags and other film plastic,
17 shall continue to comply.

18 § 9. This act shall take effect immediately.

19 PART Z

20 Section 1. This act enacts into law components of legislation which
21 are necessary to implement legislation relating to the Bay Park Convey-
22 ance Project. Each component is wholly contained within a Subpart iden-
23 tified as Subparts A through C. The effective date for each particular
24 provision contained within such Subpart is set forth in the last section
25 of such Subpart. Any provision in any section contained within a
26 Subpart, including the effective date of the Subpart, which makes a

1 reference to a section "of this act", when used in connection with that
2 particular component, shall be deemed to mean and refer to the corre-
3 sponding section of the Subpart in which it is found. Section three of
4 this act sets forth the general effective date of this act.

5 SUBPART A

6 Section 1. Subject to the provisions of this act, the county of
7 Nassau, acting by and through the county legislature of such county, is
8 hereby authorized to (a) discontinue permanently the use as parkland the
9 subsurface lands described in sections five, seven, eight and eleven of
10 this act and establish permanent easements on such lands for the purpose
11 of constructing, operating, maintaining and repairing a subsurface sewer
12 main, and (b) discontinue temporarily the use as parkland the lands
13 described in sections three, six and nine of this act and establish
14 temporary easements on such lands for the purpose of constructing a
15 subsurface sewer main. Authorization for the temporary easements
16 described in sections three, four, six, nine and ten of this act shall
17 cease upon the completion of the construction of such sewer main, at
18 which time the department of environmental conservation shall restore
19 the surface of the parklands disturbed and the parklands shall continue
20 to be used for park purposes as they were prior to the establishment of
21 such temporary easements. Authorization for the permanent easements
22 described in sections five, seven, eight and eleven of this act shall
23 require that the department of environmental conservation restore the
24 surface of the parklands disturbed and the parklands shall continue to
25 be used for park purposes as they were prior to the establishment of the
26 permanent easements.

1 § 2. The authorization provided in section one of this act shall be
2 effective only upon the condition that the county of Nassau dedicate an
3 amount equal to or greater than the fair market value of the parklands
4 being discontinued to the acquisition of new parklands and/or capital
5 improvements to existing park and recreational facilities.

6 § 3. TEMPORARY EASEMENT - Force main shaft construction area. Park-
7 land upon and under which a temporary easement may be established pursu-
8 ant to subdivision (b) of section one of this act is described as all
9 that certain plot, piece or parcel of land with buildings and improve-
10 ments thereon erected, situate, lying and being located at Bay Park,
11 Town of Hempstead, County of Nassau and State of New York being more
12 particularly bounded and described as follows: beginning at a point on
13 the northerly line of the Nassau County Sewage Treatment Plant property,
14 said Point of Beginning being South 68°06'12" East, as measured along
15 northerly line of said sewage treatment plant, 535.50 feet plus or
16 minus, from the intersection of the northerly line Nassau County Sewage
17 Treatment Plant with the westerly side of Compton Street; running thence
18 South 68°06'12" East, along the northerly line of said sewage treatment
19 plant, 249.60 feet plus or minus; thence South 07°20'58" West 198.58
20 feet plus or minus; thence North 78°30'32" West 35.88 feet plus or
21 minus; thence North 06°10'23" East 89.20 feet plus or minus; thence
22 North 33°17'21" West 78.28 feet plus or minus; thence North 66°13'52"
23 West 173.72 feet plus or minus; thence North 19°56'50" East 62.50 feet
24 plus or minus, to the northerly line of the Nassau County Sewage Treat-
25 ment Plant, at the Point of Beginning. Containing within said bounds
26 23,089 square feet plus or minus. The above described temporary easement
27 is for the construction of a fifty-foot diameter access shaft. The
28 location of said temporary access shaft is more particularly described

1 in section four of this act. Said parcel being part of property desig-
2 nated as Section: 42 Block: A Lots: 50, 57 on the Nassau County Land and
3 Tax Map.

4 § 4. TEMPORARY SUBSURFACE EASEMENT - Access shaft. Parkland upon and
5 under which a temporary easement may be established pursuant to subdivi-
6 sion (a) of section one of this act is described as all that certain
7 plot, piece or parcel of land with buildings and improvements thereon
8 erected, situate, lying and being located at Bay Park, Town of Hemp-
9 stead, County of Nassau and State of New York being more particularly
10 bounded and described as follows: a circular easement with a radius of
11 25 feet, the center of said circle being the following three (3) courses
12 from the intersection of the northerly line of the Nassau County Sewage
13 Treatment Plant with the westerly side of Compton Street: South
14 68°06'12" East, along the northerly line of said sewage treatment plant,
15 573.10 feet plus or minus to the centerline of the permanent easement
16 for a force main described in section five of this act; thence South
17 22°24'56" West, along said centerline, 19.74 feet plus or minus; thence
18 South 22°24'56" West, along the production of said centerline, 5.25
19 feet, to the center of the herein described circular easement. Contain-
20 ing within said bound 1,963 square feet plus or minus. Said temporary
21 easement is for an access shaft that extends from the surface of the
22 ground to an approximate depth of 70 feet. Any permanent surface
23 improvements for cathodic protection, if necessary, would be flush with
24 the ground surface or integrated into site landscaping. Said parcel
25 being part of property designated as Section: 42 Block: A Lots: 50, 57
26 on the Nassau County Land and Tax Map.

27 § 5. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon and
28 under which a permanent easement may be established pursuant to subdivi-

1 sion (a) of section one of this act is described as all that certain
2 plot, piece or parcel of land with buildings and improvements thereon
3 erected, situate, lying and being located at Bay Park, Town of Hemp-
4 stead, County of Nassau and State of New York being a 20-foot wide strip
5 of land more particularly bounded and described as follows: Beginning at
6 a point on the northerly line of the Nassau County Sewage Treatment
7 Plant property, said Point of Beginning being South 68°06'12" East, as
8 measured along northerly line of said sewage treatment plant, 563.10
9 feet plus or minus, from the intersection of the northerly line Nassau
10 County Sewage Treatment Plant with the westerly side of Compton Street;
11 running thence South 68°06'12" East, along the northerly line of said
12 sewage treatment plant, 20.00 feet plus or minus; thence South 22°24'56"
13 West 19.15 feet plus or minus; thence South 14°35'11" West 1,446.44 feet
14 plus or minus; thence North 75°24'49 West 20.00 feet plus or minus;
15 thence North 14°35'11" East 1,447.81 feet plus or minus; thence North
16 22°24'56" East 20.34 feet plus or minus, to the northerly line of the
17 Nassau County Sewage Treatment Plant, at the Point of Beginning.
18 Containing within said bounds 29,337 square feet. The above described
19 permanent easement is for the construction and operation of a six-foot
20 diameter force main at a minimum depth of fifteen feet below the ground
21 surface. Said parcel being part of property designated as Section: 42
22 Block: A Lots: 50, 57 on the Nassau County Land and Tax Map.

23 § 6. TEMPORARY EASEMENT - Force main shaft construction area. Park-
24 land upon and under which a temporary easement may be established pursu-
25 ant to subdivision (b) of section one of this act is described as all
26 that certain plot, piece or parcel of land with buildings and improve-
27 ments thereon erected, situate, lying and being located at the hamlet of
28 Wantagh, Town of Hempstead, County of Nassau and State of New York being

1 more particularly bounded and described as follows: beginning at a point
2 on the northwesterly line of the herein described temporary easement for
3 the force main shaft construction area, said Point of Beginning being
4 North 44°03'41" East 50.26 feet plus or minus, from the intersection of
5 the northerly line of lands licensed to the County of Nassau, as
6 described in deed dated December 5, 1977, recorded on January 13, 1978,
7 at the Nassau County Clerk's Office in Liber 9088 of Deeds at page 567,
8 and as shown on map entitled Department of Public Works Nassau County,
9 N.Y., Map Showing Lands under the Jurisdiction of the Long Island State
10 Park Commission in Wantagh State Park to be Licensed to the County of
11 Nassau for Park and Recreational Purposes in the Vicinity of Wantagh,
12 Town of Hempstead, dated September 1976, and on file at the New York
13 State Office of Parks, Recreation and Historic Preservation as Map No.
14 21R-1860-1, with the southeasterly side of Lakeview Road, formerly known
15 as Old Mill Road; running thence along the southeasterly side of Lake-
16 view Road, North 44°03'41" East 237.63 feet plus or minus; thence South
17 50°48'50" East 70.10 feet plus or minus; thence partly through the
18 aforementioned lands licensed to the County of Nassau by the State of
19 New York (Long Island State Park Commission), South 43°39'59" West
20 239.51 feet; thence partially through a permanent drainage easement
21 granted from the City of New York to the County of Nassau, as shown on
22 Map of Real Property to be Acquired for the Improvement of Bellmore
23 Creek from Wilson Avenue to Lakeview Road, Filed February 8, 1979, at
24 the Nassau County Clerk's Office as Map No. H-1841, and also through the
25 aforementioned licensed lands, North 49°12'28" West 71.62 feet plus or
26 minus; to the southeasterly side of Lakeview Road, at the Point of
27 Beginning. Containing within said bounds 16,864 square feet plus or
28 minus. The above described temporary easement is for the construction of

1 a forty-four-foot diameter permanent access shaft. The location of said
2 permanent access shaft is more particularly described in section seven
3 of this act. Said parcel being part of property designated as Section:
4 56 Block: Y Lot: 259 on the Nassau County Land and Tax Map.

5 § 7. PERMANENT SUBSURFACE EASEMENT - Access shaft. Parkland upon and
6 under which a permanent easement may be established pursuant to subdivi-
7 sion (a) of section one of this act is described as all that certain
8 plot, piece or parcel of land with buildings and improvements thereon
9 erected, situate, lying and being located at Hamlet of Wantagh, Town of
10 Hempstead, County of Nassau and State of New York being more particular-
11 ly bounded and described as follows: Beginning at a point on the south-
12 easterly side of Lakeview Road, said Point of Beginning being North
13 44°03'41" East 170.39 feet plus or minus, from the intersection of the
14 northerly line of lands licensed to the County of Nassau, as described
15 in deed dated December 5, 1977, recorded on January 13, 1978, at the
16 Nassau County Clerk's Office in Liber 9088 of Deeds at page 567, and as
17 shown on map entitled Department of Public Works Nassau County, N.Y.,
18 Map Showing Lands under the Jurisdiction of the Long Island State Park
19 Commission in Wantagh State Park to be Licensed to the County of Nassau
20 for Park and Recreational Purposes in the Vicinity of Wantagh, Town of
21 Hempstead, dated September 1976, and on file at the New York State
22 Office of Parks, Recreation and Historic Preservation as Map No.
23 21R-1860-1, with the southeasterly side of Lakeview Road, formerly known
24 as Old Mill Road; running thence, along the southeasterly side of Lake-
25 view Road, North 44°03'41" East 25.04 feet plus or minus, to the begin-
26 ning of a non-tangent curve; thence 111.59 feet plus or minus along said
27 non-tangent circular curve to the right that has a radius of 22.00 feet,

1 subtends an angle of $290^{\circ}37'31''$, and has a chord that bears South
2 $44^{\circ}03'41''$ West 25.04 feet, to the Point of Beginning.
3 Containing within said bounds a surface area of 1,454 square feet plus
4 or minus. Said permanent easement is for an access shaft that extends
5 from the surface of the ground to an approximate depth of 70 feet. The
6 permanent easement allows vehicular and personnel access to the shaft
7 and within the shaft for inspection, maintenance, repair and recon-
8 struction. Any permanent surface improvements for a manhole or for
9 cathodic protection, if necessary, would be flush with the ground
10 surface or integrated into site landscaping. Said parcel being part of
11 property designated as Section: 56 Block: Y Lot: 259 on the Nassau Coun-
12 ty Land and Tax Map.

13 § 8. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon and
14 under which a permanent easement may be established pursuant to subdivi-
15 sion (a) of section one of this act is described as all that certain
16 plot, piece or parcel of land with buildings and improvements thereon
17 erected, situate, lying and being located at the Hamlet of Wantagh, Town
18 of Hempstead, County of Nassau and State of New York being a 20-foot
19 wide strip of land more particularly bounded and described as follows:
20 Beginning at the intersection of the southerly side of the Wantagh State
21 Parkway, also being the same as the southerly line of a permanent ease-
22 ment granted by the State of New York (Long Island State Park Commis-
23 sion) to the Town of Hempstead for Highway purposes shown as Parcel E on
24 Map No. 21R-1651, dated September 30, 1935 and on file at the New York
25 State Office of Parks, Recreation and Historic Preservation, with the
26 easterly side of Linden Street, also being the westerly side of Wantagh
27 State Parkway; running thence South $87^{\circ}54'31''$ West 16.42 feet plus or
28 minus, along the southerly side of the Wantagh State Parkway; thence

1 through the aforementioned easement, North 49°40'30" West 172.07 feet
2 plus or minus; thence partially through lands licensed to the County of
3 Nassau by the State of New York (Long Island State Park Commission), as
4 described in deed dated December 5, 1977, recorded on January 13, 1978,
5 at the Nassau County Clerk's Office in Liber 9088 of Deeds at page 567,
6 also as shown on map entitled Department of Public Works Nassau County,
7 N.Y., Map Showing Lands under the Jurisdiction of the Long Island State
8 Park Commission in Wantagh State Park to be Licensed to the County of
9 Nassau for Park and Recreational Purposes in the Vicinity of Wantagh,
10 Town of Hempstead, dated September 1976, and on file at the New York
11 State Office of Parks, Recreation and Historic Preservation as Map No.
12 21R-1860-1, North 32°14'44" West 1,935.06 feet; thence North 60°00'15"
13 West 18.68 feet plus or minus, to the southeasterly side of Lakeview
14 Road; thence along the southeasterly side of Lakeview Road, North
15 44°03'41" East 20.62 feet plus or minus; thence South 60°00'15" East
16 18.61 feet plus or minus; thence through the aforementioned licensed
17 lands, South 32°14'44" East 1,936.94 feet; thence South 49°40'30" East
18 294.48 feet plus or minus, to the westerly side of the Wantagh State
19 Parkway, also being the same as the easterly side of Linden Street;
20 thence northwesterly along the westerly side of the Wantagh State Park-
21 way, being also the easterly side of Linden Street, 113.74 feet plus or
22 minus along the arc of a non-tangent curve, bearing to the left, having
23 a radius of 1,233.00', a chord that bears North 54°10'34" West 113.70
24 feet plus or minus, to the southerly side of the Wantagh State Parkway,
25 at the Point of Beginning. Containing within said bounds 43,088 square
26 feet plus or minus. The above described permanent easement is for the
27 construction and operation of a six-foot diameter force main at a mini-
28 mum depth of fifteen feet below the ground surface. Said parcel being

1 part of property designated as Section: 56 Block: Y Lots: 259 on the
2 Nassau County Land and Tax Map.

3 § 9. TEMPORARY EASEMENT - Force main shaft construction area. Park-
4 land upon and under which a temporary easement may be established pursu-
5 ant to subdivision (b) of section one of this act is described as all
6 that certain plot, piece or parcel of land with buildings and improve-
7 ments thereon erected, situate, lying and being located at the hamlet of
8 Wantagh, Town of Hempstead, County of Nassau and State of New York being
9 more particularly bounded and described as follows: Beginning at a point
10 on the northerly line of the herein described temporary easement for
11 construction staging, said Point of Beginning being more particularly
12 described as commencing at the intersection of the southerly side of
13 Byron Street with the easterly side of Wantagh Parkway; running thence
14 South 02°05'40" East, along the easterly side of Wantagh Parkway, 392.77
15 feet plus or minus, to the centerline of the permanent subsurface ease-
16 ment for force main, described in section 11 of this act; thence South
17 19°14'42" East, along said centerline, 166.40 feet plus or minus, to the
18 northerly line of the temporary easement for construction staging, at
19 the Point of Beginning. Running thence North 87°24'47" East 122.41 feet
20 plus or minus; thence South 33°56'04" East 67.89 feet plus or minus;
21 thence South 04°43'16" East 53.69 feet plus or minus; thence South
22 86°37'33" West 78.30 feet plus or minus; thence South 02°20'25" East
23 83.22 feet plus or minus; thence South 47°03'34" West 102.51 feet plus
24 or minus; thence South 86°22'25" West 27.76 feet plus or minus; thence
25 North 07°01'12" West 263.59 feet plus or minus; thence North 87°24'47"
26 East 45.17 feet plus or minus, to the Point of Beginning. Containing
27 within said bounds 35,505 square feet plus or minus. The above described
28 temporary easement is for the construction of a forty-four-foot diameter

1 access shaft. The location of said temporary access shaft is more
2 particularly described in section ten of this act. Said parcel being
3 part of property designated as Section: 63 Block: 261 Lots: 765G, 765H,
4 818A (Part of Cedar Creek Park) on the Nassau County Land and Tax Map.

5 § 10. TEMPORARY SUBSURFACE EASEMENT - Access shaft. Parkland upon and
6 under which a permanent easement may be established pursuant to subdivi-
7 sion (a) of section one of this act is described as all that certain
8 plot, piece or parcel of land with buildings and improvements thereon
9 erected, situate, lying and being located at Hamlet of Wantagh, Town of
10 Hempstead, County of Nassau and State of New York being more particular-
11 ly bounded and described as follows: a circular easement with a radius
12 of 22 feet, the center of said circle being the following two (2) cours-
13 es from the intersection of the southerly side of Byron Street with the
14 easterly side of Wantagh Parkway: South 02°05'40" East along the easter-
15 ly side of Wantagh Parkway, 392.77 feet plus or minus, to the centerline
16 of the permanent subsurface easement for force main, described in
17 section 11 of this act; thence South 19°14'42" East, along said center-
18 line, 224.60 feet plus or minus, to the center of the herein described
19 circular easement. Containing within said bounds a surface area of 1,521
20 square feet plus or minus. Said temporary easement is for an access
21 shaft that extends from the surface of the ground to an approximate
22 depth of 70 feet. Any permanent surface improvements for cathodic
23 protection, if necessary, would be flush with the ground surface or
24 integrated into site landscaping. Said parcel being part of property
25 designated as Section: 63 Block: 261 Lots: 765G, 765H, 818A (Part of
26 Cedar Creek Park) on the Nassau County Land and Tax Map.

27 § 11. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon and
28 under which a permanent easement may be established pursuant to subdivi-

1 sion (a) of section one of this act is described as all that certain
2 plot, piece or parcel of land with buildings and improvements thereon
3 erected, situate, lying and being located at the Hamlet of Wantagh, Town
4 of Hempstead, County of Nassau and State of New York being a 20-foot
5 wide strip of land more particularly bounded and described as follows:
6 beginning at a point on the easterly side of the Wantagh State Parkway,
7 said Point of Beginning being South 02°05'40" East 358.86 feet plus or
8 minus from the intersection of the southerly side of Byron Street with
9 the easterly side of Wantagh Parkway; running thence South 19°14'42"
10 East 258.49 feet plus or minus; thence South 02°16'58" East 1,725.93
11 feet plus or minus; thence southwesterly 43.40 feet plus or minus along
12 the arc of a curve to the left having a radius of 1,075.00 feet and a
13 chord that bears South 25°09'48" West 43.39 feet plus or minus; thence
14 North 02°16'58" West 1,761.45 feet plus or minus; thence North 19°14'42"
15 West 190.70 feet plus or minus, to the easterly side of Wantagh Parkway;
16 thence North 02°05'40" West, along the easterly side of Wantagh Parkway,
17 67.82 feet plus or minus, to the Point of Beginning. Containing within
18 said bounds 39,359 square feet plus or minus. The above described perma-
19 nent easement is for the construction and operation of a six-foot diam-
20 eter force main at a minimum depth of fifteen feet below the ground
21 surface. Said parcel being part of property designated as Section: 63
22 Block: 261 Lots: 765G, 818A (Part of Cedar Creek Park) on the Nassau
23 County Land and Tax Map.

24 § 12. Should the lands described in sections five, seven, eight and
25 eleven of this act cease to be used for the purposes described in
26 section one of this act, the permanent easements established pursuant to
27 section one of this act shall cease and such lands shall be restored and
28 dedicated as parklands.

1 § 13. In the event that the county of Nassau received any funding
2 support or assistance from the federal government for the purchase,
3 maintenance, or improvement of the parklands set forth in sections three
4 through eleven of this act, the discontinuance and alienation of such
5 parklands authorized by the provisions of this act shall not occur until
6 the county of Nassau has complied with any applicable federal require-
7 ments pertaining to the alienation or conversion of parklands, including
8 satisfying the secretary of the interior that the alienation or conver-
9 sion complies with all conditions which the secretary of the interior
10 deems necessary to assure the substitution of other lands shall be
11 equivalent in fair market value and usefulness to the lands being alien-
12 ated or converted.

13 § 14. This act shall take effect immediately.

14 SUBPART B

15 Section 1. Subject to the provisions of this act, the village of East
16 Rockaway, in the county of Nassau, acting by and through the village
17 board of such village, is hereby authorized to (a) discontinue perma-
18 nently the use as parkland the subsurface lands described in sections
19 four and five of this act and to grant permanent easements on such lands
20 to the State of New York or county of Nassau for the purpose of
21 constructing, operating, maintaining and repairing a subsurface sewer
22 main, and (b) discontinue temporarily the use as parkland the lands
23 described in section three of this act and grant temporary easements on
24 such lands to the county of Nassau for the purpose of constructing a
25 subsurface sewer main. Authorization for the temporary easement
26 described in section three of this act shall cease upon the completion

1 of the construction of the sewer main, at which time the department of
2 environmental conservation shall restore the surface of the parklands
3 disturbed and the parklands shall continue to be used for park purposes
4 as they were prior to the grant of the temporary easement. Authorization
5 for the permanent easements described in sections four and five of this
6 act shall require that the department of environmental conservation
7 restore the surface of the parklands disturbed and the parklands shall
8 continue to be used for park purposes as they were prior to the estab-
9 lishment of the permanent easements.

10 § 2. The authorization provided in section one of this act shall be
11 effective only upon the condition that the village of East Rockaway
12 dedicate an amount equal to or greater than the fair market value of the
13 parklands being discontinued to the acquisition of new parklands and/or
14 capital improvements to existing park and recreational facilities.

15 § 3. TEMPORARY EASEMENT - Force Main Shaft Construction Area. Park-
16 land upon and under which a temporary easement may be granted pursuant
17 to subdivision (b) of section one of this act is described as follows:
18 all that certain plot, piece or parcel of land with buildings and
19 improvements thereon erected, situate, lying and being located at Incor-
20 porated Village of East Rockaway, and the Hamlet of Oceanside, Town of
21 Hempstead, County of Nassau and State of New York being more particular-
22 ly bounded and described as follows: Beginning at a point on the
23 westerly line of the herein described temporary easement for the force
24 main shaft construction area, said Point of Beginning being more partic-
25 ularly described as commencing at the northeast corner of property
26 described in deed dated September 16, 1964 from Mary T. Caretto to The
27 Incorporated Village of East Rockaway, recorded September 18, 1964 at
28 the Nassau County Clerk's Office in Liber 7317 Deeds at page 494,

1 running thence South 76°23'40" East, on the northerly property line
2 produced, of property described in the aforesaid Liber 7317 page 494, a
3 distance of 53.41 feet plus or minus, to the westerly line of the herein
4 described temporary easement at the Point of Beginning. Running thence
5 North 14°03'08" East 42.21 feet plus or minus; thence South 67°25'43"
6 East 237.47 feet plus or minus; thence South 04°13'09" West 35.58 feet
7 plus or minus; thence South 86°58'21" West 165.83 feet plus or minus;
8 thence South 64°59'21" West 106.15 feet; thence North 14°03'08" East
9 143.63 feet plus or minus, to the Point of Beginning. Containing within
10 said bounds 23,103 square feet plus or minus. The above described tempo-
11 rary easement is for the construction of a forty-four-foot diameter
12 access shaft. The location of said permanent access shaft is more
13 particularly described in section four of this act. Said parcel being
14 part of property designated as Section: 38, Block: E, Lots: 12, 14, 21A,
15 21B on the Nassau County Land and Tax Map.

16 § 4. PERMANENT SUBSURFACE EASEMENT - Access Shaft. Parkland upon and
17 under which a permanent easement may be granted pursuant to subdivision
18 (a) of section one of this act is described as all that certain plot,
19 piece or parcel of land with buildings and improvements thereon erected,
20 situate, lying and being located at Incorporated Village of East Rocka-
21 way, and the Hamlet of Oceanside, Town of Hempstead, County of Nassau
22 and State of New York being more particularly bounded and described as
23 follows: a circular easement with a radius of 22 feet, the center of
24 said circle being the following two(2) courses from the northeast corner
25 of property described in deed dated September 16, 1964 from Mary T.
26 Caretto to The Incorporated Village of East Rockaway, recorded September
27 18, 1964 at the Nassau County Clerk's Office in Liber 7317 of Deeds at
28 page 494; South 76°23'40" East, on the northerly property line produced,

1 of property described in the aforesaid Liber 7317 page 494, a distance
2 of 185.51 feet plus or minus; to the centerline of the permanent subsur-
3 face easement for force main, described in section 5 of this act; thence
4 along said easement centerline South 19°04'18" West 22.47 feet plus or
5 minus, to the center of the herein described circular easement. Contain-
6 ing within said bounds a surface area of 1,521 square feet plus or
7 minus. Said permanent easement is for an access shaft that extends from
8 the surface of the ground to an approximate depth of 70 feet. The
9 permanent easement allows vehicular and personnel access to the shaft
10 and within the shaft for inspection, maintenance, repair and recon-
11 struction. Any permanent surface improvements for a manhole or for
12 cathodic protection, if necessary, would be flush with the ground
13 surface or integrated into site landscaping. Said parcel being part of
14 property designated as Section: 38, Block: E, Lots: 12, 14, 21A, 21B on
15 the Nassau County Land and Tax Map.

16 § 5. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon and
17 under which a permanent easement may be granted pursuant to subdivision
18 (a) of section one of this act is described as all that certain plot,
19 piece or parcel of land with buildings and improvements thereon erected,
20 situate, lying and being located at Incorporated Village of East Rocka-
21 way, and the Hamlet of Oceanside, County of Nassau and State of New York
22 being a 20-foot wide strip of land more particularly bounded and
23 described as follows: Beginning at a point on the westerly line of the
24 herein described permanent subsurface easement, said Point of Beginning
25 being more particularly described as commencing at the northeast corner
26 of property described in deed dated September 16, 1964 from Mary T.
27 Caretto to The Incorporated Village of East Rockaway, recorded September
28 18, 1964 at the Nassau County Clerk's Office in Liber 7317 of Deeds at

1 page 494; running thence South 76°23'40" East, on the northerly property
2 line produced, of property described in the aforesaid Liber 7317 page
3 494, a distance of 175.47 feet plus or minus, to the westerly line of
4 the herein described permanent easement, at the Point of Beginning.
5 Running thence North 19°04'18" East 31.11 feet plus or minus, to the
6 southerly side of Mill River; thence South 67°42'35" East, along the
7 southerly side of Mill River, 20.03 feet plus or minus; thence South
8 19°04'18" West 48.37 feet plus or minus; thence South 15°40'03" East
9 55.00 feet plus or minus, to the northerly side of Mill River; thence
10 North 84°40'35" West, along the northerly side of Mill River, 20.33 feet
11 plus or minus; thence North 15°40'03" West 57.60 feet plus or minus;
12 thence North 19°04'18" East 24.64 feet plus or minus, to the Point of
13 Beginning. Containing within said bounds 2,167 square feet plus or
14 minus. The above described permanent easement is for the construction
15 and operation of a six-foot diameter force main at a minimum depth of
16 fifteen feet below the ground surface. Said parcel being part of proper-
17 ty designated as Section: 38, Block: E, Lots: 12, 14, 21A, 21B on the
18 Nassau County Land and Tax Map.

19 § 6. Should the lands described in sections four and five of this act
20 cease to be used for the purposes described in section one of this act,
21 the permanent easements established pursuant to section one of this act
22 shall cease and such lands shall be restored and dedicated as parklands.

23 § 7. In the event that the village of East Rockaway received any fund-
24 ing support or assistance from the federal government for the purchase,
25 maintenance, or improvement of the parklands set forth in sections three
26 through five of this act, the discontinuance and alienation of such
27 parklands authorized by the provisions of this act shall not occur until
28 the village of East Rockaway has complied with any applicable federal

1 requirements pertaining to the alienation or conversion of parklands,
2 including satisfying the secretary of the interior that the alienation
3 or conversion complies with all conditions which the secretary of the
4 interior deems necessary to assure the substitution of other lands shall
5 be equivalent in fair market value and usefulness to the lands being
6 alienated or converted.

7 § 8. This act shall take effect immediately.

8 SUBPART C

9 Section 1. Subject to the provisions of this act, the village of Rock-
10 ville Centre, in the county of Nassau, acting by and through the village
11 board of such village, is hereby authorized to (a) discontinue perma-
12 nently the use as parkland the subsurface lands described in sections
13 three and six of this act and to grant permanent easements on such lands
14 to the State of New York or county of Nassau for the purpose of
15 constructing, operating, maintaining and repairing a subsurface sewer
16 main, and (b) discontinue temporarily the use as parkland the lands
17 described in sections four, five and seven of this act and grant tempo-
18 rary easements on such lands to the county of Nassau for the purpose of
19 constructing a subsurface sewer main. Authorization for the temporary
20 easements described in sections four, five and seven of this act shall
21 cease upon the completion of the construction of the sewer main, at
22 which time the department of environmental conservation shall restore
23 the surface of the parklands disturbed and the parklands shall continue
24 to be used for park purposes as they were prior to the grant of the
25 temporary easements. Authorization for the permanent easements described
26 in sections three and six of this act shall require that the department

1 of environmental conservation restore the surface of the parklands
2 disturbed and the parklands shall continue to be used for park purposes
3 as they were prior to the establishment of the permanent easements.

4 § 2. The authorization provided in section one of this act shall be
5 effective only upon the condition that the village of Rockville Centre
6 dedicate an amount equal to or greater than the fair market value of the
7 parklands being discontinued to the acquisition of new parklands and/or
8 capital improvements to existing park and recreational facilities.

9 § 3. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon and
10 under which a permanent easement may be established pursuant to subdivi-
11 sion (a) of section one of this act is described as all that certain
12 plot, piece or parcel of land with buildings and improvements thereon
13 erected, situate, lying and being located at Incorporated Village of
14 East Rockaway, and the Incorporated Village of Rockville Centre, Town of
15 Hempstead, County of Nassau and State of New York, being a 20-foot wide
16 strip of land more particularly bounded and described as follows:
17 Beginning at a point on the northerly side of Mill River Avenue, said
18 Point of Beginning being South 74°20'24" East, as measured along the
19 northerly side of Mill River Avenue, 60.73 feet plus or minus from the
20 intersection of the northerly side of Mill River Avenue with the easter-
21 ly side of Riverside Road; running thence North 10°26'55" East 461.31
22 feet plus or minus; to the southerly side of South Park Avenue; thence
23 along the southerly side of South Park Avenue, South 79°11'54" East
24 20.00 feet plus or minus, thence South 10°26'55" West 463.01 feet plus
25 or minus, to the northerly side of Mill River Avenue, thence along the
26 northerly side of Mill River Avenue, North 74°20'24" West 20.08 feet
27 plus or minus, to the Point of Beginning. Containing within said bounds
28 9,243 square feet plus or minus. The above described permanent easement

1 is for the construction and operation of a six-foot diameter force main
2 at a minimum depth of fifteen feet below the ground surface. Said parcel
3 being part of property designated as Section: 38 Block: 136 Lots: 231 on
4 the Nassau County Land and Tax Map.

5 § 4. TEMPORARY SUBSURFACE EASEMENT - Access Shaft. Parkland upon and
6 under which a temporary easement may be established pursuant to subdivi-
7 sion (a) of section one of this act is described as all that certain
8 plot, piece or parcel of land with buildings and improvements thereon
9 erected, situate, lying and being located at Incorporated Village of
10 Rockville Centre, Incorporated Village of East Rockaway, and Incorpo-
11 rated Village of Lynbrook, Town of Hempstead, County of Nassau and State
12 of New York being more particularly bounded and described as a circular
13 easement with a radius of 22 feet, the center of said circle being the
14 following two (2) courses from the intersection of the northerly side of
15 South Park Avenue with the easterly side of Chester Road: South
16 $79^{\circ}24'16''$ East, along the northerly side of South Park Avenue, 247.33
17 feet plus or minus, to the centerline of the permanent subsurface ease-
18 ment for force main described in section 6 of this subpart of this act;
19 North $10^{\circ}26'55''$ East, along said centerline, 953.71 feet plus or minus,
20 to the center of the herein described circular easement. Containing
21 within said bounds a surface area of 1,521 square feet plus or minus.
22 Said temporary easement is for an access shaft that extends from the
23 surface of the ground to an approximate depth of 70 feet. Any permanent
24 surface improvements for cathodic protection, if necessary, would be
25 flush with the ground surface or integrated into site landscaping. Said
26 parcel being part of property designated as Section: 38 Block: F Lot:
27 50F on the Nassau County Land and Tax Map.

1 § 5. TEMPORARY EASEMENT - Force Main Shaft Construction Area. Park-
2 land upon and under which a temporary easement may be established pursu-
3 ant to subdivision (b) of section one of this act is described as all
4 that certain plot, piece or parcel of land with buildings and improve-
5 ments thereon erected, situate, lying and being located at Incorporated
6 Village of Rockville Centre, Incorporated Village of East Rockaway, and
7 Incorporated Village of Lynbrook, Town of Hempstead, County of Nassau
8 and State of New York being more particularly bounded and described as
9 follows: Beginning at a point on the southerly side of the herein
10 described temporary easement for construction staging, said Point of
11 Beginning being more particularly described as commencing at the inter-
12 section of the northerly side of South Park Avenue with the easterly
13 side of Chester Road; running thence South 79°24'16" East along the
14 northerly side of South Park Avenue, 247.33 feet plus or minus, to the
15 centerline of the permanent subsurface easement for force main described
16 in section 6 of this act; thence North 10°26'55" East, along said
17 centerline, 920.41 feet plus or minus, to the southerly line of the
18 temporary easement, at the Point of Beginning. Running thence North
19 76°19'09" West 185.92 feet plus or minus; thence North 14°49'03" East
20 31.83 feet plus or minus; thence South 76°28'34" East 65.98 feet plus or
21 minus; thence North 36°46'43" East 60.84 feet plus or minus; thence
22 North 78°41'29" East 145.19 feet plus or minus; thence South 65°54'19"
23 East 45.62 feet plus or minus; thence South 29°38'55" West 146.71 feet
24 plus or minus; thence North 76°19'09" West 40.66 feet plus or minus, to
25 the Point of Beginning. Containing within said bounds 22,827 square feet
26 plus or minus. The above described temporary easement is for the
27 construction of a forty-four-foot diameter access shaft. The location of
28 said temporary access shaft is more particularly described in section

1 four of this act. Said parcel being part of property designated as
2 Section: 38 Block: F, Lot: 50F and part of Merton Avenue (not open) on
3 the Nassau County Land and Tax Map.

4 § 6. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon and
5 under which a permanent easement may be established pursuant to subdivi-
6 sion (a) of section one of this act is described as all that certain
7 plot, piece or parcel of land with buildings and improvements thereon
8 erected, situate, lying and being located at Incorporated Village of
9 Rockville Centre, Incorporated Village of East Rockaway, and Incorpo-
10 rated Village of Lynbrook, Town of Hempstead, County of Nassau and State
11 of New York being a 20-foot wide strip of land more particularly bounded
12 and described as follows: Beginning at a point on the northerly side of
13 South Park Avenue, said point being South 79°24'16" East, along the
14 northerly side of South Park Avenue, 237.33 feet plus or minus, from the
15 intersection of the northerly side of South Park Avenue with the easter-
16 ly side of Chester Road; running thence North 10°26'55" East 956.35 feet
17 plus or minus; thence North 40°12'27" East 464.95 feet plus or minus, to
18 the westerly side of Mill River; thence along the westerly side of Mill
19 River the following five (5) courses South 10°54'32" East 4.49 feet plus
20 or minus; South 08°32'16" West 6.44 feet plus or minus; South 17°55'44"
21 West 8.24 feet plus or minus; South 10°55'50" West 4.90 feet plus or
22 minus; South 07°44'20" West 14.16 feet plus or minus; thence South
23 40°12'27" West 427.49 feet plus or minus; thence South 10°26'55" West
24 951.08 feet plus or minus to the northerly side of South Park Avenue;
25 thence North 79°24'16" West, along the northerly side of South Park
26 Avenue, 20.00 feet plus or minus, to the Point of Beginning. Containing
27 within said bounds 28,014 square feet plus or minus. The above described
28 permanent easement is for the construction and operation of a six-foot

1 diameter force main at a minimum depth of fifteen feet below the ground
2 surface. Said parcel being part of property designated as Section: 38
3 Block: F Lot: 50F and Section: 38, Block: T, Lot: 50A, on the Nassau
4 County Land and Tax Map.

5 § 7. TEMPORARY EASEMENT - Force Main Shaft Construction Area. Park-
6 land upon and under which a temporary easement may be established pursu-
7 ant to subdivision (b) of section one of this act is described as all
8 that certain plot, piece or parcel of land with buildings and improve-
9 ments thereon erected, situate, lying and being located at Incorporated
10 Village of Rockville Centre, Town of Hempstead, County of Nassau and
11 State of New York being more particularly bounded and described as
12 follows: Beginning at a point on the northerly side of Sunrise Highway
13 (New York State Route 27), said point being distant 82.57 feet westerly
14 along the northerly side of Sunrise Highway from the extreme westerly
15 end of an arc of a curve connecting the northerly side of Sunrise High-
16 way with the westerly side of North Forest Avenue. Running thence along
17 the northerly side of Sunrise Highway the following three (3) courses:
18 Southwesterly 250.24 feet plus or minus along the arc of a curve bearing
19 to the left having a radius of 862.00 feet and a chord that bears South
20 77°03'07" West 249.36 feet plus or minus, South 68°43'30" West 161.85
21 feet plus or minus; Southwesterly 20.44 feet plus or minus along the arc
22 of a curve bearing to the right having a radius of 592.00 feet and a
23 chord that bears South 69°00'05" West 20.44 feet plus or minus; thence
24 North 14°30'46" West 215.45 feet plus or minus, to the southerly side of
25 Long Island Rail Road; thence along the southerly side of the Long
26 Island Rail Road, South 87°41'41" East 469.93 feet plus or minus; thence
27 South 02°13'26" West 67.80 feet plus or minus, to the northerly side of
28 Sunrise Highway, at the Point of Beginning. Containing within said

1 bounds 57,506 square feet plus or minus. The above described temporary
2 easement is necessary for the construction of temporary access to the
3 aqueduct below Sunrise Highway area. Said parcel being part of property
4 designated as Section: 38 Block: 291 Lot: 17 on the Nassau County Land
5 and Tax Map.

6 § 8. Should the lands described in sections three and six of this act
7 cease to be used for the purposes described in section one of this act,
8 the permanent easements established pursuant to section one of this act
9 shall cease and such lands shall be restored and dedicated as parklands.

10 § 9. In the event that the village of Rockville Centre received any
11 funding support or assistance from the federal government for the
12 purchase, maintenance, or improvement of the parklands set forth in
13 sections three through seven of this act, the discontinuance and alien-
14 ation of such parklands authorized by the provisions of this act shall
15 not occur until the village of Rockville Centre has complied with any
16 applicable federal requirements pertaining to the alienation or conver-
17 sion of parklands, including satisfying the secretary of the interior
18 that the alienation or conversion complies with all conditions which the
19 secretary of the interior deems necessary to assure the substitution of
20 other lands shall be equivalent in fair market value and usefulness to
21 the lands being alienated or converted.

22 § 10. This act shall take effect immediately.

23 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
24 sion, section, subpart or part of this act shall be adjudged by a court
25 of competent jurisdiction to be invalid, such judgment shall not affect,
26 impair, or invalidate the remainder thereof, but shall be confined in
27 its operation to the clause, sentence, paragraph, subdivision, section,
28 subpart or part thereof directly involved in the controversy in which

1 such judgment shall have been rendered. It is hereby declared to be the
2 intent of the legislature that this act would have been enacted even if
3 such invalid provisions had not been included herein.

4 § 3. This act shall take effect immediately, provided, however, that
5 the applicable effective date of Subparts A through C of this act shall
6 be as specifically set forth in the last section of such Subparts.

7 PART AA

8 Section 1. Subparagraph (i) of paragraph 3 of subdivision (a) of
9 section 21 of the tax law, as amended by section 17 of part BB of chap-
10 ter 56 of the laws of 2015, is amended to read as follows:

11 (i) The tangible property credit component shall be equal to the
12 applicable percentage of the cost or other basis for federal income tax
13 purposes of tangible personal property and other tangible property,
14 including buildings and structural components of buildings, which
15 constitute qualified tangible property and may include any related party
16 service fee paid; provided that in determining the cost or other basis
17 of such property, the taxpayer shall exclude the acquisition cost of any
18 item of property with respect to which a credit under this section was
19 allowable to another taxpayer. A related party service fee shall be
20 allowed only in the calculation of the tangible property credit compo-
21 nent and shall not be allowed in the calculation of the site preparation
22 credit component or the on-site groundwater remediation credit compo-
23 nent. The portion of the tangible property credit component which is
24 attributable to related party service fees shall be allowed only as
25 follows: (A) in the taxable year in which the qualified tangible proper-
26 ty described in subparagraph (iii) of this paragraph is placed in

1 service, for that portion of the related party service fees which have
2 been earned and actually paid to the related party on or before the last
3 day of such taxable year; and (B) with respect to any other taxable year
4 for which the tangible property credit component may be claimed under
5 this subparagraph and in which the amount of any additional related
6 party service fees are actually paid by the taxpayer to the related
7 party, the tangible property credit component for such amount shall be
8 allowed in such taxable year. The credit component amount so determined
9 shall be allowed for the taxable year in which such qualified tangible
10 property is first placed in service on a qualified site with respect to
11 which a certificate of completion has been issued to the taxpayer, or
12 for the taxable year in which the certificate of completion is issued if
13 the qualified tangible property is placed in service prior to the issu-
14 ance of the certificate of completion. This credit component shall only
15 be allowed for up to one hundred twenty months after the date of the
16 issuance of such certificate of completion, provided, however, that for
17 qualified sites to which a certificate of completion is issued on or
18 after March twentieth, two thousand ten, but prior to January first, two
19 thousand twelve, the credit component shall be allowed for up to one
20 hundred forty-four months after the date of such issuance.

21 § 2. This act shall take effect immediately.

22 PART BB

23 Section 1. Notwithstanding the contrary provisions of section 9-0501
24 of the environmental conservation law and the contrary provisions of the
25 public lands law, the department of environmental conservation is
26 authorized to grant easements for buried cables on real property within

1 the Farmersville State Forest, Lost Nation State Forest, and Swift Hill
2 State Forest, which meet the following conditions:

3 (a) The easements are for buried electric cables which are part of a
4 wind powered electric generation project located in the towns of Rush-
5 ford, Farmersville, Arcade, Centerville, Freedom, and Machias.

6 (b) The easements are for a portion of the property within Farmers-
7 ville State Forest, Lost Nation State Forest, and Swift Hill State
8 Forest owned by the state and managed by the department of environmental
9 conservation. The buried cables shall be:

10 (1) located underground for approximately 500 feet between turbines
11 101 and 102 (which are sited on private land), and passing below a
12 section of Farmersville State Forest in Cattaraugus County;

13 (2) located underground for approximately 1,600 feet on the south side
14 of Hess Road along the Farmersville State Forest boundary in Cattaraugus
15 County, turning southwest to follow an existing track for approximately
16 420 feet, and continuing west along the northern parcel boundary for
17 approximately 1,300 feet to the property line, to connect turbines 100
18 and 104 (both sited on private land);

19 (3) located underground for approximately 2,950 feet along the west
20 side of North Hill Road in Lost Nation State Forest in Allegany County
21 to connect turbines 73, 75, 76, and 77 (all sited on private land) to
22 the rest of the project; and

23 (4) located underground for approximately 1,150 feet on the east side
24 of Rushford Road, along the western edge of Swift Hill State Forest in
25 Allegany County to connect turbines 124 and 125 (both sited on private
26 land) to the rest of the project.

27 (c) The easements will be conveyed by the department of environmental
28 conservation and take effect only in the event the underground cables

1 proposed to be on such easement lands are certified and approved as part
2 of a wind powered electric generation facility pursuant to article 10 of
3 the public service law.

4 (d) The easements shall terminate when the associated wind powered
5 electric generation project ceases to operate for 18 months as set forth
6 in the easements and the easements shall then revert to the state to be
7 managed by the department of environmental conservation as state forest
8 land.

9 (e) The use of chemicals/herbicides for clearing said easements is
10 prohibited unless prior approval for the same is granted by the depart-
11 ment of environmental conservation, division of lands and forests.

12 § 2. (a) In entering into the easements described in section one of
13 this act, the department of environmental conservation is authorized to
14 grant such easements for fair market value plus twenty percent of the
15 value of the easements plus one hundred thousand dollars upon applica-
16 tion by Alle-Catt Wind Energy LLC.

17 (b) An amount, not less than fair market value plus twenty percent of
18 the value of the easements plus one hundred thousand dollars shall be
19 used to obtain for the state an interest in real property for open space
20 purposes in region 9 of the department of environmental conservation
21 from the regional priority conservation projects list in region 9 as
22 part of this state's open space conservation plan. The total payment for
23 such acquisition or acquisitions shall not be less than the value of the
24 easements to be conveyed by the state plus twenty percent of the value
25 of such easements plus one hundred thousand dollars.

26 (c) Any monies received by the department of environmental conserva-
27 tion from Alle-Catt Wind Energy LLC in consideration of these easements
28 shall be deposited into the state environmental protection fund, as

1 established in section 92-s of the state finance law, until such time as
2 they can be used towards the purchase of the real property as contem-
3 plated in subdivision (b) of this section.

4 (d) The description of the easements to be conveyed by this act is not
5 intended to be a legal description, but is intended to identify the
6 easements to be conveyed. As a condition of conveyance Alle-Catt Wind
7 Energy LLC shall submit to the commissioner of environmental conserva-
8 tion for his or her approval an accurate survey and description of lands
9 generally described in this section which may be used in the conveyance
10 thereof.

11 (e) The grant of the easements is conditioned on the issuance of
12 certificates of environmental compatibility and public need pursuant to
13 the provisions of article 10 of the public service law.

14 (f) Compensation for the stumpage value of trees to be felled by the
15 entity shall be deposited in the same manner as in subdivision (b) of
16 this section with the felled trees to become the property of Invenergy
17 LLC. Stumpage value is to be determined by the department of environ-
18 mental conservation forester based on the most recent department of
19 environmental conservation stumpage price report at the time the trees
20 are felled.

21 § 3. The commissioner of environmental conservation may prescribe
22 additional terms for such exchange of real property. Such contract shall
23 not become binding upon the state until approved by the state comp-
24 troller. Title to the land to the people of the state of New York pursu-
25 ant to the provisions of such contract shall be approved by the attorney
26 general, and the deed to the state shall be approved by him or her as to
27 form and manner of execution and recordability before such deed shall be
28 accepted on behalf of the state. Notwithstanding the contrary provisions

1 of the public lands law, the conveyance of the state-owned easements
2 pursuant to such contract shall be without reservation or exception,
3 except as provided for in such contract. Upon certification by the
4 commissioner of environmental conservation to the commissioner of gener-
5 al services of a copy of the contract, and certification that Alle-Catt
6 Wind Energy LLC has complied with all terms and conditions of the
7 contract upon their part to be kept and performed, together with a
8 description of any of the easements to be exchanged, conveyed and/or
9 payments to be made, the commissioner of general services shall convey
10 the easements described in section one of this act in accordance with
11 the provisions of the contract.

12 § 4. This act shall take effect immediately, and shall expire and be
13 deemed repealed five years after such date; provided, however, should
14 the easements be granted within the five years, the term of the ease-
15 ments will establish the end date of the easements. At such time the
16 land will revert back to the state of New York for state forest
17 purposes.

18 PART CC

19 Section 1. Section 12 of part F of chapter 58 of the laws of 2013
20 amending the environmental conservation law and the state finance law
21 relating to the "Cleaner, Greener NY Act of 2013", as amended by chapter
22 65 of the laws of 2019, is amended to read as follows:

23 § 12. This act shall take effect immediately and shall be deemed to
24 have been in full force and effect on and after April 1, 2013; provided,
25 however, that the amendments to subdivision 5-a of section 27-1015 of

1 the environmental conservation law, as added by section nine of this
2 act, shall expire and be deemed repealed on April 1, [2021] 2023.

3 § 2. This act shall take effect immediately.

4 PART DD

5 Section 1. This act shall be known and may be cited as the "rail
6 advantaged housing act".

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

9 (a) Chapter 106 of the laws of 2019 enacted the New York state climate
10 leadership and community protection act (the "CLCPA"). The CLCPA
11 directed the department of environmental conservation to establish a
12 statewide greenhouse gas emissions limit for 2030 equal to 60% of 1990
13 emissions, and a statewide greenhouse gas emissions limit for 2050 equal
14 to 15% of 1990 emissions (the "CLCPA limits").

15 (b) Transportation currently accounts for 36% of the greenhouse gas
16 emissions in New York. New York has an obligation to reduce greenhouse
17 gas emissions in every sector, including transportation.

18 (c) The CLCPA recognizes the need to encourage and facilitate land use
19 and transportation planning strategies to reduce greenhouse gas emis-
20 sions from the transportation sector.

21 (d) In 1946, the legislature declared a housing emergency in New York
22 City. The emergency has continued through the present day. Housing
23 production throughout the New York City metropolitan area has been
24 insufficient to address this emergency for decades.

1 (e) Creating housing in close proximity to commuter rail stations
2 promotes both the goals of the CLCPA and helps to address the housing
3 emergency in New York City.

4 (f) A public policy purpose would be served and the interests of the
5 people of the state would be advanced by expediting the regulatory
6 review of local zoning changes that will lead to the production of hous-
7 ing in close proximity to commuter rail stations.

8 § 3. Definitions.

9 (a) "Commissioner" shall mean the commissioner of environmental
10 conservation or the commissioner's designee.

11 (b) "Commuter rail station" shall mean a rail station, other than a
12 rail station located in New York City, on any rail line operated by
13 either the Long Island Rail Road or the Metro-North Railroad.

14 (c) "Commuter rail station area" shall mean the area within one-half
15 mile of any commuter rail station.

16 (d) "Incremental parking decrease" shall mean, with respect to a rail
17 advantaged housing rezoning proposal, the percentage decrease in public-
18 ly accessible vehicle parking proximate to a commuter rail station that
19 such rezoning proposal would cause, if effective.

20 (e) "Incremental population increase" shall mean, with respect to a
21 rail advantaged housing rezoning proposal, the percentage by which the
22 population of a local jurisdiction including the property subject to
23 such rezoning proposal would increase if: (1) such rezoning proposal
24 were to become effective; (2) all of the housing permitted to be built
25 as a result of such rezoning proposal were to be built; and (3) all of
26 such housing were to be fully occupied.

27 (f) "Local jurisdiction" shall mean any city, county, town, village or
28 other political subdivision of the state.

1 (g) "Local agency zoning mitigation account" shall mean an account
2 established by a local agency solely for the purpose of mitigating envi-
3 ronmental impacts due to any rezoning.

4 (h) "Local agency" means any governing body of a local jurisdiction.

5 (i) "Rail advantaged housing" shall mean any housing or residential
6 building located within one-half mile of a commuter rail station.

7 (j) "Rail advantaged housing envelope" shall mean the total square
8 feet of residential space permitted to be built in a commuter rail
9 station area under the zoning regulations applicable to such commuter
10 rail station area.

11 (k) "Rail advantaged housing rezoning proposal" shall mean a proposal
12 for rezoning which, if effective, (1) would increase the rail advantaged
13 housing envelope in the area proposed for rezoning, and (2) would not
14 affect zoning regulations applicable outside a commuter rail station
15 area.

16 (l) "Rezoning" shall mean an action undertaken by a local agency to
17 modify zoning regulations.

18 (m) "Rezoning entity" shall mean a local agency authorized to modify
19 zoning regulations.

20 § 4. Uniform standards and conditions.

21 (a) The commissioner shall establish a set of uniform standards and
22 conditions for rail advantaged housing rezoning proposals that are
23 common for all rail advantaged housing rezoning proposals or for partic-
24 ular classes and categories of rail advantaged housing rezoning
25 proposals.

26 (b) The uniform standards and conditions established under paragraph

27 (a) of this section shall include:

1 1. A standard establishing a maximum incremental population increase
2 the exceedance of which by a rail advantaged housing rezoning proposal
3 would cause such rezoning proposal to be deemed to have an environmental
4 impact;

5 2. A standard establishing a maximum incremental parking decrease the
6 exceedance of which by a rail advantaged housing rezoning proposal would
7 cause such rezoning proposal to be deemed to have an environmental
8 impact;

9 3. A formula to determine, by reference to any, all, or any combina-
10 tion of the following factors, the amount which, if paid to a local
11 agency zoning mitigation account, would mitigate the impact of housing
12 construction on the quality of a jurisdiction's environment and on a
13 local agency's ability to provide essential public services: such local
14 agency's expenses for public education; such local agency's expenses for
15 maintenance and improvement of roads, bicycle paths, pedestrian walkways
16 and parks; such local agency's expenses to provide drinking water and to
17 manage water quality; and other factors determined by the commissioner
18 to be relevant; and

19 4. Any other standards and conditions determined by the commissioner.

20 § 5. Expedited zoning review. Whenever a county legislature has
21 adopted a local law to permit rail advantaged housing as defined in
22 section three of this act, the uniform standards established pursuant to
23 section four of this act shall apply to such project if the project is
24 approved. Approval by a rezoning entity of a rail advantaged housing
25 rezoning proposal is contingent upon the approval of the chief executive
26 officer of any town, village or city and shall be deemed to not have a
27 significant effect on the environment under subparagraph (ii) of para-

1 graph (c) of subdivision 2 of section 8-0113 of the environmental
2 conservation law if prior to such approval:

3 (a) the chief executive officer of any town, village or city which
4 includes property subject to such rezoning has certified that such rail
5 advantaged housing rezoning proposal:

6 1. does not exceed the population increase standard established under
7 paragraph 1 of subdivision (b) of section four of this act;

8 2. does not exceed the parking decrease standard established under
9 paragraph 2 of subdivision (b) of section four of this act;

10 3. requires that any person who builds housing pursuant to such rezon-
11 ing proposal must pay to any applicable local agency's local agency
12 rezoning mitigation account an amount not less than the amount deter-
13 mined in accordance with the formula established under paragraph 3 of
14 subdivision (b) of section four of this act to be sufficient to mitigate
15 any impacts caused by such housing; and

16 (b) such rezoning entity has conducted at least one public hearing on
17 such rail advantaged rezoning proposal.

18 § 6. This act shall take effect immediately.

19 PART EE

20 Section 1. Subdivision 5 of section 1902 of the public authorities
21 law, as added by section 6 of part JJJ of chapter 58 of the laws of
22 2020, is amended to read as follows:

23 5. Notwithstanding title five-A of article nine of this chapter, or
24 any law to the contrary, establish a build-ready program, including
25 eligibility and other criteria, pursuant to which the authority would,
26 through a competitive and transparent bidding process, and using single

1 purpose project holding companies established by or on behalf of the
2 authority and having no separate and independent operational control,
3 acquire, sell and transfer rights and other interests in build-ready
4 sites and development rights to developers for the purpose of facilitat-
5 ing the development of renewable energy facilities on such build-ready
6 sites. Such transactions may include the transfer of rights, interests
7 and obligations existing under agreements providing for host community
8 benefits negotiated by the authority pursuant to programs established
9 pursuant to subdivision six of this section on such terms and conditions
10 as the authority deems appropriate;

11 § 2. This act shall take effect immediately; provided however, that
12 the amendments to section 1902 of the public authorities law made by
13 section one of this act shall be subject to the repeal of such section
14 and shall expire and be deemed repealed therewith.

15 PART FF

16 Section 1. Subdivision (p) of section 406 of chapter 166 of the laws
17 of 1991, amending the tax law and other laws relating to taxes, as
18 amended by section 12 of part A of chapter 55 of the laws of 2020, is
19 amended to read as follows:

20 (p) The amendments to section 1809 of the vehicle and traffic law made
21 by sections three hundred thirty-seven and three hundred thirty-eight of
22 this act shall not apply to any offense committed prior to such effec-
23 tive date; provided, further, that section three hundred forty-one of
24 this act shall take effect immediately and shall expire November 1, 1993
25 at which time it shall be deemed repealed; sections three hundred
26 forty-five and three hundred forty-six of this act shall take effect

1 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
2 six, three hundred fifty-seven and three hundred fifty-nine of this act
3 shall take effect immediately and shall expire June 30, 1995 and shall
4 revert to and be read as if this act had not been enacted; section three
5 hundred fifty-eight of this act shall take effect immediately and shall
6 expire June 30, 1998 and shall revert to and be read as if this act had
7 not been enacted; section three hundred sixty-four through three hundred
8 sixty-seven of this act shall apply to claims filed on or after such
9 effective date; sections three hundred sixty-nine, three hundred seven-
10 ty-two, three hundred seventy-three, three hundred seventy-four, three
11 hundred seventy-five and three hundred seventy-six of this act shall
12 remain in effect until September 1, [2021] 2023, at which time they
13 shall be deemed repealed; provided, however, that the mandatory
14 surcharge provided in section three hundred seventy-four of this act
15 shall apply to parking violations occurring on or after said effective
16 date; and provided further that the amendments made to section 235 of
17 the vehicle and traffic law by section three hundred seventy-two of this
18 act, the amendments made to section 1809 of the vehicle and traffic law
19 by sections three hundred thirty-seven and three hundred thirty-eight of
20 this act and the amendments made to section 215-a of the labor law by
21 section three hundred seventy-five of this act shall expire on September
22 1, [2021] 2023 and upon such date the provisions of such subdivisions
23 and sections shall revert to and be read as if the provisions of this
24 act had not been enacted; the amendments to subdivisions 2 and 3 of
25 section 400.05 of the penal law made by sections three hundred seventy-
26 seven and three hundred seventy-eight of this act shall expire on July
27 1, 1992 and upon such date the provisions of such subdivisions shall
28 revert and shall be read as if the provisions of this act had not been

1 enacted; the state board of law examiners shall take such action as is
2 necessary to assure that all applicants for examination for admission to
3 practice as an attorney and counsellor at law shall pay the increased
4 examination fee provided for by the amendment made to section 465 of the
5 judiciary law by section three hundred eighty of this act for any exam-
6 ination given on or after the effective date of this act notwithstanding
7 that an applicant for such examination may have prepaid a lesser fee for
8 such examination as required by the provisions of such section 465 as of
9 the date prior to the effective date of this act; the provisions of
10 section 306-a of the civil practice law and rules as added by section
11 three hundred eighty-one of this act shall apply to all actions pending
12 on or commenced on or after September 1, 1991, provided, however, that
13 for the purposes of this section service of such summons made prior to
14 such date shall be deemed to have been completed on September 1, 1991;
15 the provisions of section three hundred eighty-three of this act shall
16 apply to all money deposited in connection with a cash bail or a
17 partially secured bail bond on or after such effective date; and the
18 provisions of sections three hundred eighty-four and three hundred
19 eighty-five of this act shall apply only to jury service commenced
20 during a judicial term beginning on or after the effective date of this
21 act; provided, however, that nothing contained herein shall be deemed to
22 affect the application, qualification, expiration or repeal of any
23 provision of law amended by any section of this act and such provisions
24 shall be applied or qualified or shall expire or be deemed repealed in
25 the same manner, to the same extent and on the same date as the case may
26 be as otherwise provided by law;

1 § 2. Subdivision 8 of section 1809 of the vehicle and traffic law, as
2 amended by section 13 of part A of chapter 55 of the laws of 2020, is
3 amended to read as follows:

4 8. The provisions of this section shall only apply to offenses commit-
5 ted on or before September first, two thousand [twenty-one]
6 twenty-three.

7 § 3. This act shall take effect immediately.

8 PART GG

9 Section 1. Section 1226 of the vehicle and traffic law, as amended by
10 chapter 506 of the laws of 1971, is amended to read as follows:

11 § 1226. Control of steering mechanism. No person shall operate a motor
12 vehicle without having at least one hand or, in the case of a physically
13 handicapped person, at least one prosthetic device or aid on the steer-
14 ing mechanism at all times when the motor vehicle is in motion unless a
15 driving automation system, as defined in SAE J3016 as periodically
16 revised, is engaged to perform steering function.

17 § 2. Subdivision a of section 1 of part FF of chapter 55 of the laws
18 of 2017, relating to motor vehicles equipped with autonomous vehicle
19 technology, as amended by section 1 of part H of chapter 58 of the laws
20 of 2018, is amended to read as follows:

21 a. Notwithstanding the provisions of section 1226 of the vehicle and
22 traffic law, the New York state commissioner of motor vehicles may
23 approve demonstrations and tests consisting of the operation of a motor
24 vehicle equipped with autonomous vehicle technology while such motor
25 vehicle is engaged in the use of such technology on public highways
26 within this state for the purposes of demonstrating and assessing the

1 current development of autonomous vehicle technology and to begin iden-
2 tifying potential impacts of such technology on safety, traffic control,
3 traffic enforcement, emergency services, and such other areas as may be
4 identified by such commissioner. [Provided, however, that such demon-
5 strations and tests shall only take place under the direct supervision
6 of the New York state police, in a form and manner prescribed by the
7 superintendent of the New York state police. Additionally, a law
8 enforcement interaction plan shall be included as part of the demon-
9 stration and test application that includes information for law enforce-
10 ment and first responders regarding how to interact with such a vehicle
11 in emergency and traffic enforcement situations. Such demonstrations
12 and tests shall take place in a manner and form prescribed by the
13 commissioner of motor vehicles including, but not limited to: a require-
14 ment that a natural person holding a valid license for the operation of
15 the motor vehicle's class be present within such vehicle for the dura-
16 tion of the time it is operated on public highways; a requirement that
17 the motor vehicle utilized in such demonstrations and tests complies
18 with all applicable federal motor vehicle safety standards and New York
19 state motor vehicle inspection standards; and a requirement that the
20 motor vehicle utilized in such demonstrations and tests has in place, at
21 a minimum, financial security in the amount of five million dollars] The
22 commissioner shall issue and promulgate rules and regulations for the
23 administration of this act. Nothing in this act shall authorize the
24 motor vehicle utilized in such demonstrations and tests to operate in
25 violation of article 22 or title 7 of the vehicle and traffic law,
26 excluding section 1226 of such law.

27 § 3. Section 3 of part FF of chapter 55 of the laws of 2017, relating
28 to motor vehicles equipped with autonomous vehicle technology, as

1 amended by section 2 of part M of chapter 58 of the laws of 2019, is
2 amended to read as follows:

3 § 3. This act shall take effect April 1, 2017; provided, however, that
4 section one of this act shall expire and be deemed repealed April 1,
5 [2021] 2026.

6 § 4. There is hereby established a group to be known as the "Intera-
7 gency Group on Autonomous Vehicle Technology". The group shall be
8 composed of the following members: the commissioner of the department of
9 transportation or his or her designee; the commissioner of the depart-
10 ment of motor vehicles or his or her designee; the director of the New
11 York State thruway authority or his or her designee; the chancellor of
12 the state university of New York or his or her designee; and the direc-
13 tor of the state police or his or her designee. The group shall be
14 responsible for the coordination of all State policy with regard to
15 autonomous vehicle and connected autonomous vehicle technology with the
16 goal of providing quick and efficient modification of regulation in
17 response to evolving industry trends. The group shall study, evaluate
18 and develop recommendations relating to specific actionable measures
19 that address how automated vehicle technology will transform the state's
20 roadways, economy, education system, and society. The group shall study
21 how to support safe testing, deployment and operation of automated vehi-
22 cle technology on public highways. In doing so, the group shall take the
23 following into consideration: (a) the measures necessary to successfully
24 implement automated vehicles, including necessary legislative and regu-
25 latory or administrative changes; (b) the difficulties and liabilities
26 that could arise by allowing automated vehicles on public highways and
27 proper mechanisms to manage risks and ensure adequate risk coverage; (c)
28 how automated vehicle technology can promote research and development in

1 this state; (d) potential infrastructure changes needed and capital
2 planning considerations; and (f) any other issue the group deems rele-
3 vant.

4 § 5. This act shall take effect immediately, provided, however, that
5 section one of this act shall take effect April 1, 2026.

6 PART HH

7 Section 1. The vehicle and traffic law is amended by adding a new
8 section 224-b to read as follows:

9 § 224-b. Convenience fee. In addition to any other fees provided for
10 in this chapter, a nonrefundable technology fee of one dollar shall be
11 added to the applicable fee for any transaction for which a fee is
12 charged by the department for: the registration, reregistration or
13 renewal of a registration of a motor vehicle, motorcycle, historic
14 motorcycle, snowmobile or vessel; and the issuance of any original,
15 duplicate or renewal learner permit, driver's license or non-driver
16 identification card. Such fees shall be deposited to the credit of the
17 dedicated highway and bridge trust fund, established pursuant to section
18 eighty-nine-b of the state finance law.

19 § 2. Paragraph (a) of subdivision 3 of section 89-b of the state
20 finance law, as amended by section 4 of chapter 368 of the laws of 2019,
21 is amended to read as follows:

22 (a) The special obligation reserve and payment account shall consist
23 (i) of all moneys required to be deposited in the dedicated highway and
24 bridge trust fund pursuant to the provisions of sections two hundred
25 five, two hundred eighty-nine-e, three hundred one-j, five hundred
26 fifteen and eleven hundred sixty-seven of the tax law, [section]

1 sections two hundred twenty-four-b and four hundred one and article
2 [twelve-d] twelve-D of the vehicle and traffic law, and section thirty-
3 one of chapter fifty-six of the laws of nineteen hundred ninety-three,
4 (ii) all fees, fines or penalties collected by the commissioner of
5 transportation and the commissioner of motor vehicles pursuant to
6 section fifty-two, section three hundred twenty-six, section eighty-
7 eight of the highway law, subdivision fifteen of section three hundred
8 eighty-five of the vehicle and traffic law, section two of part U1 of
9 chapter sixty-two of the laws of two thousand three, subdivision (d) of
10 section three hundred four-a, paragraph one of subdivision (a) and
11 subdivision (d) of section three hundred five, subdivision six-a of
12 section four hundred fifteen and subdivision (g) of section twenty-one
13 hundred twenty-five of the vehicle and traffic law, section fifteen of
14 this chapter, excepting moneys deposited with the state on account of
15 betterments performed pursuant to subdivision twenty-seven or subdivi-
16 sion thirty-five of section ten of the highway law, and section one
17 hundred forty-five of the transportation law, (iii) any moneys collected
18 by the department of transportation for services provided pursuant to
19 agreements entered into in accordance with section ninety-nine-r of the
20 general municipal law, and (iv) any other moneys collected therefor or
21 credited or transferred thereto from any other fund, account or source.

22 § 3. Paragraph (a) of subdivision 3 of section 89-b of the state
23 finance law, as amended by section 5 of chapter 368 of the laws of 2019,
24 is amended to read as follows:

25 (a) The special obligation reserve and payment account shall consist
26 (i) of all moneys required to be deposited in the dedicated highway and
27 bridge trust fund pursuant to the provisions of sections two hundred
28 eighty-nine-e, three hundred one-j, five hundred fifteen and eleven

1 hundred sixty-seven of the tax law, [section] sections two hundred twen-
2 ty-four-b and four hundred one and article [twelve-d] twelve-D of the
3 vehicle and traffic law, and section thirty-one of chapter fifty-six of
4 the laws of nineteen hundred ninety-three, (ii) all fees, fines or
5 penalties collected by the commissioner of transportation and the
6 commissioner of motor vehicles pursuant to section fifty-two, section
7 three hundred twenty-six, section eighty-eight of the highway law,
8 subdivision fifteen of section three hundred eighty-five of the vehicle
9 and traffic law, section fifteen of this chapter, excepting moneys
10 deposited with the state on account of betterments performed pursuant to
11 subdivision twenty-seven or subdivision thirty-five of section ten of
12 the highway law, and section one hundred forty-five of the transporta-
13 tion law, (iii) any moneys collected by the department of transportation
14 for services provided pursuant to agreements entered into in accordance
15 with section ninety-nine-r of the general municipal law, and (iv) any
16 other moneys collected therefor or credited or transferred thereto from
17 any other fund, account or source.

18 § 4. This act shall take effect on the one hundred eightieth day after
19 it shall have become a law and shall expire and be deemed repealed five
20 years after such date; provided, however, that the amendments to para-
21 graph (a) of subdivision 3 of section 89-b of the state finance law,
22 made by section two of this act, shall be subject to the expiration and
23 reversion of such paragraph pursuant to section 13 of part U1 of chapter
24 62 of the laws of 2003, as amended, when upon such date the provisions
25 of section three of this act shall take effect; provided further that
26 the convenience fee authorized to be collected in connection with fee
27 transactions relating to the registration of motor vehicles, motorcy-
28 cles, historic motorcycles, vessels and snowmobiles shall apply to new

1 registrations issued, reregistrations occurring, and to renewals of
2 registrations expiring, on and after such date; and provided further
3 that the technology fee authorized to be collected in connection with
4 fee transactions relating to learner permits, driver licenses and iden-
5 tification cards shall apply to new learner permits, driver licenses and
6 identification cards issued, and to renewals of learner permits, driver
7 licenses and identification cards expiring, on and after such date.
8 Effective immediately, the addition, amendment and/or repeal of any rule
9 or regulation and any changes in procedures and information technology
10 systems necessary for the implementation of this act on its effective
11 date are authorized to be made and completed on or before such effective
12 date.

13

PART II

14 Section 1. Section 2 of part BB of chapter 58 of the laws of 2012
15 amending the public authorities law, relating to authorizing the dormi-
16 tory authority to enter into certain design and construction management
17 agreements, as amended by section 1 of part B of chapter 58 of the laws
18 of 2019, is amended to read as follows:

19 § 2. This act shall take effect immediately and shall expire and be
20 deemed repealed April 1, [2021] 2024.

21 § 2. The dormitory authority of the state of New York shall provide a
22 report providing information regarding any project undertaken pursuant
23 to a design and construction management agreement, as authorized by part
24 BB of chapter 58 of the laws of 2012, between the dormitory authority of
25 the state of New York and the department of environmental conservation
26 and/or the office of parks, recreation and historic preservation to the

1 governor, the temporary president of the senate and speaker of the
2 assembly. Such report shall include but not be limited to a description
3 of each such project, the project identification number of each such
4 project, if applicable, the projected date of completion, the status of
5 the project, the total cost or projected cost of each such project, and
6 the location, including the names of any county, town, village or city,
7 where each such project is located or proposed. In addition, such a
8 report shall be provided to the aforementioned parties by the first day
9 of March of each year that the authority to enter into such agreements
10 pursuant to part BB of chapter 58 of the laws of 2012 is in effect.

11 § 3. This act shall take effect immediately and shall be deemed to
12 have been in full force and effect on and after April 1, 2021.

13 PART JJ

14 Section 1. The opening paragraph of section 5102 of the insurance law
15 is amended and a new subsection (n) is added to read as follows:

16 In this [chapter] article:

17 (n) "Provider of health services" means a person or entity who or that
18 renders health services.

19 § 2. Section 5109 of the insurance law, as added by chapter 423 of the
20 laws of 2005, is amended to read as follows:

21 § 5109. Unauthorized providers of health services. (a) [The super-
22 intendent, in consultation with the commissioner of health and the
23 commissioner of education, shall by regulation, promulgate standards and
24 procedures for investigating and suspending or removing the authori-
25 zation for providers of health services to demand or request payment for
26 health services as specified in paragraph one of subsection (a) of

1 section five thousand one hundred two of this article upon findings
2 reached after investigation pursuant to this section. Such regulations
3 shall ensure the same or greater due process provisions, including
4 notice and opportunity to be heard, as those afforded physicians inves-
5 tigated under article two of the workers' compensation law and shall
6 include provision for notice to all providers of health services of the
7 provisions of this section and regulations promulgated thereunder at
8 least ninety days in advance of the effective date of such regulations.]
9 As used in this section, "health services" means services, supplies,
10 therapies or other treatments as specified in subparagraph (i), (ii) or
11 (iv) of paragraph one of subsection (a) of section five thousand one
12 hundred two of this article.

13 (b) [The commissioner of health and the commissioner of education
14 shall provide a list of the names of all providers of health services
15 who the commissioner of health and the commissioner of education shall
16 deem, after reasonable investigation, not authorized to demand or
17 request any payment for medical services in connection with any claim
18 under this article because such provider of health services] The super-
19 intendent may prohibit a provider of health services from demanding or
20 requesting payment for health services rendered under this article,
21 other than health services rendered in the emergency department of a
22 general hospital, as defined in subdivision ten of section two thousand
23 eight hundred one of the public health law, for a period not exceeding
24 three years, if the superintendent determines, after notice and hearing,
25 that the provider of health services:

26 (1) has admitted to, or been found guilty of, professional [or other]
27 misconduct [or incompetency], as defined in the education law, in

1 connection with [medical] health services rendered under this article;

2 [or

3 (2) has exceeded the limits of his or her professional competence in
4 rendering medical care under this article or has knowingly made a false
5 statement or representation as to a material fact in any medical report
6 made in connection with any claim under this article; or

7 (3)] (2) solicited, or [has] employed another person to solicit for
8 [himself or herself] the provider of health services or [for] another
9 person or entity, professional treatment, examination or care of [an
10 injured] a person in connection with any claim under this article; [or

11 (4) has] (3) refused to appear before, or [to] answer any question
12 upon request of, the [commissioner of health, the] superintendent[,] or
13 any duly authorized officer of [the] this state, [any legal question,]
14 or refused to produce any relevant information concerning [his or her]
15 the conduct of the provider of health services in connection with
16 [rendering medical] health services rendered under this article; [or

17 (5) has] (4) engaged in [patterns] a pattern of billing for:

18 (A) health services [which] alleged to have been rendered under this
19 article, when the health services were not [provided] rendered,
20 provided, however, that an adverse determination by the superintendent
21 pursuant to this subparagraph shall not be based on good faith disputes
22 regarding the appropriateness of a particular code to describe a health
23 service; or

24 (B) unnecessary health services, provided, however, that an adverse
25 determination by the superintendent pursuant to this subparagraph shall
26 not be based solely on the fact that one or more insurers have denied
27 multiple claims submitted by the provider of health services;

1 (5) utilized unlicensed persons to render health services under this
2 article, when only a person licensed in this state may render the health
3 services;

4 (6) utilized licensed persons to render health services that were
5 beyond the authorized scope of the person's license;

6 (7) ceded ownership, operation or control of a business entity author-
7 ized to provide professional health services in this state, including a
8 professional service corporation, professional limited liability company
9 or registered limited liability partnership, to a person not licensed to
10 render the health services for which the entity is legally authorized to
11 provide, except where the unlicensed person's ownership, operation or
12 control is otherwise permitted by law;

13 (8) committed a fraudulent insurance act as defined in section 176.05
14 of the penal law;

15 (9) has been convicted of a crime involving fraudulent or dishonest
16 practices; or

17 (10) violated any provision of this article or regulations promulgated
18 thereunder.

19 (c) [Providers] A provider of health services shall [refrain from
20 subsequently treating for remuneration, as a private patient, any person
21 seeking medical treatment] not demand or request payment for any health
22 services under this article [if such provider pursuant to this section
23 has been prohibited from demanding or requesting any payment for medical
24 services under this article. An injured claimant so treated or examined
25 may raise this as] other than health services rendered in the emergency
26 department of a general hospital, as defined in subdivision ten of
27 section two thousand eight hundred one of the public health law, that
28 are rendered during the term of the prohibition ordered by the super-

1 intendent pursuant to subsection (b) of this section. The prohibition
2 ordered by the superintendent may be a defense in any action by [such]
3 the provider of health services for payment for [treatment rendered at
4 any time after such provider has been prohibited from demanding or
5 requesting payment for medical services in connection with any claim
6 under this article] such health services.

7 (d) The chair of the workers' compensation board shall provide the
8 superintendent a list of the names of all providers of health services
9 which, in connection with any investigation, hearing, or findings pursu-
10 ant to section thirteen-d of the workers' compensation law, have volun-
11 tarily resigned or are disqualified from rendering health services under
12 the workers' compensation law. Such providers of health services shall
13 not be authorized to demand or request any payment for health services
14 in connection with any claim under this article, other than health
15 services rendered in the emergency department of a general hospital, as
16 defined in subdivision ten of section two thousand eight hundred one of
17 the public health law, that are rendered during the period that such
18 providers of health services have voluntarily resigned or are disquali-
19 fied from rendering health services under the workers' compensation law.

20 (e) The chair of the workers' compensation board shall maintain and
21 regularly update a database containing a list of providers of health
22 services which, in connection with any investigation, hearing, or find-
23 ings pursuant to section thirteen-d of the workers' compensation law,
24 have voluntarily resigned or are disqualified from rendering health
25 services under the workers' compensation law, and shall make such infor-
26 mation available to the public.

27 (f) The [commissioner of health and the commissioner of education]
28 superintendent shall maintain [and regularly update] a database contain-

1 ing a list of providers of health services prohibited by this section
2 from demanding or requesting any payment for health services [connected
3 to a claim] rendered under this article and shall make [such] the infor-
4 mation available to the public [by means of a website and by a toll free
5 number].

6 (g) The superintendent may levy a civil penalty not exceeding fifty
7 thousand dollars on any provider of health services that the superinten-
8 dent prohibits from demanding or requesting payment for health services
9 pursuant to subsection (b) of this section. Any civil penalty imposed
10 under this section that is based upon the commission of a fraudulent
11 insurance act, as defined in section 176.05 of the penal law, shall be
12 levied in accordance with subsection (c) of section four hundred three
13 of this chapter.

14 [(e)] (h) Nothing in this section shall be construed as limiting in
15 any respect the powers and duties of the commissioner of health, commis-
16 sioner of education, the chair of the workers' compensation board, or
17 the superintendent to investigate instances of misconduct by a [health
18 care] provider [and, after a hearing and upon written notice to the
19 provider, to temporarily prohibit a provider of health services under
20 such investigation from demanding or requesting any payment for medical
21 services under this article for up to ninety days from the date of such
22 notice] of health services and take appropriate action pursuant to any
23 other provision of law. A determination of the superintendent pursuant
24 to subsection (b) of this section shall not be binding upon the commis-
25 sioner of health or the commissioner of education in a professional
26 discipline proceeding relating to the same conduct.

27 § 3. The superintendent of financial services shall convene a motor
28 vehicle insurance task force, to examine alternatives to the no-fault

1 insurance system as well as other legislative or regulatory initiatives
2 to reduce the cost of motor vehicle insurance. The task force shall
3 issue a report to the governor on its recommendations no later than
4 December 31, 2021. The task force shall be chaired by the superinten-
5 dent of financial services or his or her designee, and the governor
6 shall appoint eight (8) members comprised of consumer representatives,
7 health insurers, trial attorneys, healthcare providers, and insurers.
8 The members of the task force shall receive no compensation for their
9 services, but shall be allowed their actual and necessary expenses
10 incurred in the performance of their duties.

11 § 4. This act shall take effect immediately; provided, however that
12 sections one and two of this act shall take effect on the one hundred
13 eightieth day after it shall have become a law.

14 PART KK

15 Section 1. Section 410 of the economic development law is REPEALED.

16 § 2. Section 3102-b of the public authorities law, as renumbered by
17 chapter 291 of the laws of 1990, the opening paragraph as amended by
18 chapter 616 of the laws of 1991, paragraph (a) of subdivision 1, subdivi-
19 sion 3 and paragraph (a) of subdivision 6 as amended by chapter 191 of
20 the laws of 2010, subdivisions 5 and 6 as added by chapter 828 of the
21 laws of 1987, is amended to read as follows:

22 § 3102-b. Centers for advanced technology. In order to encourage
23 greater collaboration between private industry and the universities of
24 the state in the development and application of new technologies, the
25 [foundation] department is authorized to designate for advanced technol-
26 ogy such areas as integrated electronics, optics, biotechnology, tele-

1 communications, automation and robotics, electronics packaging, imaging
2 technology and others [identified by the foundation] as determined by
3 the department in accordance with the criteria set forth in section
4 three of part T of chapter eighty-four of the laws of two thousand
5 two, in areas identified by such department as having significant poten-
6 tial for economic growth in New York, or in which the application of new
7 technologies could significantly enhance the productivity and stability
8 of New York businesses. Such designations shall be made in accordance
9 with the standards and criteria set forth in subdivision two of this
10 section. Centers so designated shall be eligible for support from the
11 foundation in the manner provided for in subdivision three of this
12 section, and for such additional support as may otherwise be provided by
13 law.

14 1. As used in this section:

15 (a) "center for advanced technology" or "center" means a university or
16 university-affiliated research institute or a consortium of such insti-
17 tutions, designated by the [foundation] department, which conducts a
18 continuing program of basic and applied research, development, and tech-
19 nology commercialization in one or more technological areas, in collab-
20 oration with and through the support of private business and industry;
21 and

22 (b) "applicant" means a university or university-affiliated research
23 institute or a consortium of such institutions which request designation
24 as a center in accordance with such requirements as are established by
25 the [foundation] department for this purpose.

26 (c) "department" means the department of economic development.

27 2. The [foundation] department shall:

1 (a) identify technological areas for which centers should be desig-
2 nated including technological areas that are related to industries with
3 significant potential for economic growth and development in New York
4 state and technological areas that are related to the enhancement of
5 productivity in various industries located in New York state.

6 (b) establish criteria that applicants must satisfy for designation as
7 a center, including, but not limited to the following:

8 (i) an established record of research, development and instruction in
9 the area or areas of technology involved;

10 (ii) the capacity to conduct research and development activities in
11 collaboration with business and industry;

12 (iii) the capacity to secure substantial private and other govern-
13 mental funding for the proposed center, in amounts at least equal to the
14 total of support sought from the state;

15 (iv) the ability and willingness to cooperate with other institutions
16 in the state in conducting research and development activities, and in
17 disseminating research results; and to work with technical and community
18 colleges in the state to enhance the quality of technical education in
19 the area or areas of technology involved;

20 (v) the ability and willingness to cooperate with the [foundation]
21 department and other economic development agencies in promoting the
22 growth and development in New York state of industries based upon or
23 benefiting from the area or areas of technology involved.

24 (c) establish such requirements as it deems appropriate for the
25 format, content and filing of applications for designation as centers
26 for advanced technology.

27 (d) establish such procedures as it deems appropriate for the evalu-
28 ation of applications for designation as centers for advanced technolo-

1 gy, including the establishment of peer review panels composed of
2 nationally recognized experts in the technological areas and industries
3 to which the application is related.

4 (e) Notwithstanding the criteria set forth in this subdivision, or any
5 provision of law to the contrary, the universities, university-affiliat-
6 ed research institutes or a consortium of such institutions designated
7 as centers of excellence under section four hundred ten of the economic
8 development law on or before the effective date of the chapter of the
9 laws of two thousand twenty-one that amended this section shall be
10 designated as centers for advanced technology for a period of two years,
11 during which time a competition will be held to award ten year desig-
12 nations to applicants deemed to have significant economic impact poten-
13 tial. The number of awards made as a result of such competition shall be
14 at least equal to the number of centers of excellence. Centers of excel-
15 lence receiving a two year center designation shall include: Buffalo
16 Center of Excellence in Bioinformatics and Life Sciences; Syracuse
17 Center of Excellence in Environmental and Energy Systems; Albany Center
18 of Excellence in Nanoelectronics; Stony Brook Center of Excellence in
19 Wireless and Information Technology; Binghamton Center of Excellence in
20 Small Scale Systems Integration and Packaging; Stony Brook Center of
21 Excellence in Advanced Energy Research; Buffalo Center of Excellence in
22 Materials Informatics; Rochester Center of Excellence in Sustainable
23 Manufacturing; Rochester Center of Excellence in Data Science; Rensse-
24 laer Polytechnic Institute Center of Excellence in Digital Game Develop-
25 ment; Rochester Institute of Technology Center of Excellence in Digital
26 Game Development; New York University Center of Excellence in Digital
27 Game Development; Cornell University Center of Excellence in Food and
28 Agriculture Innovation; Albany Center of Excellence in Data Science in

1 Atmospheric and Environmental Prediction and Innovation; New York
2 Medical College Center of Excellence in Precision Responses to Bioter-
3 rorism and Disaster; and Clarkson - SUNY ESF Center of Excellence in
4 Healthy Water Solutions.

5 3. (a) From such funds as may be appropriated for this purpose by the
6 legislature, the [foundation] department may provide financial support,
7 through contracts or other means, to designated centers for advanced
8 technology, in order to enhance and accelerate the development of such
9 centers. Funds received pursuant to this subdivision may be used for
10 purchase of equipment and fixtures, employment of faculty and support
11 staff, provision of graduate fellowships, and other purposes approved by
12 the [foundation] department, but may not be used for capital
13 construction. In each case, the amount provided by the [foundation]
14 department to a center shall be matched by commitments of support from
15 private and governmental other than state sources provided that:

16 (i) funds or in-kind resources provided by the public or private
17 university of which the center is a part may be counted towards the
18 match;

19 (ii) such match shall not be required on a project-by-project basis;

20 (iii) matching funds received from businesses with no more than one
21 hundred employees shall count as double the actual dollar amount toward
22 the center's overall match requirement;

23 (iv) funds used by the center for any workforce development activities
24 required by the [foundation] department shall not be included as part of
25 the center's award when determining the amount of matching funds
26 required by the [foundation] department. Such activities shall include,
27 but are not limited to, helping incumbent workers expand their skill
28 sets through short courses, seminars, and workshops; providing indus-

1 try-driven research assistant opportunities for students, and aiding in
2 the development of undergraduate and graduate courses in the center's
3 technology focus to help ensure that students are trained to meet the
4 needs of industry;

5 (v) centers may use not more than twenty-five percent of indirect
6 costs towards any match requirements.

7 (b) (i) The [amount provided by the foundation shall be made in
8 accordance with the following:

9 (i) for the academic year in which it is first funded as a designated
10 center, and the five subsequent years, the] amount provided by the
11 [foundation] department to a center shall be matched equally by the
12 center[;

13 (ii) beginning in the sixth academic year following the academic year
14 in which a center is first funded as a designated center and for each
15 academic year thereafter, amounts provided by the foundation of up to
16 seven hundred fifty thousand dollars shall be matched equally by the
17 center, amounts in excess of seven hundred fifty thousand dollars shall
18 be matched by the center in amounts of at least the percentage set forth
19 herein: in the sixth year, one hundred twenty percent; in the seventh
20 year, one hundred forty percent; in the eighth year, one hundred sixty
21 percent; in the ninth year, one hundred eighty percent; in the tenth
22 year and each year thereafter, two hundred percent;

23 (iii) beginning in the ninth academic year following the academic year
24 in which a center is first funded as a designated center, the foundation
25 shall evaluate such center's area of advanced technology to determine
26 whether it has continued significant potential for enhancing economic
27 growth in New York, or whether the application of technologies in the

1 area could significantly enhance the productivity and stability of New
2 York businesses;

3 (iv) upon]. (ii) Upon a finding by the [foundation] department that an
4 area of advanced technology has continued significant potential for
5 enhancing economic growth in New York, or that the application of tech-
6 nologies in the area could significantly enhance the productivity and
7 stability of New York businesses, the [foundation] department will
8 initiate a redesignation process in accordance with the standards and
9 criteria set forth in paragraph (b) of subdivision two and in accordance
10 with paragraphs (c) and (d) of subdivision two of this section.

11 [(1) In the event a new center is selected in the redesignation proc-
12 ess, the foundation shall provide funds to such new center in accordance
13 with the funding match requirements set forth in subparagraphs (i) and
14 (ii) of paragraph (a) of this subdivision.

15 (2) In the event a previously designated center is redesignated in the
16 same area of technology, which redesignation is effective for the tenth
17 academic year following the first academic year of both designation and
18 funding, then, in that year and in each year thereafter, the foundation
19 shall provide funds of up to seven hundred fifty thousand dollars to be
20 matched equally by the center, amounts in excess of seven hundred fifty
21 thousand dollars shall be matched by the center in amounts of at least
22 two hundred percent.

23 (3)] (iii) In the event a currently designated center is not selected
24 in the redesignation process for an additional term, or upon a finding
25 by the [foundation] department that the area of advanced technology does
26 not have significant potential for enhancing economic growth in New
27 York, or upon a finding that the application of technologies in that
28 area would not significantly enhance the productivity and stability of

1 New York businesses, then the [foundation] department shall, in the
2 tenth academic year following such center's first both designation and
3 funding, which year shall be the final year of funding for such center,
4 provide an amount of up to five hundred thousand dollars.

5 (c) Continued funding of the operations of each center shall be based
6 upon a showing that: the center continues to comply with the criteria
7 established by the [foundation] department pursuant to paragraph (b) of
8 subdivision two of this section; a demonstration of assistance to small
9 businesses in New York state through research, technology transfer or
10 other means as approved by the [foundation] department; evidence of
11 partnerships with other appropriate entities to develop outreach
12 networks and ensure that companies receive access to appropriate federal
13 funding for technology development and commercialization as well as
14 non-research assistance such as general business consulting. Appropriate
15 partners are those with which the center demonstrates a relationship
16 that enhances and advances the center's ability to aid economic growth
17 in New York state; and compliance with the rules, regulations and guide-
18 lines of the [foundation] department; and, compliance with any contracts
19 between the [foundation] department and the designated center.

20 (d) Each center shall report on its activities to the [foundation]
21 department in a manner and according to the schedule established by the
22 [foundation] department, and shall provide such additional information
23 as the [foundation] department may require provided, that quantifiable
24 economic development impact measures are not restricted to any period
25 less than five years and that centers provide a full description of all
26 non-quantifiable measures. The [foundation] department shall evaluate
27 center operations using methods such as site visits, reporting of speci-
28 fied information and peer review evaluations using experts in the field

1 of technology in which the center was designated. The [foundation]
2 department shall notify each center of the results of its evaluations
3 and findings of deficiencies in the operation of such center or its
4 research, education, or technology commercialization activities and
5 shall work with such centers to remedy such findings. If such factors
6 are not remedied, the [foundation] department may withdraw the state
7 funding support, in whole or in part, or withdraw the center desig-
8 nation.

9 (e) In order to encourage that the results of center research benefit
10 New York state, designation and continued funding of each center shall
11 be contingent upon each center's establishing within its licensing
12 guidelines the following: after payment of the inventor's share, a
13 reduced payment due to the university of any royalty, income or other
14 consideration earned from the license or sale of intellectual property
15 rights created or developed at, or through the use of, the facilities of
16 the center by any person or entity if the manufacturing or use resulting
17 from such intellectual property rights occurs within New York state. The
18 [foundation] department shall promulgate rules and regulations regarding
19 the provisions of the licensing guidelines described herein as they
20 apply to such reduced payment, and such provisions shall be subject to
21 the approval of the [foundation] department.

22 4. From such funds as may be appropriated for this purpose by the
23 legislature, the [foundation] department may provide grants to any one
24 university or university-affiliated research institution for purposes of
25 planning and program development aimed at enabling such university or
26 university-affiliated research institution to qualify for designation as
27 a center. Such grants shall be awarded on a competitive basis, and shall
28 be available only to those applicants which in the judgment of the

1 [foundation] department may reasonably be expected to be designated as
2 centers. No applicant shall receive more than one such grant.

3 5. (a) From such funds as may be appropriated for the purpose of
4 incentive grants or other funds which may be available from the [founda-
5 tion] department to enhance center activities in areas of crucial inter-
6 est in the state's economic development, the [foundation] department may
7 provide grants, on a competitive basis, to centers for projects includ-
8 ing, but not limited to, those which:

9 (i) explore new technologies with commercial application conducted
10 jointly by two or more centers or a center and non-center university,
11 college or community college;

12 (ii) are aimed at enhancing or accelerating the process of bringing
13 new products, particularly those under development by new small busi-
14 nesses, to the marketplace; or

15 (iii) increase technology transfer projects with the state's mature
16 manufacturing industries in applying technology in their manufacturing
17 processes or for new product development.

18 (b) State support for incentive grants may be matched on an individual
19 basis by the [foundation] department, which may consider the type of
20 project and the availability of amounts from private, university and
21 governmental, other than state, sources.

22 6. (a) The [foundation] department shall make an annual report of the
23 centers for advanced technology program to the governor and the legisla-
24 ture not later than September first of each year. Such report shall
25 include, but not be limited to, the results of the [foundation's]
26 department's evaluation of each center, a description of the achievement
27 of each center, any deficiencies in the operation of each center or its
28 research, education and technology commercialization activities, remedi-

1 al actions recommended by the [foundation] department, remedial actions
2 taken by each center, a description of the small business assistance
3 provided by each center, a description of any incentive grant program
4 awarded a grant by the [foundation] department and the achievements of
5 such program, and the amount of financial assistance provided by the
6 [foundation] department and the level of matching funds provided by each
7 center and the uses of such monies.

8 (b) Annual reports shall include a discussion of any fields of tech-
9 nology that the foundation has identified as having significant poten-
10 tial for economic growth or improved productivity and stability of New
11 York businesses and in which no center for advanced technology has been
12 designated and recommendations of the [foundation] department as to
13 actions that should be taken.

14 § 3. This act shall take effect immediately, provided, however section
15 one of this act shall take effect April 1, 2023.

16 PART LL

17 Section 1. Paragraph (a) of subdivision 1 of section 9-x of the bank-
18 ing law, as amended by section 1 of part C of chapter 126 of the laws of
19 2020, is amended to read as follows:

20 (a) "Covered period" means March 7, 2020 until the later of December
21 31, 2021 or the date on which none of the provisions that closed or
22 otherwise restricted public or private businesses or places of public
23 accommodation, or required postponement or cancellation of all non-es-
24 sential gatherings of individuals of any size for any reason in Execu-
25 tive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11,
26 202.13 or 202.14, as extended by Executive Orders 202.28 and 202.31 and

1 as further extended by any future Executive Order, issued in response to
2 the COVID-19 pandemic continue to apply in the county of the qualified
3 mortgagor's residence;

4 § 2. This act shall take effect immediately.

5 PART MM

6 Section 1. This act enacts into law components of legislation relating
7 to eviction and foreclosure protections for tenants and owners of
8 commercial real property. Each component is wholly contained within a
9 subpart identified as Subparts A through B. The effective date for each
10 particular provision contained within such Subpart is set forth in the
11 last section of such Subpart. Any provision in any section contained
12 within a subpart, including the effective date of the subpart, which
13 makes reference to a section "of this act", when used in connection with
14 that particular component, shall be deemed to mean and refer to the
15 corresponding section of the subpart in which it is found. Section five
16 of this act sets forth the general effective date of this act.

17 § 2. Short title. This act shall be known and may be cited as the
18 "COVID-19 Emergency Eviction and Foreclosure Prevention for Tenants and
19 Owners of Commercial Real Property Act of 2021".

20 § 3. Legislative intent. The Legislature finds and declares all of the
21 following:

22 1. On March 7, 2020, Governor Andrew Cuomo proclaimed a state of emer-
23 gency in response to the Coronavirus disease (COVID-19) pandemic. Meas-
24 ures necessary to contain the spread of COVID-19 have brought about
25 widespread economic and societal disruption, placing the state of New
26 York in unprecedented circumstances.

1 2. COVID-19 presents a historic threat to public health and the
2 economic well-being of New Yorkers. Commercial tenants and real property
3 owners are facing eviction or foreclosure due to necessary disease
4 control measures that reduced businesses revenue and triggered mass
5 unemployment across the state.

6 3. The pandemic has further interrupted court operations, the avail-
7 ability of counsel, the ability for parties to pay for counsel, and the
8 ability to safely commute and enter a courtroom, settlement conference
9 and the like.

10 4. A temporary prohibition of evictions and foreclosures for commer-
11 cial properties is to the mutual benefit of all New Yorkers and will
12 help the state address the financial toll of the pandemic, protect
13 public health, and set the stage for economic recovery.

14 5. As such, a limited, temporary stay is necessary to protect the
15 public health, financial security, and morals of the people the Legisla-
16 ture represents from the dangers of the COVID-emergency pandemic.

17 SUBPART A

18 Section 1. Definitions. For the purposes of this act:

19 1. "Eviction proceeding" means a summary proceeding to recover
20 possession of real property relating to a commercial unit under the real
21 property actions and proceedings law for nonpayment of rent or any other
22 judicial proceeding to recover possession of commercial real property
23 for nonpayment of rent.

24 2. "Landlord" includes a landlord, owner of real property and any
25 other person with a legal right to pursue eviction, possessory action,
26 or a money judgment for rent, including arrears, owed or that becomes

1 due during the COVID-19 covered period, as defined in section 1 of chap-
2 ter 127 of the laws of 2020.

3 3. "Tenant" includes a commercial tenant, or any other person or enti-
4 ty responsible for paying rent, use and occupancy, or any other finan-
5 cial obligation under a lease for real property or tenancy agreement,
6 but does not include a residential tenant of a dwelling unit.

7 4. "Hardship declaration" means the following statement, or a substan-
8 tially equivalent statement in the tenant's primary language, in
9 14-point type, published by the office of court administration, whether
10 in physical or electronic form, regarding the financial hardship of the
11 tenant and signed under the penalty of perjury by the tenant:

12 "NOTICE TO COMMERCIAL TENANT: If you have lost income or had increased
13 costs during the COVID-19 pandemic as described in this hardship decla-
14 ration and you sign and deliver this hardship declaration to your land-
15 lord, you cannot be evicted until at least May 1, 2021 for nonpayment of
16 rent. You or your licensees may still be evicted for violating your
17 lease by persistently engaging in behavior that infringes on the use and
18 enjoyment of other tenants or occupants or causes a substantial safety
19 hazard to others. If your landlord has provided you with this form, your
20 landlord must also provide you with a mailing address and email address
21 to which you can return this form. If your landlord has already started
22 an eviction proceeding against you, you can return this form to either
23 your landlord, the court, or both at any time. You should keep a copy or
24 a picture of the signed form for your records. You will still owe any
25 unpaid rent to your landlord. You should also keep careful track of what
26 you have paid and any amount you still owe.

27 COMMERCIAL TENANT'S DECLARATION OF HARDSHIP DURING THE COVID-19 PANDEM-
28 IC: I am a commercial tenant, lawful occupant, or other person respon-

1 sible for paying rent, use and occupancy, or any other financial obli-
2 gation under a commercial lease or commercial tenancy agreement at
3 (address of commercial property).

4 You must indicate below your qualification for eviction protection by
5 checking the appropriate box and signing the declaration:

6 My business is experiencing financial hardship due to the COVID-19
7 pandemic, I certify I have not received any federal, state or local aid
8 for businesses harmed by COVID-19, and I am unable to pay my rent or
9 other financial obligations under the lease in full because of the
10 following:

11 () My business was subject to seating, occupancy or on-premises pres-
12 ence limitations due to COVID-19 safety measures as required by New York
13 State Executive Orders and the business suffered a significant loss of
14 income or significant increase in cost, the approximate percentage of
15 which may be required to be provided or proved by documentation;

16 () My business has experienced a reduction in gross receipts by at
17 least thirty-five percent for any three-month term during the COVID-19
18 coverage period that is comparable to a three-month term in 2019, which
19 may be required to be proved by documentation;

20 () My business has experienced a net decrease in employment by at least
21 thirty-five percent for any three-month term during the COVID-19 cover-
22 age period that is comparable to a three-month term in 2019, which may
23 be required to be proved by documentation; or

24 () I attest that my business was in receipt of federal, state, or local
25 aid for businesses financially harmed by COVID-19, however the amounts
26 received _____ (fill in amount) was insufficient to pay fully any

1 arrears, and my business still meets one or more of the criteria laid
2 out above and I qualify for financial hardship under this section.

3 I understand that I must comply with all other lawful terms under my
4 tenancy, lease agreement or similar contract. I further understand that
5 lawful fees, penalties or interest for not having paid rent in full or
6 met other financial obligations as required by my tenancy, lease agree-
7 ment or similar contract may still be charged or collected and may
8 result in a monetary judgment against me. I further understand that my
9 landlord may be able to seek eviction after May 1, 2021, and that the
10 law may provide certain protections at that time that are separate from
11 those available through this declaration.

12 Signed:

13 Printed name:

14 Date signed:

15 NOTICE: You are signing and submitting this form under penalty of law.
16 That means it is against the law to make a statement on this form that
17 you know is false."

18 § 2. Notwithstanding any law to the contrary no commercial tenant
19 shall be removed from possession prior to May 1, 2021, except by an
20 eviction proceeding.

21 § 3. Pending eviction proceedings. Any eviction proceeding pending on
22 the effective date of this act, including eviction proceedings filed on
23 or before March 7, 2020, or commenced within thirty days of the effec-
24 tive date of this act shall be stayed for at least thirty days, or to
25 such later date that the chief administrative judge shall determine is
26 necessary to ensure that courts are prepared to conduct proceedings in

1 compliance with this act and to give tenants an opportunity to submit
2 the hardship declaration pursuant to this act. The court in each case
3 shall promptly issue an order directing such stay and promptly mail the
4 respondent a copy of the hardship declaration.

5 § 4. Prohibition on initiation of eviction proceeding. If there is no
6 pending eviction proceeding and a tenant provides a hardship declaration
7 to the landlord or an agent of the landlord, there shall be no initi-
8 ation of an eviction proceeding against the tenant until at least May 1,
9 2021, and in such event any specific time limit for the commencement of
10 an eviction proceeding shall be tolled until May 1, 2021.

11 § 5. Required affidavit. 1. No court shall accept for filing any peti-
12 tion or complaint or other filing to commence an eviction proceeding
13 unless the petitioner or an agent of the petitioner or plaintiff files
14 an affidavit of service, attesting to the service of both the eviction
15 papers and an unexecuted copy of the hardship declaration, and accompa-
16 nied by an affidavit by petitioner or plaintiff that:

17 a. at the time of filing, neither the petitioner or the plaintiff nor
18 any agent of the petitioner or plaintiff has received a hardship decla-
19 ration from the respondent or defendant, or

20 b. the respondent or defendant has returned a hardship declaration,
21 but the respondent or its licensees are persistently engaging in behav-
22 ior that infringes on the use and enjoyment of other tenants or occu-
23 pants or causes a substantial safety hazard to others, with a specific
24 description of the behavior alleged.

25 2. Upon accepting a petition or complaint the attorney, judge, or
26 clerk of the court, as the case may be, shall determine whether a copy
27 of the hardship declaration is annexed to the served notice of petition
28 or summons and complaint and, if not, shall ensure that the hardship

1 declaration is attached to such notice or summons. At the earliest
2 possible opportunity, the court shall seek confirmation on the record or
3 in writing from the respondent or defendant that the respondent or
4 defendant has received the hardship declaration and that the respondent
5 or defendant has not submitted a hardship declaration to the petitioner
6 or plaintiff, an agent of the petitioner or plaintiff, or the court.

7 § 6. Pending proceedings. In any eviction proceeding in which an
8 eviction warrant or judgment of possession or ejectment has not been
9 issued, including eviction proceedings filed on or before March 7, 2020,
10 if the tenant provides a hardship declaration to the petitioner or
11 plaintiff, the court, or an agent of the petitioner or the court, the
12 eviction proceeding shall be stayed until at least May 1, 2021. If such
13 hardship declaration is provided to the petitioner or plaintiff or their
14 agent, such petitioner or plaintiff or their agent shall promptly file
15 it with the court, advising the court in writing the index number of all
16 relevant cases.

17 § 7. Sections two, three, four, and six of this act shall not apply if
18 the tenant or its licensees are persistently engaging in behavior that
19 infringes on the use and enjoyment of other tenants or occupants or
20 causes a substantial health or safety hazard to others.

21 § 8. Translation of hardship declaration. The office of court adminis-
22 tration shall translate the hardship declaration, as defined in section
23 one of this act, into Spanish and the six most common languages in the
24 city of New York, after Spanish, and shall post and maintain such trans-
25 lations and an English language copy of the hardship declaration on the
26 website of such office beginning within fifteen days of the effective
27 date of this act. To the extent practicable, the office of court admin-
28 istration shall post and maintain on its website translations into such

1 additional languages as the chief administrative judge shall deem appro-
2 priate to ensure that tenants have an opportunity to understand and
3 submit hardship declarations pursuant to this act.

4 § 9. If any clause, sentence, paragraph, section, or part of this act
5 shall be adjudged by any court of competent jurisdiction to be invalid
6 and after exhaustion of all further judicial review, the judgment shall
7 not affect, impair or invalidate the remainder thereof, but shall be
8 confined in its operation to the clause, sentence, paragraph, section or
9 part of this act directly involved in the controversy in which the judg-
10 ment shall have been rendered.

11 § 10. This act shall take effect immediately and sections one, two,
12 three, four, five, six, seven, and eight of this act shall expire May 1,
13 2021.

14 SUBPART B

15 Section 1. This subpart enacts into law components of legislation
16 relating to mortgage foreclosures.

17 § 2. Application. This act shall apply to any action to foreclose a
18 mortgage relating to a commercial or multi-family real property.

19 (a) For purposes of this act, real property shall not include residen-
20 tial real property that is subject to the COVID-19 Emergency Eviction
21 and Foreclosure Prevention Act of 2020.

22 (b) For purposes of this act, real property shall not include property
23 that has not been maintained or has not been actively marketed for
24 rental for a continuous period of six months before the submission of a
25 hardship declaration pursuant to this action.

1 (c) Notwithstanding anything to the contrary, this act shall not apply
2 to and does not affect any mortgage loans made, insured, purchased or
3 securitized by a corporate governmental agency of the state constituted
4 as a political subdivision and public benefit corporation, or the rights
5 and obligations of any lender, issuer, servicer, or trustee of such
6 obligations.

7 § 3. Definitions. For the purposes of this act, "Hardship Declaration"
8 means the following statement, or a substantially similar statement, in
9 the mortgagor's primary language, in 14-point type, published by the
10 office of court administration, whether in physical or electronic form
11 and signed under the penalty of perjury stating the following:

12 "NOTICE TO MORTGAGOR: If you have lost income or had increased costs
13 during the COVID-19 pandemic as described in this hardship declaration
14 and you sign and deliver this hardship declaration to your mortgage
15 lender, you cannot be foreclosed on until at least May 1, 2021. You or
16 your licensees may still be evicted for violating your lease by persis-
17 tently engaging in behavior that infringes on the use and enjoyment of
18 other tenants or occupants or causes a substantial safety hazard to
19 others.

20 If your mortgage lender or other foreclosing party has provided you with
21 this form, they must also provide you with a mailing address and email
22 address to which you can return this form. If your mortgage lender or
23 other foreclosing party has already started a foreclosure proceeding
24 against you, you can return this form to either your mortgage lender or
25 the foreclosing party, the court, or both at any time. You should keep a
26 copy or a picture of the signed form for your records. You will still
27 owe any unpaid mortgage payments and lawful fees to your lender. You

1 should also keep careful track of what you have paid and any amount you
2 still owe.

3 COMMERCIAL MORTGAGOR'S DECLARATION OF COVID-19 BUSINESS RELATED HARD-
4 SHIP: I am the mortgagor of the property at (address of commercial
5 business). I am experiencing financial hardship and I have not received
6 any federal, state, or local aid for businesses financially harmed by
7 COVID-19, and I am unable to pay my mortgage in full because of one or
8 more of the following:

9 () One or more of my tenants have defaulted on a significant amount of
10 rent payments since March 1, 2020, which may be required to be proved by
11 documentation;

12 () My tenant's business was subject to seating, occupancy or on-premis-
13 es presence limitations due to COVID-19 safety measures as required by
14 New York State Executive Orders and the business suffered a significant
15 loss or income or increase in cost which has resulted in the reduction
16 of a significant amount of rent payments, which may be required to be
17 proved by documentation;

18 () I have suffered a significant reduction in revenue or increase in
19 cost for any three-month period during the COVID-19 coverage period,
20 which may be required to be proved by documentation.

21 I attest that if my business was in receipt of federal, state, or local
22 aid for businesses financially harmed by COVID-19, that such amount of
23 _____ (fill in amount), was insufficient to cover my mortgage and my
24 business still meets the criteria laid out above and I qualify for
25 financial hardship under this section. I understand that I must comply
26 with all the other lawful terms under my mortgage agreement. I further
27 understand that lawful fees, penalties or interest for not having paid

1 my mortgage in full as required by my mortgage agreement may still be
2 charged or collected and may result in a monetary judgment against me. I
3 also understand that my mortgage lender or other foreclosing party may
4 pursue a foreclosure action against me on or after May 1, 2021, if I do
5 not fully repay any missed or partial payments and lawful fees.

6 Signed:

7 Printed name:

8 Date signed:

9 NOTICE: You are signing and submitting this form under penalty of law.
10 That means it is against the law to make a statement on this form that
11 you know is false."

12 § 4. Any action to foreclose a mortgage pending on the effective date
13 of this act, including actions filed on or before March 7, 2020, or
14 commenced within thirty days of the effective date of this act shall be
15 stayed for at least thirty days, or to such later date that the chief
16 administrative judge shall determine is necessary to ensure that courts
17 are prepared to conduct proceedings in compliance with this act and to
18 give mortgagors an opportunity to submit the hardship declaration pursu-
19 ant to this act. The court in each case shall promptly issue an order
20 directing such stay and promptly mail the mortgagor a copy of the hard-
21 ship declaration.

22 § 5. If a mortgagor provides a hardship declaration to the foreclosing
23 party or an agent of the foreclosing party, there shall be no initiation
24 of an action to foreclose a mortgage against the mortgagor until at
25 least May 1, 2021, and in such event any specific time limit for the

1 commencement of an action to foreclose a mortgage shall be tolled until
2 May 1, 2021.

3 § 6. No court shall accept for filing any action to foreclose a mort-
4 gage unless the foreclosing party or an agent of the foreclosing party
5 files an affidavit, of service demonstrating the service of a copy of
6 the summons and complaint or notice of petition, along with an unexe-
7 cuted copy of the hardship declaration; and an affidavit by the peti-
8 tioner attesting that at the time of filing, neither the foreclosing
9 party nor any agent of the foreclosing party has received a hardship
10 declaration from the mortgagor. At the earliest possible opportunity,
11 the court shall seek confirmation on the record or in writing that the
12 mortgagor has received a copy of the hardship declaration and that the
13 mortgagor has not returned the hardship declaration to the foreclosing
14 party or an agent of the foreclosing party. If the court determines a
15 mortgagor has not received a hardship declaration, then the court shall
16 stay the proceeding for a reasonable period of time, which shall be no
17 less than ten business days or any longer period provided by law, to
18 ensure the mortgagor received and fully considered whether to submit the
19 hardship declaration.

20 § 7. In any action to foreclose a mortgage in which a judgment of sale
21 has been issued prior to the effective date of this act but has not yet
22 been executed as of the effective date of this act, including actions
23 filed on or before March 7, 2020, the court shall stay the execution of
24 the judgment at least until the court has held a status conference with
25 the parties. In any action to foreclose a mortgage, if the mortgagor
26 provides a hardship declaration to the foreclosing party, the court, or
27 an agent of the foreclosing party or the court, prior to the execution
28 of the judgment, the execution shall be stayed until at least May 1,

1 2021. If such hardship declaration is provided to the foreclosing party
2 or agent of the foreclosing party, such foreclosing party or agent shall
3 promptly file it with the court, advising the court in writing the index
4 number of all relevant cases.

5 § 8. If any clause, sentence, paragraph, section, or part of this act
6 shall be adjudged by any court of competent jurisdiction to be invalid
7 and after exhaustion of all further judicial review, the judgment shall
8 not affect, impair or invalidate the remainder thereof, but shall be
9 confined in its operation to the clause, sentence, paragraph, section or
10 part of this act directly involved in the controversy in which the judg-
11 ment shall have been rendered.

12 § 9. This act shall take effect immediately and sections one, two,
13 three, four, five, six and seven of this act shall expire May 1, 2021.

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

23 § 5. This act shall take effect immediately provided, however, that
24 the applicable effective date of Subparts A through B of this act shall
25 be as specifically set forth in the last section of such Subparts.

1 Section 1. Section 1 of subpart H of part C of chapter 20 of the laws
2 of 2015, appropriating money for certain municipal corporations and
3 school districts, as amended by section 1 of part AAA of chapter 59 of
4 the laws of 2018, is amended to read as follows:

5 Section 1. Contingent upon available funding, and not to exceed
6 ~~[\$69,000,000]~~ \$140,000,000 moneys from the urban development corporation
7 shall be available for a local government entity, which for the purposes
8 of this section shall mean a county, city, town, village, school
9 district or special district, where (i) on or after June 25, 2015, an
10 electric generating facility located within such local government entity
11 has ceased operations, and (ii) the closing of such facility has caused
12 a reduction in the real property tax collections or payments in lieu of
13 taxes of at least twenty percent owed by such electric generating facil-
14 ity. Such moneys attributable to the cessation of operations, shall be
15 paid annually on a first come, first served basis by the urban develop-
16 ment corporation to such local government entity within a reasonable
17 time upon confirmation from the state office of real property tax
18 services or the local industrial development authority established
19 pursuant to titles eleven and fifteen of article eight of the public
20 authorities law, or the local industrial development agency established
21 pursuant to article eighteen-A of the general municipal law that such
22 cessation has resulted in a reduction in the real property tax
23 collections or payments in lieu of taxes, provided, however, that the
24 urban development corporation shall not provide assistance to such local
25 government entity for more than seven years, and shall award payments
26 reflecting the loss of revenues due to the cessation of operations as
27 follows:

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

9 A local government entity shall be eligible for only one payment of
10 funds hereunder per year. A local government entity may seek assistance
11 under the electric generation facility cessation mitigation fund once a
12 generator has submitted its notice to the federally designated electric
13 bulk system operator (BSO) serving the state of New York of its intent
14 to retire the facility or of its intent to voluntarily remove the facil-
15 ity from service subject to any return-to-service provisions of any
16 tariff, and that the facility also is ineligible to participate in the
17 markets operated by the BSO. The date of submission of a local govern-
18 ment entity's application for assistance shall establish the order in
19 which assistance is paid to program applicants, except that in no event
20 shall assistance be paid to a local government entity until such time
21 that an electric generating facility has retired or become ineligible to
22 participate in the markets operated by the BSO. For purposes of this
23 section, any local government entity seeking assistance under the elec-
24 tric generation facility cessation mitigation fund must submit an attes-
25 tation to the department of public service that a facility is no longer
26 producing electricity and is no longer participating in markets operated
27 by the BSO. After receipt of such attestation, the department of public

1 service shall confirm such information with the BSO. In the case that
2 the BSO confirms to the department of public service that the facility
3 is no longer producing electricity and participating in markets operated
4 by such BSO, it shall be deemed that the electric generating facility
5 located within the local government entity has ceased operation. The
6 department of public service shall provide such confirmation to the
7 urban development corporation upon receipt. The determination of the
8 amount of such annual payment shall be determined by the president of
9 the urban development corporation based on the amount of the differen-
10 tial between the annual real property taxes and payments in lieu of
11 taxes imposed upon the facility, exclusive of interest and penalties,
12 during the last year of operations and the current real property taxes
13 and payments in lieu of taxes imposed upon the facility, exclusive of
14 interest and penalties. The total amount awarded from this program shall
15 not exceed [~~\$69,000,000~~] \$140,000,000.

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

20 PART OO

21 Section 1. Section 5 of chapter 108 of the laws of 2020, amending the
22 public service law relating to issuing a moratorium on utility termi-
23 nation of services during periods of pandemics and/or state of emergen-
24 cies, as amended by section 2 of part B of chapter 126 of the laws of
25 2020, is amended to read as follows:

1 § 5. This act shall take effect immediately [and shall expire March
2 31, 2021 when upon such date the provisions of this act shall be deemed
3 repealed].

4 § 2. Subdivisions 6, 7, 8 and 9 of section 32 of the public service
5 law, subdivision 6 as amended and subdivisions 7, 8 and 9 as added by
6 chapter 108 of the laws of 2020, are amended to read as follows:

7 6. No utility corporation or municipality shall terminate or discon-
8 nect services to any residential customer or a small business customer
9 with twenty-five or fewer employees that is not a (i) publicly held
10 company, or a subsidiary thereof, (ii) seasonal, short-term, or tempo-
11 rary customer, (iii) high energy customer as defined by the commission,
12 or (iv) customer that the utility can demonstrate has the resources to
13 pay the bill, provided that the utility notifies the small business
14 customer of its reasons and of the customer's right to contest this
15 determination through the commission's complaint procedures, for the
16 non-payment of an overdue charge for the duration of [the] a state
17 disaster emergency declared pursuant to section twenty-eight of the
18 executive [order two hundred two of two thousand twenty (herein after
19 "the COVID-19 state of emergency")] law issued in response to a state,
20 national, or global event that is deemed to have a significant negative
21 and long-term impact on the state's economic future, and not due to a
22 short-term weather-related disaster emergency.

23 Utility corporations and municipalities shall have a duty to restore
24 service, to the extent not already required under this chapter, to any
25 residential customer within forty-eight hours if such service has been
26 terminated for non-payment during the pendency of the [COVID-19] state
27 [of] disaster emergency.

1 7. [For a period of one hundred eighty days after the COVID-19 state
2 of emergency is lifted or expires, no] No utility corporation or munici-
3 pality shall terminate or disconnect the service of a residential or
4 small business customer because of defaulted deferred payment agreements
5 or arrears owed to the utility corporation or municipality when such
6 customer has experienced a change in financial circumstances as defined
7 by the department due to [the COVID-19] a state [of] disaster emergen-
8 cy[, as defined by the department] as set forth in subdivision six of
9 this section. The utility corporation or municipality shall provide such
10 residential or small business customer with the right to enter into, or
11 restructure, a deferred payment agreement without the requirement of a
12 down payment, late fees, or penalties, as such is provided for in this
13 article with such prohibition on down payments, late fees, or penalties
14 applicable to all arrears incurred during the duration of the state
15 disaster emergency.

16 8. Every utility corporation or municipality shall provide notice to
17 residential and small business customers, in a writing to be included
18 with a bill statement or, when appropriate, via electronic transmission
19 the provisions of this section and shall further make reasonable efforts
20 to contact customers who have demonstrated a change in financial circum-
21 stances due to [the COVID-19] a state [of] disaster emergency as set
22 forth in subdivision six of this section for the purpose of offering
23 such customers a deferred payment agreement consistent with the
24 provisions of this article.

25 9. Implementation of the provisions of this section shall not prohibit
26 a utility or municipality from recovering lost or deferred revenues
27 after the lifting or expiration of [the COVID-19] a state [of] disaster
28 emergency as set forth in subdivision six of this section, pursuant to

1 such means for recovery as are provided for in this chapter, and by
2 means not inconsistent with any of the provisions of this article. Noth-
3 ing in this section shall prohibit a utility corporation or municipality
4 from disconnecting service necessary to protect the health and safety of
5 customers and the public.

6 § 3. Subdivision 6 of section 32 of the public service law, as added
7 by chapter 686 of the laws of 2002, is REPEALED.

8 § 4. Subdivisions 9, 10 and 11 of section 89-b of the public service
9 law, as added by chapter 108 of the laws of 2020, are amended to read as
10 follows:

11 9. [For a period of one hundred eighty days after the COVID-19 state
12 of emergency is lifted or expires, no] No water-works corporation shall
13 terminate or disconnect the service of a residential customer account or
14 the account of a small business customer with twenty-five or fewer
15 employees that is not a (i) publicly held company, or a subsidiary ther-
16 eof, (ii) seasonal, short-term, or temporary customer, (iii) high usage
17 customer as defined by the commission, or (iv) customer that the utility
18 can demonstrate has the resources to pay the bill, provided that the
19 utility notifies the small business customer of its reasons and of the
20 customer's right to contest this determination through the commission's
21 complaint procedures, because of defaulted deferred payment agreements
22 or arrears owed to the water-works corporation when such customer has
23 experienced a change in financial circumstances, as defined by the
24 department, due to [the COVID-19] a state [of] disaster emergency[, as
25 defined by the department] declared pursuant to section twenty-eight of
26 the executive law issued in response to a state, national, or global
27 event that is deemed to have a significant negative and long-term impact
28 on the state's economic future. The water-works corporation shall

1 provide such residential or small business customer with the right to
2 enter into, or restructure, a deferred payment agreement without the
3 requirement of a down payment, late fees, or penalties, as such is
4 provided for in article two of this chapter with such prohibition on
5 down payments, late fees, or penalties applicable to all arrears
6 incurred during the duration of the state disaster emergency.

7 10. Every water-works corporation or small business shall provide
8 notice to residential customers, in a writing to be included with a bill
9 statement or, when appropriate, via electronic transmission, the
10 provisions of this section and shall further make reasonable efforts to
11 contact customers who have demonstrated a change in financial circum-
12 stances due to [the COVID-19] a state [of] disaster emergency as set
13 forth in subdivision nine of this section for the purpose of offering
14 such customers a deferred payment agreement consistent with the
15 provisions of this section and article two of this chapter.

16 11. Implementation of the provisions of this section shall not prohib-
17 it a water-works corporation from recovering lost or deferred revenues
18 after the lifting or expiration of the [COVID-19] state [of] disaster
19 emergency as set forth in subdivision nine of this section, pursuant to
20 such means for recovery as are provided for in this chapter, and by
21 means not inconsistent with any of the provisions of this article. Noth-
22 ing in this section shall prohibit a water-works corporation from
23 disconnecting service when it is necessary to protect the health and
24 safety of customers and the public.

25 § 5. Section 89-1 of the public service law, as added by chapter 715
26 of the laws of 1931, subdivisions 3, 4, 5 and 6 as added by chapter 108
27 of the laws of 2020, is amended to read as follows:

1 § 89-1. Municipal water systems. 1. For the purposes of this section,
2 and for the purposes of any jurisdiction conferred by it upon the public
3 service commission, a municipality is one which owns, maintains or oper-
4 ates, or proposes to own, maintain or operate, a water system, or which
5 sells, furnishes or distributes, or proposes to sell, furnish or
6 distribute, water for domestic, commercial or public uses, whether
7 provided by its own system or the system of a water-works corporation or
8 another municipality. As so limited, the term "municipality" for the
9 purposes of this section, means a city, town, village or public
10 district; and a "public district," as here used, is a district or other
11 territorial division, whether incorporated or not, whose affairs are
12 managed by any officer or officers, person or persons, elected by voters
13 or taxpayers or appointed by a public officer or officers, and includes,
14 without excluding others, a water district, water supply district and a
15 fire district. The other provisions of this chapter shall not apply to
16 such a municipality, nor to its said business of owning, maintaining or
17 operating a water system or of selling, furnishing or distributing
18 water, except such provisions as are applied by this section by express
19 reference. The jurisdiction of the public service commission, with
20 respect to such a municipality or its said business, is that, and only
21 that, provided for in this section.

22 2. Each such municipality shall file with the public service commis-
23 sion a copy of the annual report of its division, bureau or department
24 of water.

25 3. No municipality shall terminate or discontinue residential service
26 or service to a small business with twenty-five or fewer employees that
27 is not a (i) publicly held company, or a subsidiary thereof, (ii)
28 seasonal, short-term, or temporary customer, (iii) high usage customer

1 as defined by the commission, or (iv) customer that the utility can
2 demonstrate has the resources to pay the bill, provided that the utility
3 notifies the small business customer of its reasons and of the custom-
4 er's right to contest this determination through the commission's
5 complaint procedures, for the nonpayment of bills, taxes, or fees for
6 the duration of [the] a state disaster emergency declared pursuant to
7 [executive order two hundred two of two thousand twenty (hereinafter the
8 "COVID-19 state of emergency")] section twenty-eight of the executive
9 law in response to a state, national, or global event that is deemed to
10 have a significant negative and long-term impact on the state's economic
11 future. Every municipality shall have a duty to restore service to any
12 residential customer within forty-eight hours of the effective date of
13 this subdivision if such service has been terminated for non-payment
14 during the pendency of [the COVID-19] a state [of] disaster emergency.

15 4. [For a period of one hundred eighty days after the COVID-19 state
16 of emergency is lifted or expires, no] No municipality shall terminate
17 or discontinue the service of a residential or small business customer
18 because of bill arrears, taxes, or fees owed to the municipality when
19 such customer has experienced a change in financial circumstances, as
20 defined by the department, due to [the COVID-19] a state [of] disaster
21 emergency[, as defined by the department] as set forth in subdivision
22 three of this section. The municipality shall provide a residential or
23 small business service customer that has experienced a change in finan-
24 cial circumstances due to the [COVID-19] state [of] disaster emergency
25 with the right to enter into, or restructure, a deferred payment agree-
26 ment without the requirement of a down payment, late fees, or penalties,
27 as such is provided for in article two of this chapter, with such prohi-

1 bition on down payments, late fees, or penalties applicable to all
2 arrears incurred during the duration of the state disaster emergency.

3 5. Every municipality shall provide notice to residential and small
4 business customers in a writing to be included with a bill statement or,
5 when appropriate, via electronic transmission the provisions of this
6 section and shall further make reasonable efforts to contact customers
7 who have demonstrated a change in financial circumstances due to the
8 [COVID-19] state [of] disaster emergency as set forth in subdivision
9 three of this section for the purpose of offering such customers a
10 deferred payment agreement consistent with the provisions of this
11 section and article two of this chapter.

12 6. Implementation of the provisions of this section shall not prohibit
13 a municipality from recovering lost or deferred revenues after the lift-
14 ing or expiry of [the COVID-19] a state [of] disaster emergency,
15 provided that such means are not inconsistent with the provisions of
16 this article. Nothing in this section shall prohibit a municipality from
17 disconnecting service when it is necessary to protect the health and
18 safety of customers and the public.

19 7. Notwithstanding the provisions of subdivision one of this section,
20 for the purposes of subdivisions three, four, five and six of this
21 section, a "municipality" shall also include a public water authority
22 established pursuant to article five of the public authorities law.
23 Every municipality shall be subject to the jurisdiction of the commis-
24 sion for the purposes of enforcing the provisions of subdivisions three,
25 four, five and six of this section pursuant to sections twenty-four,
26 twenty-five and twenty-six of this chapter.

27 § 6. Subdivisions 9, 10, 11 and 12 of section 91 of the public service
28 law, subdivisions 9, 10 and 12 as amended by section 1 of part B of

1 chapter 126 of the laws of 2020, subdivision 11 as added by chapter 108
2 of the laws of 2020, are amended to read as follows:

3 9. No telephone corporation shall terminate or disconnect any services
4 provided by its infrastructure to a residential service customer or a
5 small business customer with twenty-five or fewer employees that is not
6 a (i) publicly held company, or a subsidiary thereof, (ii) seasonal,
7 short-term, or temporary customer, (iii) high usage customer as defined
8 by the commission, or (iv) customer that the utility can demonstrate
9 has the resources to pay the bill, provided that the utility notifies
10 the small business customer of its reasons and of the customer's right
11 to contest this determination through the commission's complaint proce-
12 dures, for the non-payment of an overdue charge for the duration of
13 [the] a state disaster emergency declared pursuant to section twenty-
14 eight of the executive [order two hundred two of two thousand twenty
15 (hereinafter "the COVID-19 state of emergency")] law in response to a
16 state, national or global event that is deemed to have a significant
17 negative and long-term impact on the state's economic future. Telephone
18 corporations shall have a duty to restore service, to the extent not
19 already required under this chapter, at the request of any residential
20 or small business customer within forty-eight hours if such service has
21 been terminated during the pendency of the [COVID-19] state [of] disas-
22 ter emergency and disconnection of such service was due to non-payment
23 of an overdue charge.

24 10. [For a period of one hundred eighty days after the COVID-19 state
25 of emergency is lifted or expires, no] No telephone corporation shall
26 terminate or disconnect [the service] any services provided by its
27 infrastructure of a residential or small business customer account
28 because of defaulted deferred payment agreements or arrears then owed to

1 the telephone corporation when such customer has experienced a change in
2 financial circumstances as defined by the department, due to [the
3 COVID-19] a state [of] disaster emergency[, as defined by the depart-
4 ment] as set forth in subdivision nine of this section. The telephone
5 corporation shall provide such residential or small business customer
6 with the right to enter into, or restructure, a deferred payment agree-
7 ment without the requirement of a down payment, late fees, or penalties,
8 with such prohibition on down payments, late fees, or penalties applica-
9 ble to all arrears incurred during the duration of the state disaster
10 emergency.

11 11. Every telephone corporation shall provide notice to residential
12 customers, and to those small business customers set forth in subdivi-
13 sion nine of this section, in a writing to be included with a bill
14 statement or, when appropriate, via electronic transmission the
15 provisions of this section and shall further make reasonable efforts to
16 contact customers who have demonstrated a change in financial circum-
17 stances due to [the COVID-19] a state [of] disaster emergency as set
18 forth in subdivision nine of this section for the purpose of offering
19 such customers a deferred payment agreement consistent with the
20 provisions of this section and article two of this chapter.

21 12. Implementation of the provisions of this section shall not prohib-
22 it a telephone corporation from recovering lost or deferred revenues
23 after the lifting or expiration of [the COVID-19] a state [of] disaster
24 emergency as set forth in subdivision nine of this section, pursuant to
25 such means for recovery as are provided for in this chapter, and by
26 means not inconsistent with any of the provisions of this article. Noth-
27 ing in this section shall prohibit a telephone corporation from discon-
28 necting service at the request of a customer. Nothing in this section

1 shall prohibit a telephone corporation from disconnecting service when
2 it is necessary to protect the health and safety of customers and the
3 public.

4 § 7. Section 216 of the public service law is amended by adding five
5 new subdivisions 6, 7, 8, 9 and 10 to read as follows:

6 6. No cable television company shall terminate or disconnect services
7 provided over their infrastructure to a residential service customer or
8 a small business customer with twenty-five or fewer employees that is
9 not a (i) publicly held company, or a subsidiary thereof, (ii) seasonal,
10 short-term, or temporary customer, or (iii) customer that the cable
11 television company can demonstrate has the resources to pay the bill,
12 provided that the cable television company notifies the small business
13 customer of its reasons and of the customer's right to contest this
14 determination through the commission's complaint procedures, for the
15 non-payment of an overdue charge for the duration of a state disaster
16 emergency declared pursuant to an executive order issued in response to
17 a state, national, or global event that is deemed to result in a signif-
18 icant negative and long-term impact on the state's economic future.
19 Cable television companies shall have a duty to restore service, to the
20 extent not already required under this chapter, at the request of any
21 residential or small business customer within forty-eight hours if such
22 service has been terminated during the pendency of the state disaster
23 emergency and disconnection of such service was due to non-payment of an
24 overdue charge.

25 7. No cable television company shall terminate or disconnect services
26 provided over their infrastructure of a residential or small business
27 customer account because of defaulted deferred payment agreements or
28 arrears then owed to the cable television company when such customer has

1 experienced a change in financial circumstances, as defined by the
2 department, due to a state disaster emergency as set forth in subdivi-
3 sion six of this section. The cable television company shall provide
4 such residential or small business customer with the right to enter
5 into, or restructure, a deferred payment agreement without the require-
6 ment of a down payment, late fees, or penalties, with such prohibition
7 on down payments, late fees, or penalties applicable to all arrears
8 incurred during the duration of the state disaster emergency.

9 8. Every cable television company shall provide notice to residential
10 or small business customers in a writing to be included with a bill
11 statement or, when appropriate, via electronic transmission the
12 provisions of this section and shall further make reasonable efforts to
13 contact customers who have demonstrated a change in financial circum-
14 stances due to a state disaster emergency as set forth in subdivision
15 six of this section for the purpose of offering such customers a
16 deferred payment agreement consistent with the provisions of this
17 section and article two of this chapter.

18 9. Implementation of the provisions of this section shall not prohibit
19 a cable television company from recovering lost or deferred revenues
20 after the lifting or expiration of a state disaster emergency as set
21 forth in subdivision six of this section, pursuant to such means for
22 recovery as are provided for in this chapter, and by means not incon-
23 sistent with any of the provisions of this article. Nothing in this
24 section shall prohibit a cable television company from disconnecting
25 service at the request of a customer. Nothing in this section shall
26 prohibit a cable television company from disconnecting service when it
27 is necessary to protect the health and safety of customers and the
28 public.

1 10. Every cable television company shall be subject to the jurisdic-
2 tion of the commission for the purposes of enforcing the provisions of
3 subdivisions six, seven, eight and nine of this section pursuant to
4 sections twenty-four, twenty-five and twenty-six of this chapter, and
5 any other applicable provision of this chapter.

6 § 8. Subdivision 1 of section 1020-s of the public authorities law, as
7 amended by chapter 415 of the laws of 2017, is amended to read as
8 follows:

9 1. The rates, services and practices relating to the electricity
10 generated by facilities owned or operated by the authority shall not be
11 subject to the provisions of the public service law or to regulation by,
12 or the jurisdiction of, the public service commission, except to the
13 extent (a) article seven of the public service law applies to the siting
14 and operation of a major utility transmission facility as defined there-
15 in, (b) article ten of such law applies to the siting of a generating
16 facility as defined therein, (c) section eighteen-a of such law provides
17 for assessment for certain costs, property or operations, (d) to the
18 extent that the department of public service reviews and makes recommen-
19 dations with respect to the operations and provision of services of, and
20 rates and budgets established by, the authority pursuant to section
21 three-b of such law, [and] (e) that section seventy-four of the public
22 service law applies to qualified energy storage systems within the
23 authority's jurisdiction, and (f) subdivisions six, seven, eight, nine
24 and ten of section thirty-two of the public service law.

25 § 9. The general business law is amended by adding a new section 399-
26 zzzzz, to read as follows:

27 § 399-zzzzz. Prohibition of certain broadband terminations or discon-
28 nections. 1. For the purposes of this section, the term "broadband

1 service" shall mean a mass-market retail service that provides the capa-
2 bility to transmit data to and receive data from all or substantially
3 all internet endpoints, including any capabilities that are incidental
4 to and enable the operation of the communications service, and shall
5 include service provided by commercial mobile telephone service provid-
6 ers, but shall not include dial-up service.

7 2. No person, business, corporation, or their agents providing or
8 seeking to provide broadband service in New York state shall terminate
9 or disconnect services provided over their infrastructure to a residen-
10 tial service customer or a small business customer with twenty-five or
11 fewer employees that is not a (i) publicly held company, or a subsidiary
12 thereof, (ii) seasonal, short-term, or temporary customer, or (iii)
13 customer that the broadband service provider can demonstrate has the
14 resources to pay the bill, provided that the broadband service provider
15 notifies the small business customer of its reasons and of the custom-
16 er's right to contest this determination through the commission's
17 complaint procedures, for the non-payment of an overdue charge for the
18 duration of a state disaster emergency declared pursuant to section
19 twenty-eight of the executive law in response to a state, national, or
20 global event that is deemed to result in a significant negative and
21 long-term impact on the state's economic future. Such persons or enti-
22 ties shall have a duty to restore service, to the extent not already
23 required, at the request of any residential or small business customer
24 within forty-eight hours if such service has been terminated during the
25 pendency of the state disaster emergency and disconnection of such
26 service was due to non-payment of an overdue charge.

27 3. No person, business, corporation, or their agents providing or
28 seeking to provide broadband service in New York state shall terminate

1 or disconnect services provided over their infrastructure to a residen-
2 tial or small business customer account because of defaulted deferred
3 payment agreements or arrears then owed to such persons or entities when
4 such customer has experienced a change in financial circumstances due to
5 a state disaster emergency as set forth in subdivision two of this
6 section. The person, business, corporation, or their agents providing or
7 seeking to provide broadband service in New York state shall provide
8 such residential or small business customer with the right to enter
9 into, or restructure, a deferred payment agreement consistent with the
10 provisions of article two of the public service law without the require-
11 ment of a down payment, late fees, or penalties, with such prohibition
12 on down payments, late fees, or penalties applicable to all arrears
13 incurred during the duration of the state disaster emergency.

14 4. Every person, business, corporation, or their agents providing or
15 seeking to provide broadband service in New York state shall provide
16 notice to residential or small business customers in a writing to be
17 included with a bill statement or, when appropriate, via electronic
18 transmission the provisions of this section and shall further make
19 reasonable efforts to contact customers who have demonstrated a change
20 in financial circumstances due to a state disaster emergency as set
21 forth in subdivision two of this section for the purpose of offering
22 such customers a deferred payment agreement consistent with the
23 provisions of article two of the public service law.

24 5. Implementation of the provisions of this section shall not prohibit
25 a person, business, corporation, or their agents providing or seeking to
26 provide broadband service in New York state from recovering lost or
27 deferred revenues after the lifting or expiration of a state disaster
28 emergency as set forth in subdivision two of this section, pursuant to

1 such means for recovery by means not inconsistent with any of the
2 provisions of this section. Nothing in this section shall prohibit a
3 person, business, corporation, or their agents providing or seeking to
4 provide broadband service in New York state from disconnecting service
5 at the request of a customer. Nothing in this section shall prohibit a
6 person, business, corporation, or their agents providing or seeking to
7 provide broadband service in New York state from disconnecting service
8 when it is necessary to protect the health and safety of customers and
9 the public.

10 6. Whenever there shall be a violation of this section, an application
11 may be made by the attorney general in the name of the people of the
12 state of New York to a court or justice having jurisdiction by a special
13 proceeding to issue an injunction, and upon notice to the defendant of
14 not less than five days, to enjoin and restrain the continuance of such
15 violation; and if it shall appear to the satisfaction of the court or
16 justice that the defendant has, in fact, violated this section, an
17 injunction may be issued by the court or justice, enjoining and
18 restraining any further violations, without requiring proof that any
19 person has, in fact, been injured or damaged thereby. In any such
20 proceeding, the court may make allowances to the attorney general as
21 provided in paragraph six of subdivision (a) of section eighty-three
22 hundred three of the civil practice law and rules, and direct restitu-
23 tion. Whenever the court shall determine that a violation of this
24 section has occurred, the court may impose a civil penalty of not more
25 than one thousand dollars per violation. In connection with any such
26 proposed application, the attorney general is authorized to take proof
27 and make a determination of the relevant facts and to issue subpoenas in
28 accordance with the civil practice law and rules.

1 § 10. This act shall take effect immediately; provided, however, that
2 this act shall be applicable to relevant executive orders issued on or
3 after the effective date of this act.

4 PART PP

5 Section 1. The general obligations law is amended by adding a new
6 article 18-C to read as follows:

7 ARTICLE 18-C

8 LIBOR DISCONTINUANCE

9 Section 18-400. Definitions.

10 18-401. Effect of LIBOR discontinuance on agreements.

11 18-402. Continuity of contract and safe harbor.

12 18-403. Severability.

13 § 18-400. Definitions. As used in this article the following terms
14 shall have the following meanings:

15 1. "LIBOR" shall mean, for purposes of the application of this article
16 to any particular contract, security or instrument, U.S. dollar LIBOR
17 (formerly known as the London interbank offered rate) as administered by
18 ICE Benchmark Administration Limited (or any successor thereof).

19 2. "LIBOR discontinuance event" shall mean the earliest to occur of
20 any of the following:

21 a. a public statement or publication of information by or on behalf of
22 the administrator of LIBOR announcing that such administrator has ceased
23 or will cease to provide LIBOR, permanently or indefinitely, provided
24 that, at the time of the statement or publication, there is no successor
25 administrator that will continue to provide LIBOR;

1 b. a public statement or publication of information by the regulatory
2 supervisor for the administrator of LIBOR, the United States Federal
3 Reserve System, an insolvency official with jurisdiction over the admin-
4 istrator for LIBOR, a resolution authority with jurisdiction over the
5 administrator for LIBOR or a court or an entity with similar insolvency
6 or resolution authority over the administrator for LIBOR, which states
7 that the administrator of LIBOR has ceased or will cease to provide
8 LIBOR permanently or indefinitely, provided that, at the time of the
9 statement or publication, there is no successor administrator that will
10 continue to provide LIBOR; or

11 c. a public statement or publication of information by the regulatory
12 supervisor for the administrator of LIBOR announcing that LIBOR is no
13 longer representative.

14 3. "LIBOR replacement date" shall mean:

15 a. in the case of a LIBOR discontinuance event described in paragraph
16 a or b of subdivision two of this section, the later of (i) the date of
17 the public statement or publication of information referenced therein;
18 and (ii) the date on which the administrator of LIBOR permanently or
19 indefinitely ceases to provide LIBOR; and

20 b. in the case of a LIBOR discontinuance event described in paragraph
21 c of subdivision two of this section, the date of the public statement
22 or publication of information referenced therein.

23 4. "Fallback provisions" shall mean terms in a contract, security or
24 instrument that set forth a methodology or procedure for determining a
25 benchmark replacement, including any terms relating to the date on which
26 the benchmark replacement becomes effective, without regard to whether a
27 benchmark replacement can be determined in accordance with such method-
28 ology or procedure.

1 5. "Benchmark" shall mean an index of interest rates or dividend rates
2 that is used, in whole or in part, as the basis of or as a reference for
3 calculating or determining any valuation, payment or other measurement
4 under or in respect of a contract, security or instrument.

5 6. "Benchmark replacement" shall mean a benchmark, or an interest rate
6 or dividend rate (which may or may not be based in whole or in part on a
7 prior setting of LIBOR), to replace or substitute for LIBOR or any
8 interest rate or dividend rate based on LIBOR, whether on a temporary,
9 permanent or indefinite basis, under or in respect of a contract, secu-
10 rity or instrument.

11 7. "Recommended benchmark replacement" shall mean, with respect to any
12 particular type of contract, security or instrument, a benchmark
13 replacement based on SOFR, which shall include any recommended spread
14 adjustment and any benchmark replacement conforming changes, that shall
15 have been selected or recommended by a relevant recommending body with
16 respect to such type of contract, security or instrument.

17 8. "Recommended spread adjustment" shall mean a spread adjustment, or
18 method for calculating or determining such spread adjustment, (which may
19 be a positive or negative value or zero) that shall have been selected
20 or recommended by a relevant recommending body for a recommended bench-
21 mark replacement for a particular type of contract, security or instru-
22 ment and for a particular term to account for the effects of the transi-
23 tion or change from LIBOR to a recommended benchmark replacement.

24 9. "Benchmark replacement conforming changes" shall mean, with respect
25 to any contract, security or instrument, any technical, administrative
26 or operational changes, alterations or modifications that are associated
27 with and reasonably necessary to the use, adoption, calculation or
28 implementation of a recommended benchmark replacement and that:

1 a. have been selected or recommended by a relevant recommending body;
2 and

3 b. if, in the reasonable judgment of the calculating person, the
4 benchmark replacement conforming changes selected or recommended pursu-
5 ant to paragraph a of this subdivision do not apply to such contract,
6 security or instrument or are insufficient to permit administration and
7 calculation of the recommended benchmark replacement, then benchmark
8 replacement conforming changes shall include such other changes, alter-
9 ations or modifications that, in the reasonable judgment of the calcu-
10 lating person:

11 (i) are necessary to permit administration and calculation of the
12 recommended benchmark replacement under or in respect of such contract,
13 security or instrument in a manner consistent with market practice for
14 substantially similar contracts, securities or instruments and, to the
15 extent practicable, the manner in which such contract, security or
16 instrument was administered immediately prior to the LIBOR replacement
17 date; and

18 (ii) would not result in a disposition of such contract, security or
19 instrument for U.S. federal income tax purposes.

20 10. "Determining person" shall mean, with respect to any contract,
21 security or instrument, in the following order of priority:

22 a. any person specified as a "determining person"; or

23 b. any person with the authority, right or obligation to:

24 (i) determine the benchmark replacement that will take effect on the
25 LIBOR replacement date,

26 (ii) calculate or determine a valuation, payment or other measurement
27 based on a benchmark, or

1 (iii) notify other persons of the occurrence of a LIBOR discontinuance
2 event, a LIBOR replacement date or a benchmark replacement.

3 11. "Relevant recommending body" shall mean the Federal Reserve Board,
4 the Federal Reserve Bank of New York, or the Alternative Reference Rates
5 Committee, or any successor to any of them.

6 12. "SOFR" shall mean, with respect to any day, the secured overnight
7 financing rate published for such day by the Federal Reserve Bank of New
8 York, as the administrator of the benchmark (or a successor administra-
9 tor), on the Federal Reserve Bank of New York's website.

10 13. "Calculating person" shall mean, with respect to any contract,
11 security or instrument, any person (which may be a determining person)
12 responsible for calculating or determining any valuation, payment or
13 other measurement based on a benchmark.

14 14. "Contract, security, or instrument" shall include, without limita-
15 tion, any contract, agreement, mortgage, deed of trust, lease, security
16 (whether representing debt or equity, and including any interest in a
17 corporation, a partnership or a limited liability company), instrument,
18 or other obligation.

19 § 18-401. Effect of LIBOR discontinuance on agreements. 1. On the
20 LIBOR replacement date, the recommended benchmark replacement shall, by
21 operation of law, be the benchmark replacement for any contract, securi-
22 ty or instrument that uses LIBOR as a benchmark and:

23 a. contains no fallback provisions; or

24 b. contains fallback provisions that result in a benchmark replace-
25 ment, other than a recommended benchmark replacement, that is based in
26 any way on any LIBOR value.

27 2. Following the occurrence of a LIBOR discontinuance event, any fall-
28 back provisions in a contract, security, or instrument that provide for

1 a benchmark replacement based on or otherwise involving a poll, survey
2 or inquiries for quotes or information concerning interbank lending
3 rates or any interest rate or dividend rate based on LIBOR shall be
4 disregarded as if not included in such contract, security or instrument
5 and shall be deemed null and void and without any force or effect.

6 3. This subdivision shall apply to any contract, security, or instru-
7 ment that uses LIBOR as a benchmark and contains fallback provisions
8 that permit or require the selection of a benchmark replacement:

9 a. that is based in any way on any LIBOR value; or

10 b. with the characteristics for which the recommended benchmark
11 replacement may be selected or used in accordance with subdivision one
12 of section 18-402 of this article.

13 A determining person shall have the authority under this article, but
14 shall not be required, to select on or after the occurrence of a LIBOR
15 discontinuance event the recommended benchmark replacement as the bench-
16 mark replacement. Such selection of the recommended benchmark replace-
17 ment shall be:

18 (i) irrevocable;

19 (ii) made by the earlier of either the LIBOR replacement date, or the
20 latest date for selecting a benchmark replacement according to such
21 contract, security, or instrument; and

22 (iii) used in any determinations of the benchmark under or with
23 respect to such contract, security or instrument occurring on and after
24 the LIBOR replacement date.

25 4. If a recommended benchmark replacement becomes the benchmark
26 replacement for any contract, security, or instrument pursuant to subdi-
27 vision one or subdivision three of this section, then all benchmark
28 replacement conforming changes that are applicable (in accordance with

1 the definition of benchmark replacement conforming changes) to such
2 recommended benchmark replacement shall become an integral part of such
3 contract, security, or instrument by operation of law.

4 5. The provisions of this article shall not alter or impair:

5 a. any written agreement by all requisite parties that, retrospective-
6 ly or prospectively, a contract, security, or instrument shall not be
7 subject to this article without necessarily referring specifically to
8 this article. For purposes of this subdivision, "requisite parties"
9 means all parties required to amend the terms and provisions of a
10 contract, security, or instrument that would otherwise be altered or
11 affected by this article;

12 b. any contract, security or instrument that contains fallback
13 provisions that, after the application of subdivision two of this
14 section would result in a benchmark replacement that is not based on
15 LIBOR, including, but not limited to, the prime rate or the federal
16 funds rate;

17 c. any contract, security, or instrument subject to subdivision three
18 of this section as to which a determining person does not elect to use a
19 recommended benchmark replacement pursuant to subdivision three of this
20 section or as to which a determining person elects to use a recommended
21 benchmark replacement prior to the occurrence of a LIBOR discontinuance
22 event, except that such contract, security, or instrument shall be
23 subject to subdivision two of this section; or

24 d. the application to a recommended benchmark replacement of any cap,
25 floor, modifier, or spread adjustment to which LIBOR had been subject
26 pursuant to the terms of a contract, security, or instrument.

27 6. Notwithstanding the uniform commercial code or any other law of
28 this state, this title shall apply to all contracts, securities and

1 instruments, including contracts, with respect to commercial trans-
2 actions, and shall not be deemed to be displaced by any other law of
3 this state.

4 § 18-402. Continuity of contract and safe harbor. 1. The selection or
5 use of a recommended benchmark replacement as a benchmark replacement
6 under or in respect of a contract, security or instrument by operation
7 of section 18-401 of this section shall constitute:

8 a. a commercially reasonable substitute for and a commercially
9 substantial equivalent to LIBOR;

10 b. a reasonable, comparable or analogous term for LIBOR under or in
11 respect of such contract, security or instrument;

12 c. a replacement that is based on a methodology or information that is
13 similar or comparable to LIBOR; and

14 d. substantial performance by any person of any right or obligation
15 under or in respect of a contract, security or instrument.

16 2. None of: a. a LIBOR discontinuance event or a LIBOR replacement
17 date, b. the use of a recommended benchmark replacement as a benchmark
18 replacement; or c. the determination, implementation or performance of
19 benchmark replacement conforming changes, in each case, by operation of
20 section 18-401 of this article, shall:

21 (i) be deemed to impair or affect the right of any person to receive a
22 payment, or affect the amount or timing of such payment, under any
23 contract, security, or instrument; or

24 (ii) have the effect of (A) discharging or excusing performance under
25 any contract, security or instrument for any reason, claim or defense,
26 including, but not limited to, any force majeure or other provision in
27 any contract, security or instrument; (B) giving any person the right to
28 unilaterally terminate or suspend performance under any contract, secu-

1 riety or instrument; (C) constituting a breach of a contract, security or
2 instrument; or (D) voiding or nullifying any contract, security or
3 instrument.

4 3. No person shall have any liability for damages to any person or be
5 subject to any claim or request for equitable relief arising out of or
6 related to the use of a recommended benchmark replacement or the deter-
7 mination, implementation or performance of benchmark replacement
8 conforming changes, in each case, by operation of section 18-401 of this
9 article, and such selection or use of the recommended benchmark replace-
10 ment or the implementation or performance of benchmark replacement
11 conforming changes shall not give rise to any claim or cause of action
12 by any person in law or in equity.

13 4. The selection or use of a recommended benchmark replacement or the
14 determination, implementation, or performance of benchmark replacement
15 conforming changes, in each case, by operation of section 18-401 of this
16 article, shall be deemed to:

17 a. not be an amendment or modification of any contract, security or
18 instrument; and

19 b. not prejudice, impair or affect any person's rights or obligations
20 under or in respect of any contract, security or instrument.

21 5. Except as provided in either subdivision one or subdivision two of
22 section 18-401 of this article, the provisions of this article shall not
23 be interpreted as creating any negative inference or negative presump-
24 tion regarding the validity or enforceability of any of the following if
25 agreed to by the parties to a contract:

26 a. any benchmark replacement that is not a recommended replacement
27 benchmark;

1 b. any spread adjustment, or method for calculating or determining a
2 spread adjustment, that is not a recommended spread adjustment; or

3 c. any changes, alterations or modifications to or in respect of a
4 contract, security or instrument that are not benchmark replacement
5 conforming changes.

6 § 18-403. Severability. If any provision of this article or applica-
7 tion thereof to any person or circumstance is held invalid, the invalid-
8 ity shall not affect other provisions or applications of this article
9 that can be given effect without the invalid provision or application,
10 and to this end the provisions of this article shall be severable.

11 § 2. This act shall take effect immediately.

12 PART QQ

13 Section 1. The general business law is amended by adding a new
14 section 399-zzzzz to read as follows:

15 § 399-zzzzz. Broadband service for low-income consumers. 1. For the
16 purposes of this section, the term "broadband service" shall mean a
17 mass-market retail service that provides the capability to transmit data
18 to and receive data from all or substantially all internet endpoints,
19 including any capabilities that are incidental to and enable the opera-
20 tion of the communications service, but shall not include dial-up
21 service.

22 2. Every person, business, corporation, or their agents providing or
23 seeking to provide broadband service in New York state shall, no later
24 than sixty days after the effective date of this section, offer high
25 speed broadband service to low-income consumers whose household: (a) is
26 eligible for free or reduced-priced lunch through the National School

1 Lunch Program; or (b) whose annual gross household income is not in
2 excess of one hundred eighty-five percent of the federal poverty guide-
3 lines as updated periodically in the Federal Register by the United
4 States Department of Health and Human Services under the authority of 42
5 U.S.C. § 9902(2). Such low-income broadband service shall provide a
6 minimum download speed equal to the greater of twenty-five megabits per
7 second download speed or the download speed of the provider's existing
8 low-income broadband service sold to customers in the state.

9 3. Broadband service for low-income consumers, as set forth in this
10 section, shall be provided at a cost of no more than fifteen dollars per
11 month, inclusive of any recurring taxes and fees such as recurring
12 rental fees for service provider equipment required to obtain broadband
13 service and usage fees. Broadband service providers shall allow low-in-
14 come broadband service subscribers to purchase standalone or bundled
15 cable and/or phone services separately. Broadband service providers may,
16 once every five years, and after thirty days' notice to its customers
17 and the department of public service, increase the price of this service
18 by the lesser of the most recent change in the consumer price index or a
19 maximum of two percent per year of the price for such service.

20 4. Every person, business, corporation, or their agents providing or
21 seeking to provide broadband service in New York state shall make all
22 commercially reasonable efforts to promote and advertise the availabili-
23 ty of broadband service for low-income consumers including, but not
24 limited to, the prominent display of, and enrollment procedures for,
25 such service on its website and in any written and commercial promo-
26 tional materials developed to inform consumers who may be eligible for
27 service pursuant to this section.

1 5. Every person, business, corporation, or their agents providing or
2 seeking to provide broadband service in New York state shall annually
3 submit to the department of public service, no later than November
4 fifteenth after the effective date of this act, and annually thereafter,
5 a compliance report setting forth: (a) a description of the service
6 offered pursuant to this section; (b) the number of consumers enrolled
7 in such service; (c) a description of the procedures being used to veri-
8 fy the eligibility of customers receiving such service; (d) a
9 description and samples of the advertising or marketing efforts under-
10 taken to advertise or promote such service; (e) a description of all
11 retail rate products, including pricing, offered by such person, busi-
12 ness, corporation, or their agents; (f) a description, including speed
13 and price, of all broadband products offered in the state of New York;
14 and (g) such other information as the department of public service may
15 require.

16 6. The department of public service shall, within two years of the
17 effective date of this section and at least every five years thereafter,
18 undertake a proceeding to determine if the minimum broadband download
19 speed in this section should be increased to the federal communications
20 commission's benchmark broadband download speed, or to another minimum
21 broadband download speed if the federal communications commission has
22 not increased its benchmark by such date. The department of public
23 service shall also: (a) undertake appropriate measures to inform the
24 public about available broadband products, including retail rate product
25 offerings and low-income offerings; and (b) periodically, but no less
26 than once every five years, review eligibility requirements for the
27 low-income service required pursuant to this section, and update such
28 requirements as may be necessary to meet the needs of consumers.

1 7. Whenever there shall be a violation of this section, an application
2 may be made by the attorney general in the name of the people of the
3 state of New York to a court or justice having jurisdiction by a special
4 proceeding to issue an injunction, and upon notice to the defendant of
5 not less than five days, to enjoin and restrain the continuance of such
6 violation; and if it shall appear to the satisfaction of the court or
7 justice that the defendant has, in fact, violated this section, an
8 injunction may be issued by the court or justice, enjoining and
9 restraining any further violations, without requiring proof that any
10 person has, in fact, been injured or damaged thereby. In any such
11 proceeding, the court may make allowances to the attorney general as
12 provided in paragraph six of subdivision (a) of section eighty-three
13 hundred three of the civil practice law and rules, and direct restitu-
14 tion. Whenever the court shall determine that a violation of this
15 section has occurred, the court may impose a civil penalty of not more
16 than one thousand dollars per violation. In connection with any such
17 proposed application, the attorney general is authorized to take proof
18 and make a determination of the relevant facts and to issue subpoenas in
19 accordance with the civil practice law and rules.

20 § 2. This act shall take effect immediately.

21 PART RR

22 Section 1. Section 1678 of the public authorities law is amended by
23 adding a new subdivision 30 to read as follows:

24 30. (a) To enter into loans with, and to provide services related to
25 planning, design, construction, renovation, reconstruction, furnishing
26 or equipping to, any school district, not-for-profit corporation or

1 group of not-for-profit corporations, for capital projects located in
2 New York state with an aggregate cost of not less than five million
3 dollars.

4 (b) To enter into loans with any school district or not-for-profit
5 corporation to fund their working capital needs, provided such loans
6 have been presented to the authority's board during the COVID-19 state
7 of emergency.

8 (c) For the purposes of this subdivision:

9 (i) "Not-for-profit corporation" shall mean a domestic or foreign
10 corporation as defined in section one hundred two of the not-for-profit
11 corporation law.

12 (ii) "School district" shall mean any school district located in the
13 state of New York.

14 (iii) "Working capital" shall mean funds used to pay operational
15 expenses, including but not limited to, salaries, accounts payable,
16 purchasing inventory and other operational obligations.

17 (iv) "COVID-19 state of emergency" shall mean the period in which
18 executive order two hundred two of two thousand twenty, as amended, is
19 in effect to address the outbreak of the novel coronavirus, COVID-19.

20 § 2. Nothing in this act is intended to limit, impair, or affect the
21 legal authority of the dormitory authority of the state of New York
22 under any other provision of law.

23 § 3. This act shall take effect immediately.

24 PART SS

25 Section 1. Paragraph (b) of subdivision 1 of section 7 of section 1 of
26 chapter 392 of the laws of 1973 constituting the New York State Medical

1 Care Facilities Finance Agency act, as amended by chapter 183 of the
2 laws of 2018, is amended to read as follows:

3 (b) The agency shall not issue hospital and nursing home project bonds
4 and hospital and nursing home project notes in an aggregate principal
5 amount exceeding [~~sixteen~~] seventeen billion [~~six~~] four hundred million
6 dollars, excluding hospital and nursing home project bonds and hospital
7 and nursing home project notes issued to refund outstanding hospital and
8 nursing home projects bonds and hospital and nursing home project notes;
9 provided, however, that upon any such refunding or repayment the total
10 aggregate principal amount of outstanding bonds, notes or other obli-
11 gations may be greater than [~~sixteen~~] seventeen billion [~~six~~] four
12 hundred million dollars only if the present value of the aggregate debt
13 service of the refunding or repayment bonds, notes or other obligations
14 to be issued shall not exceed the present value of the aggregate debt
15 service of the bonds, notes or other obligations so to be refunded or
16 repaid. For purposes hereof, the present values of the aggregate debt
17 service of the refunding or repayment bonds, notes or other obligations
18 and of the aggregate debt service of the bonds, notes or other obli-
19 gations so refunded or repaid, shall be calculated by utilizing the
20 effective interest rate of the refunding or repayment bonds, notes or
21 other obligations, which shall be that rate arrived at by doubling the
22 semi-annual interest rate (compounded semi-annually) necessary to
23 discount the debt service payments on the refunding or repayment bonds,
24 notes or other obligations from the payment dates thereof to the date of
25 issue of the refunding or repayment bonds, notes or other obligations
26 and to the price bid including estimated accrued interest or proceeds
27 received by the agency including estimated accrued interest from the
28 sale thereof. The agency shall not issue hospital and nursing home

1 project bonds at any time secured by the hospital and nursing home capi-
2 tal reserve fund if upon issuance, the amount in the hospital and nurs-
3 ing home capital reserve fund will be less than the hospital and nursing
4 home capital reserve fund requirement, unless the agency, at the time of
5 issuance of such bonds, shall deposit in such reserve fund from the
6 proceeds of the bonds so to be issued, or otherwise, an amount which
7 together with the amount then in such reserve fund, will be not less
8 than the hospital and nursing home capital reserve fund requirement.

9 § 2. This act shall take effect immediately.

10 PART TT

11 Section 1. This act enacts into law components of legislation relating
12 to the pandemic recovery and restart program. Each component is wholly
13 contained within a Subpart identified as Subparts A through C. The
14 effective date for each particular provision contained within such
15 Subpart is set forth in the last section of such Subpart. Any provision
16 in any section contained within a Subpart, including the effective date
17 of the Subpart, which makes reference to a section "of this act", when
18 used in connection with that particular component, shall be deemed to
19 mean and refer to the corresponding section of the Subpart in which it
20 is found. Section three of this act sets forth the general effective
21 date of this act.

22 SUBPART A

23 Section 1. The economic development law is amended by adding a new
24 article 24 to read as follows:

1 ARTICLE 24

2 SMALL BUSINESS RETURN-TO-WORK TAX CREDIT PROGRAM

3 Section 460. Short title.

4 461. Statement of legislative findings and declaration.

5 462. Definitions.

6 463. Eligibility criteria.

7 464. Application and approval process.

8 465. Small business return-to-work tax credit.

9 466. Powers and duties of the commissioner.

10 467. Maintenance of records.

11 468. Reporting.

12 469. Cap on tax credit.

13 § 460. Short title. This article shall be known and may be cited as
14 the "small business return-to-work tax credit program act".

15 § 461. Statement of legislative findings and declaration. It is hereby
16 found and declared that New York state needs, as a matter of public
17 policy, to create financial incentives for small businesses in indus-
18 tries that have suffered economic harm as a result of the COVID-19
19 pandemic to expeditiously rehire workers and increase total small busi-
20 ness employment. The small business return-to-work tax credit program is
21 created to provide financial incentives to economically harmed small
22 businesses to offer relief, expedite their hiring efforts, and reduce
23 the duration and severity of the current economic difficulties.

24 § 462. Definitions. For the purposes of this article:

25 1. "Accommodation sector" means establishments that provide lodging or
26 short-term accommodations for travelers, vacationers, and others.

27 2. "Arts, entertainment, and recreation sector" means establishments
28 that operate facilities or provide services to meet varied cultural,

1 entertainment, and recreational interests of their patrons. This sector
2 comprises: (a) establishments that are involved in producing, promoting,
3 or participating in live performances, events, or exhibits intended for
4 public viewing; (b) establishments that preserve and exhibit objects and
5 sites of historical, cultural, or educational interest; and (c) estab-
6 lishments that operate facilities or provide services that enable
7 patrons to participate in recreational activities or pursue amusement,
8 hobby, and leisure-time interests.

9 3. "Average full-time employment" shall mean the average number of
10 full-time equivalent positions employed by a business entity in an
11 eligible industry during a given period.

12 4. "Average starting full-time employment" shall be calculated as the
13 average number of full-time equivalent positions employed by a business
14 entity in an eligible industry between January first, two thousand twen-
15 ty-one, and March thirty-first, two thousand twenty-one.

16 5. "Average ending full-time employment" shall be calculated as the
17 average number of full-time equivalent positions employed by a business
18 entity in an eligible industry between April first, two thousand twen-
19 ty-one, and December thirty-first, two thousand twenty-one.

20 6. "Certificate of tax credit" means the document issued to a business
21 entity by the department after the department has verified that the
22 business entity has met all applicable eligibility criteria in this
23 article. The certificate shall specify the exact amount of the tax cred-
24 it under this article that a business entity may claim, pursuant to
25 section four hundred sixty-five of this article.

26 7. "Commissioner" shall mean the commissioner of the department of
27 economic development.

28 8. "Department" shall mean the department of economic development.

1 9. "Eligible industry" means a business entity operating predominantly
2 in one of the following business sectors:

3 (a) accommodations; or

4 (b) arts, entertainment, and recreation.

5 10. "Net employee increase" means an increase of at least one full-
6 time equivalent employee between the average starting full-time employ-
7 ment and the average ending full-time employment of a business entity.

8 § 463. Eligibility criteria. 1. To be eligible for a tax credit under
9 the small business return-to-work tax credit program, a business entity
10 must:

11 (a) be a small business as defined in section one hundred thirty-one
12 of this chapter and have fewer than one hundred full-time job equiv-
13 alents in New York state as of April first, two thousand twenty-one;

14 (b) operate a business location in New York state that charges admis-
15 sion and/or accepts payment for goods and/or services from in-person
16 customers;

17 (c) operate predominantly in an eligible industry as defined in subdi-
18 vision nine of section four hundred sixty-two of this article; provided,
19 however, that the department, in its regulations promulgated pursuant to
20 this article, shall have the authority to list certain sectors of those
21 industries as ineligible;

22 (d) have experienced economic harm as a result of the COVID-19 emer-
23 gency as evidenced by a year-to-year decrease of at least forty percent
24 in New York state between the second quarter of two thousand nineteen
25 and the second quarter of two thousand twenty or the third quarter of
26 two thousand nineteen and the third quarter of two thousand twenty for
27 one or both of: (i) gross receipts or (ii) average full-time employment;
28 and

1 (e) have demonstrated a net employee increase.

2 2. A business entity must be in substantial compliance with any emer-
3 gency restrictions or public health orders impacting the industry sector
4 or other laws and regulations as determined by the commissioner. In
5 addition, a business entity may not owe past due state taxes or local
6 property taxes unless the business entity is making payments and comply-
7 ing with an approved binding payment agreement entered into with the
8 taxing authority.

9 § 464. Application and approval process. 1. A business entity must
10 submit a complete application as prescribed by the commissioner.

11 2. The commissioner shall establish procedures and a timeframe for
12 business entities to submit applications. As part of the application,
13 each business entity must:

14 (a) provide evidence in a form and manner prescribed by the commis-
15 sioner of their business eligibility;

16 (b) agree to allow the department of taxation and finance to share the
17 business entity's tax information with the department. However, any
18 information shared as a result of this program shall not be available
19 for disclosure or inspection under the state freedom of information law;

20 (c) agree to allow the department of labor to share its tax and
21 employer information with the department. However, any information
22 shared as a result of this program shall not be available for disclosure
23 or inspection under the state freedom of information law;

24 (d) allow the department and its agents access to any and all books
25 and records the department may require to monitor compliance;

26 (e) certify, under penalty of perjury, that it is in substantial
27 compliance with all emergency orders or public health regulations
28 currently required of such entity, and local, and state tax laws; and

1 (f) agree to provide any additional information required by the
2 department relevant to this article.

3 3. After reviewing a business entity's completed final application and
4 determining that the business entity meets the eligibility criteria as
5 set forth in this article, the department may issue to that business
6 entity a certificate of tax credit. A business entity may claim the tax
7 credit in the taxable year that includes December thirty-first, two
8 thousand twenty-one.

9 § 465. Small business return-to-work tax credit. 1. A business entity
10 in the small business return-to-work tax credit program that meets the
11 eligibility requirements of section four hundred sixty-three of this
12 article may be eligible to claim a credit equal to five thousand dollars
13 per each full-time equivalent net employee increase as defined in subdi-
14 vision ten of section four hundred sixty-two of this article.

15 2. A business entity, including a partnership, limited liability
16 company and subchapter S corporation, may not receive in excess of fifty
17 thousand dollars in tax credits under this program.

18 3. The credit shall be allowed as provided in section forty-five,
19 subdivision fifty-five of section two hundred ten-B and subsection (kkk)
20 of section six hundred six of the tax law.

21 § 466. Powers and duties of the commissioner. 1. The commissioner may
22 promulgate regulations establishing an application process and eligibil-
23 ity criteria, that will be applied consistent with the purposes of this
24 article, so as not to exceed the annual cap on tax credits set forth in
25 section four hundred sixty-nine of this article which, notwithstanding
26 any provisions to the contrary in the state administrative procedure
27 act, may be adopted on an emergency basis.

1 2. The commissioner shall, in consultation with the department of
2 taxation and finance, develop a certificate of tax credit that shall be
3 issued by the commissioner to eligible businesses. Such certificate
4 shall contain such information as required by the department of taxation
5 and finance.

6 3. The commissioner shall solely determine the eligibility of any
7 applicant applying for entry into the program and shall remove any busi-
8 ness entity from the program for failing to meet any of the requirements
9 set forth in section four hundred sixty-three of this article, or for
10 failing to meet the requirements set forth in subdivision one of section
11 four hundred sixty-four of this article.

12 § 467. Maintenance of records. Each business entity participating in
13 the program shall keep all relevant records for their duration of
14 program participation for at least three years.

15 § 468. Reporting. Each business entity participating in this program
16 must submit a performance report to the department at a time prescribed
17 in regulations by the commissioner.

18 § 469. Cap on tax credit. The total amount of tax credits listed on
19 certificates of tax credit issued by the commissioner pursuant to this
20 article may not exceed fifty million dollars.

21 § 2. The tax law is amended by adding a new section 45 to read as
22 follows:

23 § 45. Small business return-to-work tax credit. (a) Allowance of cred-
24 it. A taxpayer subject to tax under article nine-A or twenty-two of this
25 chapter shall be allowed a credit against such tax, pursuant to the
26 provisions referenced in subdivision (f) of this section. The amount of
27 the credit is equal to the amount determined pursuant to section four
28 hundred sixty-five of the economic development law. No cost or expense

1 paid or incurred by the taxpayer which is included as part of the calcu-
2 lation of this credit shall be the basis of any other tax credit allowed
3 under this chapter.

4 (b) Eligibility. To be eligible for the small business return-to-work
5 tax credit, the taxpayer shall have been issued a certificate of tax
6 credit by the department of economic development pursuant to subdivision
7 two of section four hundred sixty-four of the economic development law,
8 which certificate shall set forth the amount of the credit that may be
9 claimed for the taxable year. The taxpayer shall be allowed to claim
10 only the amount listed on the certificate of tax credit for that taxable
11 year. A taxpayer that is a partner in a partnership, member of a limited
12 liability company or shareholder in a subchapter S corporation that has
13 received a certificate of tax credit shall be allowed its pro rata share
14 of the credit earned by the partnership, limited liability company or
15 subchapter S corporation.

16 (c) Tax return requirement. The taxpayer shall be required to attach
17 to its tax return, in the form prescribed by the commissioner, proof of
18 receipt of its certificate of tax credit issued by the commissioner of
19 the department of economic development.

20 (d) Information sharing. Notwithstanding any provision of this chap-
21 ter, employees of the department of economic development and the depart-
22 ment shall be allowed and are directed to share and exchange:

23 (1) information derived from tax returns or reports that is relevant
24 to a taxpayer's eligibility to participate in the small business
25 return-to-work tax credit program;

26 (2) information regarding the credit applied for, allowed or claimed
27 pursuant to this section and taxpayers that are applying for the credit
28 or that are claiming the credit; and

1 (3) information contained in or derived from credit claim forms
2 submitted to the department and applications for admission into the
3 small business return-to-work tax credit program. Except as provided in
4 paragraph two of this subdivision, all information exchanged between the
5 department of economic development and the department shall not be
6 subject to disclosure or inspection under the state's freedom of infor-
7 mation law.

8 (e) Credit recapture. If a certificate of tax credit issued by the
9 department of economic development under article twenty-four of the
10 economic development law is revoked by such department, the amount of
11 credit described in this section and claimed by the taxpayer prior to
12 that revocation shall be added back to tax in the taxable year in which
13 any such revocation becomes final.

14 (f) Cross references. For application of the credit provided for in
15 this section, see the following provisions of this chapter:

16 (1) article 9-A: section 210-B, subdivision 55;

17 (2) article 22: section 606, subsection (kkk).

18 § 3. Section 210-B of the tax law is amended by adding a new subdivi-
19 sion 55 to read as follows:

20 55. Small business return-to-work tax credit. (a) Allowance of credit.
21 A taxpayer shall be allowed a credit, to be computed as provided in
22 section forty-five of this chapter, against the taxes imposed by this
23 article.

24 (b) Application of credit. The credit allowed under this subdivision
25 for the taxable year shall not reduce the tax due for such year to less
26 than the amount prescribed in paragraph (d) of subdivision one of
27 section two hundred ten of this article. However, if the amount of
28 credit allowed under this subdivision for the taxable year reduces the

1 tax to such amount or if the taxpayer otherwise pays tax based on the
 2 fixed dollar minimum amount, any amount of credit thus not deductible in
 3 such taxable year shall be treated as an overpayment of tax to be cred-
 4 ited or refunded in accordance with the provisions of section one thou-
 5 sand eighty-six of this chapter. Provided, however, the provisions of
 6 subsection (c) of section one thousand eighty-eight of this chapter
 7 notwithstanding, no interest will be paid thereon.

8 § 4. Section 606 of the tax law is amended by adding a new subsection
 9 (kkk) to read as follows:

10 (kkk) Small business return-to-work tax credit. (1) Allowance of cred-
 11 it. A taxpayer shall be allowed a credit, to be computed as provided in
 12 section forty-five of this chapter, against the tax imposed by this
 13 article.

14 (2) Application of credit. If the amount of the credit allowed under
 15 this subsection for the taxable year exceeds the taxpayer's tax for such
 16 year, the excess shall be treated as an overpayment of tax to be credit-
 17 ed or refunded in accordance with the provisions of section six hundred
 18 eighty-six of this article, provided, however, that no interest will be
 19 paid thereon.

20 § 5. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
 21 of the tax law is amended by adding a new clause (xlvi) to read as
 22 follows:

23 <u>(xlvi) Small business</u>	<u>Amount of credit under</u>
24 <u>return-to-work tax</u>	<u>subdivision fifty-five</u>
25 <u>credit</u>	<u>of section two hundred ten-B</u>

26 § 6. This act shall take effect immediately.

1 Section 1. The economic development law is amended by adding a new
2 article 25 to read as follows:

3 ARTICLE 25

4 RESTAURANT RETURN-TO-WORK TAX CREDIT PROGRAM

5 Section 470. Short title.

6 471. Statement of legislative findings and declaration.

7 472. Definitions.

8 473. Eligibility criteria.

9 474. Application and approval process.

10 475. Restaurant return-to-work tax credit.

11 476. Powers and duties of the commissioner.

12 477. Maintenance of records.

13 478. Reporting.

14 479. Cap on tax credit.

15 § 470. Short title. This article shall be known and may be cited as
16 the "restaurant return-to-work tax credit program act".

17 § 471. Statement of legislative findings and declaration. It is hereby
18 found and declared that New York state needs, as a matter of public
19 policy, to create financial incentives for restaurants that have
20 suffered economic harm as a result of the COVID-19 pandemic to expe-
21 ditiously rehire workers and increase total employment. The restaurant
22 return-to-work tax credit program is created to provide financial incen-
23 tives to economically harmed restaurants to offer relief, expedite their
24 hiring efforts, and reduce the duration and severity of the current
25 economic difficulties.

26 § 472. Definitions. For the purposes of this article:

1 1. "Average full-time employment" shall mean the average number of
2 full-time equivalent positions employed by a business entity in an
3 eligible industry during a given period.

4 2. "Average starting full-time employment" shall be calculated as the
5 average number of full-time equivalent positions employed by a business
6 entity in an eligible industry between January first, two thousand twen-
7 ty-one, and March thirty-first, two thousand twenty-one.

8 3. "Average ending full-time employment" shall be calculated as the
9 average number of full-time equivalent positions employed by a business
10 entity in an eligible industry between April first, two thousand twen-
11 ty-one, and either August thirty-first, two thousand twenty-one, or
12 December thirty-first, two thousand twenty-one, whichever date the busi-
13 ness entity chooses to use.

14 4. "Certificate of tax credit" means the document issued to a business
15 entity by the department after the department has verified that the
16 business entity has met all applicable eligibility criteria in this
17 article. The certificate shall specify the exact amount of the tax cred-
18 it under this article that a business entity may claim, pursuant to
19 section four hundred seventy-five of this article.

20 5. "Commissioner" shall mean commissioner of the department of econom-
21 ic development.

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

23 7. "Eligible industry" means a business entity operating predominantly
24 in the COVID-19 impacted food services sector.

25 8. "Net employee increase" means an increase of at least one full-time
26 equivalent employee between the average starting full-time employment
27 and the average ending full-time employment of a business entity.

28 9. "COVID-19 impacted food services sector" means:

1 (a) independently owned establishments that are located inside the
2 city of New York and have been subjected to a ban on indoor dining for
3 over six months and are primarily organized to prepare and provide
4 meals, and/or beverages to customers for consumption, including for
5 immediate indoor on-premises consumption, as further defined in regu-
6 lations pursuant to this article; and

7 (b) independently owned establishments that are located outside of the
8 city of New York in an area which has been and/or remains designated by
9 the department of health as either an orange zone or red zone pursuant
10 to Executive Order 202.68 as amended, and for which such designation was
11 or has been in effect and resulted in additional restrictions on indoor
12 dining for at least thirty consecutive days, and are primarily organized
13 to prepare and provide meals, and/or beverages to customers for consump-
14 tion, including for immediate indoor on-premises consumption, as further
15 defined in regulations pursuant to this article.

16 § 473. Eligibility criteria. 1. To be eligible for a tax credit under
17 the restaurant return-to-work tax credit program, a business entity
18 must:

19 (a) be a small business as defined in section one hundred thirty-one
20 of this chapter and have fewer than one hundred full-time job equiv-
21 alents in New York state as of April first, two thousand twenty-one;

22 (b) operate a business location in New York state that is primarily
23 organized to accept payment for meals and/or beverages including from
24 in-person customers;

25 (c) operate predominantly in the COVID-19 impacted food services
26 sector; provided, however, that the department, in its regulations
27 promulgated pursuant to this article, shall have the authority to list
28 certain types of establishments as ineligible;

1 (d) have experienced economic harm as a result of the COVID-19 emer-
2 gency as evidenced by a year-to-year decrease of at least forty percent
3 in New York state between the second quarter of two thousand nineteen
4 and the second quarter of two thousand twenty or the third quarter of
5 two thousand nineteen and the third quarter of two thousand twenty for
6 one or both of: (i) gross receipts or (ii) average full-time employment;
7 and

8 (e) have demonstrated a net employee increase.

9 2. A business entity must be in substantial compliance with any public
10 health or other emergency orders or regulations related to the entity's
11 sector or other laws and regulations as determined by the commissioner.
12 In addition, a business entity may not owe past due state taxes or local
13 property taxes unless the business entity is making payments and comply-
14 ing with an approved binding payment agreement entered into with the
15 taxing authority.

16 § 474. Application and approval process. 1. A business entity must
17 submit a complete application as prescribed by the commissioner.

18 2. The commissioner shall establish procedures and a timeframe for
19 business entities to submit applications. As part of the application,
20 each business entity must:

21 (a) provide evidence in a form and manner prescribed by the commis-
22 sioner of their business eligibility;

23 (b) agree to allow the department of taxation and finance to share the
24 business entity's tax information with the department. However, any
25 information shared as a result of this program shall not be available
26 for disclosure or inspection under the state freedom of information law;

27 (c) agree to allow the department of labor to share its tax and
28 employer information with the department. However, any information

1 shared as a result of this program shall not be available for disclosure
2 or inspection under the state freedom of information law;

3 (d) allow the department and its agents access to any and all books
4 and records the department may require to monitor compliance;

5 (e) certify, under penalty of perjury, that it is in substantial
6 compliance with all emergency orders or public health regulations
7 currently required of such entity, and local, and state tax laws; and

8 (f) agree to provide any additional information required by the
9 department relevant to this article.

10 3. After reviewing a business entity's completed final application and
11 determining that the business entity meets the eligibility criteria as
12 set forth in this article, the department may issue to that business
13 entity a certificate of tax credit. A business entity may claim the tax
14 credit in the taxable year that includes December thirty-first, two
15 thousand twenty-one.

16 § 475. Restaurant return-to-work tax credit. 1. A business entity in
17 the restaurant return-to-work tax credit program that meets the eligi-
18 bility requirements of section four hundred seventy-three of this arti-
19 cle may be eligible to claim a credit equal to five thousand dollars per
20 each full-time equivalent net employee increase as defined in subdivi-
21 sion eight of section four hundred seventy-two of this article.

22 2. A business entity, including a partnership, limited liability
23 company and subchapter S corporation, may not receive in excess of fifty
24 thousand dollars in tax credits under this program.

25 3. The credit shall be allowed as provided in sections forty-six,
26 subdivision fifty-six of section two hundred ten-B and subsection (111)
27 of section six hundred six of the tax law.

1 § 476. Powers and duties of the commissioner. 1. The commissioner may
2 promulgate regulations establishing an application process and eligibil-
3 ity criteria, that will be applied consistent with the purposes of this
4 article, so as not to exceed the annual cap on tax credits set forth in
5 section four hundred seventy-nine of this article which, notwithstanding
6 any provisions to the contrary in the state administrative procedure
7 act, may be adopted on an emergency basis.

8 2. The commissioner shall, in consultation with the department of
9 taxation and finance, develop a certificate of tax credit that shall be
10 issued by the commissioner to eligible businesses. Such certificate
11 shall contain such information as required by the department of taxation
12 and finance.

13 3. The commissioner shall solely determine the eligibility of any
14 applicant applying for entry into the program and shall remove any busi-
15 ness entity from the program for failing to meet any of the requirements
16 set forth in section four hundred seventy-three of this article, or for
17 failing to meet the requirements set forth in subdivision one of section
18 four hundred seventy-four of this article.

19 § 477. Maintenance of records. Each business entity participating in
20 the program shall keep all relevant records for their duration of
21 program participation for at least three years.

22 § 478. Reporting. Each business entity participating in this program
23 must submit a performance report to the department at a time prescribed
24 in regulations by the commissioner.

25 § 479. Cap on tax credit. The total amount of tax credits listed on
26 certificates of tax credit issued by the commissioner pursuant to this
27 article may not exceed fifty million dollars.

1 § 2. The tax law is amended by adding a new section 46 to read as
2 follows:

3 § 46. Restaurant return-to-work tax credit. (a) Allowance of credit. A
4 taxpayer subject to tax under article nine-A or twenty-two of this chap-
5 ter shall be allowed a credit against such tax, pursuant to the
6 provisions referenced in subdivision (f) of this section. The amount of
7 the credit is equal to the amount determined pursuant to section four
8 hundred seventy-five of the economic development law. No cost or expense
9 paid or incurred by the taxpayer which is included as part of the calcu-
10 lation of this credit shall be the basis of any other tax credit allowed
11 under this chapter.

12 (b) Eligibility. To be eligible for the restaurant return-to-work tax
13 credit, the taxpayer shall have been issued a certificate of tax credit
14 by the department of economic development pursuant to subdivision two of
15 section four hundred seventy-four of the economic development law, which
16 certificate shall set forth the amount of the credit that may be claimed
17 for the taxable year. The taxpayer shall be allowed to claim only the
18 amount listed on the certificate of tax credit for that taxable year. A
19 taxpayer that is a partner in a partnership, member of a limited liabil-
20 ity company or shareholder in a subchapter S corporation that has
21 received a certificate of tax credit shall be allowed its pro rata share
22 of the credit earned by the partnership, limited liability company or
23 subchapter S corporation.

24 (c) Tax return requirement and advance payment option. (1) The taxpay-
25 er shall be required to attach to its tax return in the form prescribed
26 by the commissioner, proof of receipt of its certificate of tax credit
27 issued by the commissioner of the department of economic development.

1 (2) Taxpayers who choose to use August thirty-first, two thousand
2 twenty-one as the last date to calculate their average ending full-time
3 employment and have received their certificate of tax credit by November
4 fifteenth, two thousand twenty-one shall have the option to request an
5 advance payment of the amount of tax credit they are allowed under this
6 section. A taxpayer must submit such request to the department in the
7 manner prescribed by the commissioner after it has been issued a certif-
8 icate of tax credit by the department of economic development pursuant
9 to subdivision two of section four hundred seventy-four of the economic
10 development law (or such certificate has been issued to a partnership,
11 limited liability company or subchapter S corporation in which it is a
12 partner, member or shareholder, respectively), but such request must be
13 submitted no later than November fifteenth, two thousand twenty-one. For
14 those taxpayers who have requested an advance payment and for whom the
15 commissioner has determined eligible for this credit, the commissioner
16 shall advance a payment of the tax credit allowed to the taxpayer.
17 However, in the case of a taxpayer subject to article nine-A of this
18 chapter, such payment shall be equal to the amount of credit allowed to
19 the taxpayer less twenty-five dollars. Such twenty-five dollars shall
20 represent a partial payment of tax owed by the taxpayer under article
21 nine-A, including any fixed dollar minimum owed under paragraph (d) of
22 subdivision one of section two hundred ten of this chapter. When a
23 taxpayer files its return for the taxable year, such taxpayer shall
24 properly reconcile the advance payment and any partial payment of fixed
25 dollar minimum tax, if applicable, on the taxpayer's return.

26 (d) Information sharing. Notwithstanding any provision of this chap-
27 ter, employees of the department of economic development and the depart-
28 ment shall be allowed and are directed to share and exchange:

1 (1) information derived from tax returns or reports that is relevant
2 to a taxpayer's eligibility to participate in the restaurant return-to-
3 work tax credit program;

4 (2) information regarding the credit applied for, allowed or claimed
5 pursuant to this section and taxpayers that are applying for the credit
6 or that are claiming the credit; and

7 (3) information contained in or derived from credit claim forms
8 submitted to the department and applications for admission into the
9 restaurant return-to-work tax credit program. Except as provided in
10 paragraph two of this subdivision, all information exchanged between the
11 department of economic development and the department shall not be
12 subject to disclosure or inspection under the state's freedom of infor-
13 mation law.

14 (e) Credit recapture. If a certificate of tax credit issued by the
15 department of economic development under article twenty-five of the
16 economic development law is revoked by such department, the amount of
17 credit described in this section and claimed by the taxpayer prior to
18 that revocation shall be added back to tax in the taxable year in which
19 any such revocation becomes final.

20 (f) Cross references. For application of the credit provided for in
21 this section, see the following provisions of this chapter:

22 (1) article 9-A: section 210-B, subdivision 56;

23 (2) article 22: section 606, subsection (111).

24 § 3. Section 210-B of the tax law is amended by adding a new subdivi-
25 sion 56 to read as follows:

26 56. Restaurant return-to-work tax credit. (a) Allowance of credit. A
27 taxpayer shall be allowed a credit, to be computed as provided in

1 section forty-six of this chapter, against the taxes imposed by this
2 article.

3 (b) Application of credit. The credit allowed under this subdivision
4 for the taxable year shall not reduce the tax due for such year to less
5 than the amount prescribed in paragraph (d) of subdivision one of
6 section two hundred ten of this article. However, if the amount of
7 credit allowed under this subdivision for the taxable year reduces the
8 tax to such amount or if the taxpayer otherwise pays tax based on the
9 fixed dollar minimum amount, any amount of credit thus not deductible in
10 such taxable year shall be treated as an overpayment of tax to be cred-
11 ited or refunded in accordance with the provisions of section one thou-
12 sand eighty-six of this chapter. Provided, however, the provisions of
13 subsection (c) of section one thousand eighty-eight of this chapter
14 notwithstanding, no interest will be paid thereon.

15 § 4. Section 606 of the tax law is amended by adding a new subsection
16 (111) to read as follows:

17 (111) Restaurant return-to-work tax credit. (1) Allowance of credit.
18 A taxpayer shall be allowed a credit, to be computed as provided in
19 section forty-six of this chapter, against the tax imposed by this arti-
20 cle.

21 (2) Application of credit. If the amount of the credit allowed under
22 this subsection for the taxable year exceeds the taxpayer's tax for such
23 year, the excess shall be treated as an overpayment of tax to be credit-
24 ed or refunded in accordance with the provisions of section six hundred
25 eighty-six of this article, provided, however, that no interest will be
26 paid thereon.

1 § 5. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
2 of the tax law is amended by adding a new clause (xlvii) to read as
3 follows:

4 (xlvii) Restaurant return-to-work Amount of credit under
5 tax credit subdivision fifty-six of
6 section two hundred ten-B

7 § 6. This act shall take effect immediately.

8 SUBPART C

9 Section 1. The tax law is amended by adding a new section 24-c to read
10 as follows:

11 § 24-c. New York city musical and theatrical production tax credit.

12 (a) (1) Allowance of credit. A taxpayer that is a qualified New York
13 city musical and theatrical production company, or is a sole proprietor
14 of or a member of a partnership that is a qualified New York city
15 musical and theatrical production company, and that is subject to tax
16 under article nine-A or twenty-two of this chapter, shall be allowed a
17 credit against such tax, pursuant to the provisions referred to in
18 subdivision (d) of this section, and to be computed as provided in this
19 section.

20 (2) The amount of the credit shall be the product (or pro rata share
21 of the product, in the case of a member of a partnership) of twenty-five
22 percent and the sum of the qualified production expenditures paid for
23 during the qualified New York city musical and theatrical production's
24 credit period. Provided however that the amount of the credit cannot
25 exceed five hundred thousand dollars per qualified New York city musical
26 and theatrical production company.

1 (3) No qualified production expenditures used by a taxpayer either as
2 the basis for the allowance of the credit provided pursuant to this
3 section or used in the calculation of the credit provided pursuant to
4 this section shall be used by such taxpayer to claim any other credit
5 allowed pursuant to this chapter.

6 (b) Definitions. As used in this section, the following terms shall
7 have the following meanings:

8 (1) "Qualified musical and theatrical production" means a for-profit
9 live, dramatic stage presentation that, in its original or adaptive
10 version, is performed in a qualified New York city production facility,
11 whether or not such production was performed in a qualified New York
12 city production facility prior to March twelfth, two thousand twenty.

13 (2) "Qualified production expenditure" means any costs for tangible
14 property used and services performed directly and predominantly in the
15 production of a qualified musical and theatrical production within the
16 city of New York, including: (i) expenditures for design, construction
17 and operation, including sets, special and visual effects, costumes,
18 wardrobes, make-up, accessories and costs associated with sound, light-
19 ing, and staging; (ii) all salaries, wages, fees, and other compensation
20 including related benefits for services performed of which the total
21 allowable expense shall not exceed two hundred thousand dollars per
22 week; and (iii) technical and crew production costs, such as expendi-
23 tures for a qualified New York city production facility, or any part
24 thereof, props, make-up, wardrobe, costumes, equipment used for special
25 and visual effects, sound recording, set construction, and lighting.
26 Qualified production expenditure does not include any costs incurred
27 prior to March thirteenth, two thousand twenty.

1 (3) "Qualified New York city production facility" means a facility
2 located within the city of New York (i) in which live theatrical
3 productions are or are intended to be primarily presented, (ii) that
4 contains at least one stage, a seating capacity of five hundred or more
5 seats, and dressing rooms, storage areas, and other ancillary amenities
6 necessary for the qualified musical and theatrical production, and (iii)
7 for which receipts attributable to ticket sales constitute seventy-five
8 percent or more of gross receipts of the facility.

9 (4) "Qualified New York city musical and theatrical production compa-
10 ny" is a corporation, partnership, limited partnership, or other entity
11 or individual which or who (i) is principally engaged in the production
12 of a qualified musical or theatrical production that is to be performed
13 in a qualified New York city production facility, and (ii) has expended
14 at least one million dollars in qualified production expenditures on the
15 qualified musical and theatrical production at the time of its applica-
16 tion to the department of economic development for a tax credit certif-
17 icate authorized under this section.

18 (5) (i) "The credit period of a qualified New York city musical and
19 theatrical production company" is the period starting on the production
20 start date and ending on the earlier of December thirty-first, two thou-
21 sand twenty-one or the date the qualified musical and theatrical
22 production closes.

23 (ii) "The production start date" is the date that is six weeks prior
24 to the first performance of the qualified musical and theatrical
25 production.

26 (c) The credit shall be allowed for the taxable year beginning on or
27 after January first, two thousand twenty-one but before January first,
28 two thousand twenty-two.

1 (d) Cross-references. For application of the credit provided for in
2 this section, see the following provisions of this chapter:

3 (1) article 9-A: section 210-B: subdivision 57;

4 (2) article 22: section 606: subsection (mmm).

5 (e) Notwithstanding any provision of this chapter, (i) employees and
6 officers of the department of economic development and the department
7 shall be allowed and are directed to share and exchange information
8 regarding the credits applied for, allowed, or claimed pursuant to this
9 section and taxpayers who are applying for credits or who are claiming
10 credits, including information contained in or derived from credit claim
11 forms submitted to the department and applications for certification
12 submitted to the department of economic development, and (ii) the
13 commissioner and the commissioner of the department of economic develop-
14 ment may release the names and addresses of any qualified New York city
15 musical and theatrical production company entitled to claim this credit
16 and the amount of the credit earned by such company.

17 (f) Maximum amount of credits. (1) The aggregate amount of tax credits
18 allowed under this section, subdivision fifty-seven of section two
19 hundred ten-B and subsection (mmm) of section six hundred six of this
20 chapter shall be twenty-five million dollars. Such aggregate amount of
21 credits shall be allocated by the department of economic development
22 among taxpayers in order of priority based upon the date of filing an
23 application for allocation of the New York city musical and theatrical
24 production tax credit with such department.

25 (2) The commissioner of economic development, after consulting with
26 the commissioner, shall promulgate regulations to establish procedures
27 for the allocation of tax credits as required by this section. Such
28 rules and regulations shall include provisions describing the applica-

1 tion process, the due dates for such applications, the standards that
2 will be used to evaluate the applications, the documentation that will
3 be provided by applicants to substantiate to the department the amount
4 of qualified production expenditures of such applicants, and such other
5 provisions as deemed necessary and appropriate. Notwithstanding any
6 other provisions to the contrary in the state administrative procedure
7 act, such rules and regulations may be adopted on an emergency basis.

8 (g) Any qualified New York city musical and theatrical production
9 company that performs in a qualified New York city production facility
10 and applies to receive a credit under this section shall be required to:
11 (1) participate in a New York state diversity and arts job training
12 program; (2) create and implement a plan to ensure that their production
13 is available and accessible for low-or no-cost to low income New York-
14 ers; and (3) contribute to the New York state council on the arts,
15 cultural program fund an amount up to fifty percent of the total credits
16 received if such production company earns revenue prospectively after
17 receipt of the credit that is at least equal to two hundred percent of
18 its production costs, with such amount payable from twenty-five percent
19 of net operating profits, such amounts payable on a monthly basis, up
20 until such fifty percent of the total credit amount is reached. Any
21 funds deposited pursuant to this subdivision shall be used for arts and
22 cultural educational and workforce development programs in-school and
23 community-based organizations.

24 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
25 sion 57 to read as follows:

26 57. New York city musical and theatrical production tax credit. (a)
27 Allowance of credit. A taxpayer shall be allowed a credit, to be

1 computed as provided in section twenty-four-c of this chapter, against
2 the taxes imposed by this article.

3 (b) Application of credit. The credit allowed under this subdivision
4 for the taxable year shall not reduce the tax due for such year to less
5 than the amount prescribed in paragraph (d) of subdivision one of
6 section two hundred ten of this article. However, if the amount of
7 credit allowed under this subdivision for the taxable year reduces the
8 tax to such amount or if the taxpayer otherwise pays tax based on the
9 fixed dollar minimum amount, any amount of credit thus not deductible in
10 such taxable year shall be treated as an overpayment of tax to be cred-
11 ited or refunded in accordance with the provisions of section one thou-
12 sand eighty-six of this chapter. Provided, however, the provisions of
13 subsection (c) of section one thousand eighty-eight of this chapter
14 notwithstanding, no interest shall be paid thereon.

15 § 3. Section 606 of the tax law is amended by adding a new subsection
16 (mmm) to read as follows:

17 (mmm) New York city musical and theatrical production tax credit. (1)
18 Allowance of credit. A taxpayer shall be allowed a credit, to be
19 computed as provided in section twenty-four-c of this chapter, against
20 the tax imposed by this article.

21 (2) Application of credit. If the amount of the credit allowed under
22 this subsection for the taxable year exceeds the taxpayer's tax for such
23 year, the excess shall be treated as an overpayment of tax to be credit-
24 ed or refunded in accordance with the provisions of section six hundred
25 eighty-six of this article, provided, however, that no interest shall be
26 paid thereon.

1 § 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
2 of the tax law is amended by adding a new clause (xlviii) to read as
3 follows:

4 <u>(xlviii) New York city musical</u>	<u>Amount of credit under</u>
5 <u>and theatrical production</u>	<u>subdivision fifty-seven of</u>
6 <u>tax credit</u>	<u>section two hundred ten-B</u>

7 § 5. The state finance law is amended by adding a new section 99-ii to
8 read as follows:

9 § 99-ii. New York state arts and cultural programs fund. 1. There is
10 hereby established in the joint custody of the state comptroller and
11 commissioner of taxation and finance a special fund to be known as the
12 "New York state arts and cultural program fund".

13 2. Such fund shall consist of all revenues received by the state,
14 pursuant to the provisions of section twenty-four-c of the tax law and
15 all other moneys appropriated thereto from any other fund or source
16 pursuant to law. Nothing contained in this section shall prevent the
17 state from receiving grants, gifts or bequests for the purposes of the
18 fund as defined in this section and depositing them into the fund
19 according to law.

20 3. On or before the first day of February two thousand twenty-four,
21 the commissioner of education shall provide a written report to the
22 temporary president of the senate, the speaker of the assembly, the
23 chair of the senate finance committee, the chair of the assembly ways
24 and means committee, the chair of the senate committee on health, the
25 chair of the assembly health committee, the state comptroller and the
26 public. Such report shall include how the monies of the fund were
27 utilized during the preceding calendar year, and shall include:

1 (a) the amount of money dispersed from the fund and the award process
2 used for such disbursements;

3 (b) recipients of awards from the fund;

4 (c) the amount awarded to each;

5 (d) the purposes for which such awards were granted; and

6 (e) a summary financial plan for such monies which shall include esti-
7 mates of all receipts and all disbursements for the current and succeed-
8 ing fiscal years, along with the actual results from the prior fiscal
9 year.

10 4. Moneys shall be payable from the fund on the audit and warrant of
11 the comptroller on vouchers approved and certified by the commissioner
12 of education.

13 5. The moneys in such fund shall be expended for the purpose of
14 supplementing art and cultural programs for secondary and elementary
15 children, including programs that increase access to art and cultural
16 programs and events for children in underserved communities.

17 § 6. This act shall take effect immediately.

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

1 § 3. This act shall take effect immediately provided, however, that
2 the applicable effective date of Subparts A through C of this act shall
3 be as specifically set forth in the last section of such Subparts.

4 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
5 sion, section or part of this act shall be adjudged by any court of
6 competent jurisdiction to be invalid, such judgment shall not affect,
7 impair, or invalidate the remainder thereof, but shall be confined in
8 its operation to the clause, sentence, paragraph, subdivision, section
9 or part thereof directly involved in the controversy in which such judg-
10 ment shall have been rendered. It is hereby declared to be the intent of
11 the legislature that this act would have been enacted even if such
12 invalid provisions had not been included herein.

13 § 3. This act shall take effect immediately provided, however, that
14 the applicable effective date of Parts A through TT of this act shall be
15 as specifically set forth in the last section of such Parts.